any more, no big families with uncles and aunts and cousins and grandparents. This puts an unbelievable strain on the members of a small family to meet one another's needs. Kids need to communicate, to feel close to the family. Closeness comes out of confronting those people who are primary in your life with all your feelings."

C. T. "Jimmie" James of the National Detective Agencies, dean of the city's private detectives, talks about runaways and their parents in a low, sympathetic voice. One wall of his office is crowded with the photographs of famous people he has worked for.

"Every kid who runs away from home wants to be recognized, because his parents are too busy to become part of his life. He wants to do something to attract attention.

"So many families know nothing of their children. One girl, a 13-year-old was to go overseas with her parents," he remembered. "The afternoon the family was to leave for New York, she disappeared. The father went on, the mother stayed behind and asked me to look for her. A few days later, we found her in a hospital ward. O.D. Another girl I found, a 15-year-old, told me she was able to make her living with her body. There are many young girls prostituting themselves on the streets and begging for coins. We have more requests to locate missing girls than boys. Parents may think a boy can take care of himself, but with the girls the prostitution angle comes into it.

"I don't like to make money on this field," said James. "I handle many of these cases on a personal basis. Parents don't know how to start looking for a child, so I give them suggestions. They should notify the police. They should go to school to talk to the principal and the homeroom teacher. They should talk to the parents of their child's friends. They should get a copy of their long-distance phone calls. They can check out appointments the child may have had to see if he's kept them. They can check credit cards to see if he's charged anything lately.

"If we get into the case," the detective continued, "we go to our informants who have drug contacts to get leads. We check the drive-ins where teenagers work. If there's a boyfriend, he can be a very good source of information. If there's a rock group in town, we determine whether the child is interested in rock, and we look for her in the next city where the group will appear.

"There's no American home," said James. "Reestablish the American home, and the kids may have a reason to stay there."

Father of two grown children, "Jimmie" James ran away from home at 17 to join a carnival. "I was gone long enough to get hungry. I learned what the other side of life was like. I learned that the people in the carnival had higher morals than those who came to see it."

He looked out his window to the street below and said: "It's tough out there."

"Jimmie" James went home and finished high school. Mimi will not go home, although she agrees with him.

"Making it out here is hard, but it's possible. I'm still away from home," she emphasized. "I'm not in a pigsty, and I'm not in a rut."

She smiled: "I get a lot more pleasure out of life than I ever have."

AGRICULTURE DEMORALIZED

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 1973

Mr. QUIE. Mr. Speaker, I have received the following mailgram from Mr. Herb Halvorson of Hansaka, Minn., President of the Minnesota Soybean Growers Association, which pretty well sets forth the dismay and apprehension of the food-producing industries of this Nation in the face of faulty planning and abrupt policy changes that have thrown their industries into an uproar.

Having just returned from Japan, which is the largest overseas customer for American soybean products for heavy use in their human diet, I can attest to the shock and disillusionment that grips this great trading partner in the wake of the soybean embargo.

This country should face up to the fact that the consumers of this Nation have been subsidized by farmers for the past 20 years in the way of cheap food. Now the shoe is on the other foot and consumers will have to accept price increases in food, just as they accepted higher prices in everything else all along, in order to avert widespread food shortages down the road. Administration decisions on trade and economic controls should reflect this fact of life.

The Mailgram is as follows:

Representative ALBERT H. QUIE,
U.S. House of Representatives,
Washington, D.C.

It appears that now on top of everything else confusing the picture and demoralizing the agriculture community high interest rates are going to become a prime factor in limiting the capacity of the farmer to expand his production.

The American agriculture community has now reached the point where because of these actions they are no longer willing to risk the chance of increasing their production until some assurance is given that the government will no longer take steps that appear to be using agriculture as a bargaining tool in either foreign trade or to passify the consumer groups in this country.

The Government is going to have to make the consumers realize that they can no longer expect farmers to produce food without making an adequate profit. Every government action beginning with the price freeze and continuing through the soybean and feed stuffs embargo has tended to demoralize and have a counter productive effect on American agriculture.

Until these policies are rescinded the only alternative we have in this country is extremely high food prices or food rationing. I must urge your careful consideration of this matter and hope that you pass on these feelings to urban congressmen so they will understand the problem better.

HERB HALVORSON,
President, Minnesota Soybean Growers Association.

HOUSE OF REPRESENTATIVES—*Tuesday, July 17, 1973*

The House met at 12 o'clock noon.

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

If any of you lack wisdom, let him ask of God, who giveth to all men liberally and without reproaching; and it will be given him.—James 1: 5.

"Good Father, we Thy children pray
For light and guidance on the way,
Reveal Thy truth and give to each
Thy blessing of the upward reach."

O Thou whose ways are wise, whose love is life, and whose truth endureth forever, help us to look up and with the upward reach to feel Thy presence as we pray.

Lift us out of the ruts of self-righteousness and self-satisfaction. Help us to hear the music of the spheres, the song of life, and to listen once again to Thy call to all mankind—by faith to walk humbly with Thee and to live with one another in the spirit of good will.

We pray for our country. Free our leaders and our people from all bigotry and all bitterness and give to us all large minds and great hearts that by giving our allegiance first to Thee we may reap the harvest of a common brotherhood.

We pray in the spirit of Him who said love and you will live. 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make an announcement.

The Chair has been advised that the electronic voting system is at the present time inoperative. Until further notice, therefore, all votes and quorum calls will be taken by the standby procedure which is provided for in the rules.

WELCOME TO GIRLS' NATION

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

Mr. BRAY. Mr. Speaker, today the U.S. Congress is host to the 98 girls from 48 States and the District of Columbia who are in Washington for the annual Girls' Nation, sponsored by the American Legion Auxiliary. Two girls are selected to Girls' Nation from each of the various girls' States.

Delegates to Girls' State are selected with the help of high school principals on the basis of potential leadership qualities and must be between their junior and senior years in high school to qualify. Through these programs, it is estimated that each is adding 19,000 girls trained in the processes of government to a group that by the end of 1973 will total about 457,000.

On Washington's Birthday, February 22, 1964, the American Legion Auxiliary received one of the four top American awards from the Freedoms Foundation

at Valley Forge honoring its 1963 Girls' Nation program. Other Girls' Nation programs have helped to win similar George Washington honor medals, including the ones in 1971 and 1972.

The National Association of Secondary School Principals has placed this program on the advisory list of national contests and activities for 1973–74. We are proud to welcome these fine young women.

NATIONAL RESOURCE CENTER FOR CORRECTIONAL LAW AND LEGAL SERVICES—DESERVING OF SUPPORT

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

Mr. GROVER. Mr. Speaker, when the House recently considered the controversial legal services legislation, it amended the bill extensively.

I supported many amendments presumably designed to decentralize and make the program more effective. However, one effect of the amendment to remove "backup centers" has been to jeopardize one of the most effective programs, the law reform project of the National Resource Center for Correctional Law and Legal Services; and I feel compelled to say a word in behalf of this vitally needed project.

Sponsored by the American Bar Association's Commission on Correctional Facilities and Services and funded by the Office of Economic Opportunity and the Ford Foundation, the law reform project provides valuable assistance to legal services organizations throughout the country in matters concerning prison and correctional law. Among its many and varied activities, the project provides manuals, model briefs, pleadings, collected data, and occasional monographs relating to specific areas of correctional law. It makes readily available to field attorneys detailed information on specific practices within the various State jurisdictions and, in selected cases, the project provides technical advice to local attorneys in their original actions and appeals. Its publications are designed to provide attorneys with up-to-date information of activities in the field, and its services are available to legal services offices, bar associations, public interest organizations, correctional administrators, and Government agencies.

Among its major areas of concern are sentencing, parole and probation, alternatives to incarceration, and civil disabilities; and I feel that with the rapid increase in prison litigation and the growing public concern for correctional action which can best reduce the recidivist rate, services such as those provided by the law reform project are invaluable to those actively involved in the field. Therefore, I believe that this program is deserving of our support.

REJECTION BY SENATE FOREIGN RELATIONS COMMITTEE OF NOMINATION OF AMBASSADOR G. McMURTRIE GODLEY

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

Mr. MONTGOMERY. Mr. Speaker, I would like to take this means to register my disappointment with the action of the Senate Foreign Relations Committee in killing the nomination of Ambassador G. McMurtrie Godley to be Assistant Secretary of State for Far Eastern Affairs. This action was very severe to a very distinguished and capable Foreign Service officer.

I had the opportunity to meet with Ambassador Godley on several occasions on my trips to Southeast Asia and always found him to be a man of great understanding and dedication to duty. With the knowledge he has gained on the people of Eastern Asia through many years of service, I can think of no person better qualified to fill the position for which President Nixon nominated him. I have had no indication that they will, but I certainly hope my colleagues on the Senate Foreign Relations Committee will reconsider their action of last week.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2535) for the relief of Mrs. Rose Thomas.

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

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

There was no objection.

COL. JOHN H. SHERMAN

The Clerk called the bill (H.R. 2633) for the relief of Col. John H. Sherman.

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

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

There was no objection.

LEONARD DIAMOND

The Clerk called the bill (H.R. 2771) for the relief of Leonard Diamond.

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

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

There was no objection.

ESTATE OF THE LATE RICHARD BURTON, SFC, U.S. ARMY (RETIRED)

The Clerk called the bill (H.R. 3533) for the relief of the estate of the late Richard Burton, SFC, U.S. Army (retired).

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

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

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 4589) for the relief of Roger Stanley, and the successor partnership Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

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

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

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 2508) for the relief of Mr. and Mrs. John F. Fuentes.

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

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

There was no objection.

GUIDO BELLANCA

The Clerk called the bill (S. 464) for the relief of Guido Bellanca.

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

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

There was no objection.

SLOBODAN BABIC

The Clerk called the bill (S. 666) for the relief of Slobodan Babic.

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

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

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. BLACKBURN. 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 Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 341]

Badillo	Dellums	Patman
Biaggi	Dorn	Reid
Blatnik	Esch	Slack
Burke, Calif.	Fisher	Stephens
Chappell	Gibbons	Talcott
Chisholm	Helstoski	Taylor, Mo.
Clark	Kemp	Teague, Tex.
Danielson	Landgrebe	

The SPEAKER. On this rollcall 410 Members have answered to their names, a quorum.

By unanimous consent, further pro-

ceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the committee may have until midnight tonight to file a privileged report.

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

There was no objection.

MASS TRANSIT TO SOLVE ENERGY CRISIS

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, thanks to a massive, multimillion-dollar advertising campaign sponsored by the most powerful oil companies in the world, we are all now painfully aware of an increasing gap betwen soaring demand for and dwindling supply of our energy resources. Big Oil is already beginning to reap additional profits by labeling this gap a national crisis. As might be expected, the solutions that the major oil companies have chosen to promote are designed to perpetuate and reinforce the very systems which simultaneously created both a gasoline and fuel oil shortage for consumers and swollen profits for producers.

That is, instead of suggesting far-reaching, structural changes in lifestyles—particularly in the area of intra- and inter-city transportation—the majors are devising new and improved ways of pumping more and more gasoline into an ever-increasing number of thirsty automobiles. Driving more slowly, organizing car pools, and improving driving habits—such as Mobil and others have repeatedly suggested—offer nearsighted, short-term solutions while avoiding the basic causes of the so-called crisis.

The only way that we can reverse the possibly disastrous course upon which we have sped since the first Model T rolled off the assembly line in 1908, without compromising our commitment to progress and growth, is to develop extensive, inexpensive mass transit systems within and among our cities. Stewart L. Udall, former Secretary of the Interior, recently expressed ardent support of this alternative. In a column in the New York Times on July 12, 1973, Mr. Udall wrote:

> It is urgent to deter wasteful travel now; but it is ten times more important to initiate sweeping changes in our whole petroleum-based transportation system.

I would encourage the other Members to read Mr. Udall's article, which I have included in the extensions to today's RECORD.

CONFERENCE REPORT ON S. 1423, LEGAL SERVICES TRUST FUNDS

Mr. THOMPSON of New Jersey submitted the following conference report and statement on the bill (S. 1423) to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services:

CONFERENCE REPORT (H. REPT. No. 93-378)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1423) to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That section 302(c) of the Labor Management Relations Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents for counsel or plan of their choice: *Provided*, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: *Provided further*, That no such legal services shall be furnished: (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workmen's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, or this Act; and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959".

And the House agree to the same.

CARL D. PERKINS,
FRANK THOMPSON, Jr.,
WILLIAM L. CLAY,
JOHN BRADEMAS,
JAMES G. O'HARA,
WILLIAM D. FORD,
Managers on the Part of the House.

HARRISON A. WILLIAMS, Jr.,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
THOMAS F. EAGLETON,
HAROLD E. HUGHES,
WILLIAM D. HATHAWAY,
J. JAVITS,
RICHARD S. SCHWEIKER,
ROBERT TAFT, Jr.,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1423) to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Both the Senate bill and the House amendment authorize employer contributions to jointly administered trust funds established to defray the costs of legal services for their employees, their families, and dependents. The House amendment, but not the Senate bill, provided that the legal services must be to such persons for the counsel of their choice.

The conference agreement provides that the Senate shall recede from its position with an amendment providing that the legal services must be to such persons for the counsel or plan of their choice.

It was the opinion of the conferees that employees should have the same free range of options available to them in negotiating for legal services that they currently enjoy with respect to medical or hospital care and services plans. There must be freedom for the employee and the employer to reach a meeting of minds as to the appropriate and most effective way to provide legal services. The needs and desires of the employees must be recognized. The availability of competent counsel must be considered. The legitimate cost concerns of the employer must be permitted to enter into the negotiations. Parties must be able to accommodate their plans to otherwise valid State laws and court rules regulating the practice of law.

CARL D. PERKINS,
FRANK THOMPSON, Jr.,
WILLIAM L. CLAY,
JOHN BRADEMAS,
JAMES G. O'HARA,
WILLIAM D. FORD,
Managers on the Part of the House.

HARRISON A. WILLIAMS, Jr.,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
THOMAS F. EAGLETON,
HAROLD E. HUGHES,
WILLIAM D. HATHAWAY,
J. JAVITS,
RICHARD S. SCHWEIKER,
ROBERT TAFT, Jr.,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

PERSONAL EXPLANATION

Mr. FOUNTAIN. Mr. Speaker, in rollcall No. 334 last Thursday, July 12, on the motion of Mr. POAGE to rise, I am recorded as not voting. Even though I am not so recorded, I would like for the RECORD to show that I inserted my voting card in one of the House election voting devices and pushed the "aye" button, in an effort to vote "aye." I therefore ask unanimous consent that the permanent RECORD for last Thursday be made to show that during debate on the farm bill, that had my vote been recorded, it would have been "aye."

RESIGNATION AS CONFEREE ON S. 795

The SPEAKER laid before the House the following resignation:

WASHINGTON, D.C., *July 16, 1973.*

The SPEAKER,
The Speaker's Office.

DEAR MR. SPEAKER: Because of an illness that would prevent me from participating fully as a representative of the House in the upcoming Conference on the Arts and Humanities bill, I must tender my resignation as a House Conferee to the Conference on the Bill S. 795—National Foundation on the Arts and Humanities Act of 1965 Amendments.

I trust that another Conferee can be quickly appointed so that the House will be fully represented at the Conference. Thanking you for your attention to this matter, I remain,

Sincerely,

EARL F. LANDGREBE,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS CONFEREE ON S. 795

The SPEAKER. The Chair appoints as a conferee on the bill S. 795 the gentleman from Idaho, Mr. HANSEN, to fill the existing vacancy.

The Clerk will notify the Senate of the action of the House.

CONFERENCE REPORT ON S. 504, EMERGENCY MEDICAL SERVICES SYSTEMS ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 504) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 10, 1973.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman propose to take time to explain the bill?

Mr. STAGGERS. Yes, sir, I do.

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

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I yield myself whatever time I may require.

Mr. Speaker, I call up the conference report on the bill, S. 504, the Emergency Medical Services Assistance Act of 1973. This legislation which passed the House on May 31, 1973, deals, as the Members know, with medical emergencies by providing Federal assistance to communities which wish to improve their systems for taking care of such emergencies. In addition, the legislation was amended on the floor of the House to require HEW to keep the eight U.S. Public Health Service hospitals open unless the closing of any of them is approved by Congress.

S. 504, the original Senate bill, and H.R. 6458, the House amendment to it, contained very few major differences in their intent and numerous small differences in their content. The conference report which I am calling up would still follow the form of the House amendment and represents essentially the House bill rewritten to include the good ideas in the Senate bill. The conference report would authorize the expenditure in the next 3 years of $185 million. This is closer to the $145 million in the original House bill than it is to the $240 million in the Senate bill.

The conference report would still require HEW to keep the eight PHS hospitals open. The eight hospitals in question are now named in the statute, and anti-impoundment language in the Senate bill has been removed and the requirement has been added that, if HEW proposes that Congress approve closing a hospital, they must provide us with the approval by the community health planning agency of their proposal.

This is a good conference report representing the best of both bills and following very closely the original House policy. It would authorize a reasonable and moderate amount of money in a subject which the administration has already included in its budget. I urge its adoption by the House.

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

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

Mr. GROSS. Mr. Speaker, I would ask the gentleman from West Virginia if the amendments in the conference report are germane?

Mr. STAGGERS. In reply to the inquiry of the gentleman from Iowa I will state that all of the amendments in the conference report are indeed germane.

Mr. GROSS. And there is an increase of approximately $40 million?

Mr. STAGGERS. That is correct, approximately $40 million.

Mr. GROSS. I thank the gentleman for yielding.

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

Mr. NELSEN. Mr. Speaker, I thank the gentleman from West Virginia for yielding me this time.

The emergency medical services bill which was approved by the House some time ago was designed to assist and encourage communities and other governmental entities in organizing facilities and personnel to make emergency services readily available to victims of accidents and other medical emergencies. The bill outlined five different areas of grants and contracts designed to accomplish the objective.

The Senate bill, while contemplating much the same approach, was so differently constructed as to make section to section comparisons and compromises difficult if not impossible. As a result the conference version cannot be said to follow one bill more than the other. Some items are purely House versions. Some sections are almost entirely Senate language, and some have been rewritten within the scope covered by both. The resulting bill is not a distortion of the original House bill in any way, but it will be found to read quite differently in many areas from that which we passed.

The Senate bill authorizes $240 million over a 3-year period while the House bill authorized only $145 million over the same period. The amounts were compromised into $185 million in three grant and contract authorities covering all of the activities contemplated in the two bills.

When the House bill was passed there was a provision contained therein which evoked considerable debate and which had to do with the authority of the military to cooperate with emergency medical organizations. The Armed Services Committee objected to any reference to the use of military personnel or equipment despite the acknowledged effort within the military to render whatever assistance it could. Pilot projects under the MAST program were underway. Although the provisions in question were retained in the bill, the matter became moot by the passage of a separate bill reported by Armed Services on the subject of military cooperation in emergency services, which bill passed the House. In light of this development the conferees prevailed upon the Senate conferees to delete all references to military assistance in the expectation that the independent House bill would be acted upon in that body soon.

It should be noted that the administration has consistently opposed the emergency medical services bills in both Houses as being unnecessary, too expensive, and organizationally unsound.

One other difficulty with the bill, both in the House and in its conference version, is the inclusion of the otherwise nongermane provisions dealing with Public Health Service hospitals. Originally included in the Senate bill, similar sections were included in the House bill only by way of a waiver of points of order. It was pointed out at the time of the debate on the bill that these extraneous provisions could and would jeopardize the acceptance of the bill by the Executive. As the conference version of the bill reads, the Executive may not close or reduce services in such hospitals without a law authorizing it, and further, the Executive may not even propose such a law unless comprehensive health agencies in the affected area approve. Such provisions are completely unacceptable to the Executive and both committees knew it. The possibility of a veto is very great under these circumstances, and the merits of creating emergency medical programs have been diluted by this side issue. Although I do not oppose the acceptance of the conference report, I do think we may be going through an exercise in futility.

In regard to both of these objections I have recently received a letter from the Department of Health, Education, and Welfare outlining in more detail its objections to S. 504 and the conference report.

The letter reads as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 13, 1973.

Hon. ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR MR. NELSEN: As you know, within the next several days the Congress will be

considering the conference report on S. 504, the Emergency Medical Services Systems Development Act of 1973. We would like to take this opportunity to review with you the Administration's position on this legislation.

In the 92nd Congress, H.R. 12563, H.R. 1278, and S. 5784 were introduced to deal with the problem of emergency medical services. We opposed that legislation on the grounds that sufficient legislative authority existed to carry out the Emergency Medical Services Initiative which had already been announced by the President in his 1972 State of the Union and Health Messages. Further, we noted that the Initiative proposed would be sufficient to mobilize both Federal and local monies already in the health care system to meet the critical emergency medical services problem. That proposed legislation was not passed by the Congress.

H.R. 74, 4224, 4952, 5675, and 5677 (ultimately combined into H.R. 6458) and S. 504 were introduced this Congress, have been passed by both Houses, as amended, and are currently the subject of a conference agreement. We again opposed those bills as unnecessary, organizationally restrictive and unduly expensive.

We strongly believe that the approaches reflected in the conference bill are inappropriate for a number of compelling reasons.

In the first place, although the Federal Government can assist in remedying certain deficiencies in EMS, we believe it is inappropriate for the Federal Government to create yet another categorical legislative program involving potentially large-scale Federal support for the development of emergency medical service systems. The activities involved are inherently of a local character and should reflect local priorities and decisions.

Ample legislative authority is already on the books to allow the conduct of a range of Federal demonstration initiatives in the EMS field. If there is an existing need, it is not for additional categorical legislation but rather for a rationalization and simplification of the maze of statutes, regulations, and guidelines for those looking to the Federal Government for assistance. We believe it inappropriate to enact additional legislation on the unsupported assumption that needed improvements in the EMS field will not occur without additional legislation. Indeed further categorical legislation may well impede rather than improve progress in this regard.

Particularly objectionable is the provision in S. 504 to establish a new organizational structure with the responsibility for EMS programs. It is undesirable to attempt to conduct a program effort in a particular area by establishing by statute a new organization with responsibility for that area. We certainly do not think, in this case, that a separate organizational focus for EMS activities serves program needs.

The matter of the scale is also important, for there would be significant administrative costs—as well as administrative delays in organizational development, recruiting, and gearing up for implementation—associated with a new organization's structure, and these increased administrative resource demands would have to be at the expense of other high-priority health activities. Accordingly, we strongly oppose as undesirable and unnecessary the creation of a separate EMS mechanism.

Furthermore, the appropriations authorizations contained in the bill are greatly in excess of the amount of funds that could conceivably be soundly invested in a Federal EMS demonstration program in the foreseeable future. Enactment of legislation containing the large authorizations in the bill would constitute another example of creating expectations that the Government cannot hope to fulfill. We believe that the practice of creating categorical programs with unrealistic funding authorizations is undesirable.

Finally, there are various provisions of the bill that we believe are unwise and inconsistent with the President's overall objective of simplifying administration and reducing the plethora of categorical, special purpose programs that have sprung up in recent years. Particularly ill-advised, we think, are the provisions which would require creation of another statutory interagency committee. We believe that Federal interagency committees permanently established by law are both unnecessary and ineffective as a means of coordinating and planning complex programs, especially when the principal responsibility for an activity properly rests at the State and local level.

With regard to the PHS hospitals portion of S. 504, we oppose it for the following reasons:

1. It is our firm conviction that the small beneficiary population served by PHS hospitals will be served more adequately, effectively and with less personal disruption through Federal contracts with locally available community health facilities. This is in consonance with the basic Administration position, which we have repeatedly stated, that the Federal role in health should not include the direct provision of services to Federal beneficiaries by medical facilities operated by DHEW.

2. The continuing operation of the hospitals, as they were on January 3, 1973, is a virtual impossibility. Existing professional staff shortages compounded by the large number of recent civilian staff retirements resulting from passage of P.L. 93-39 and the expiration of the doctors' draft on June 30, 1973 have had a critical impact on the PHS hospitals' ability to provide beneficiary services. Further, increasing difficulties in recruiting physicians during fiscal year 1974 are a certainty and will undoubtedly affect the ability of PHS hospitals to provide the services which are now being furnished to beneficiaries. Our plans to shift our primary beneficiaries to the more modern, more accessible, better equipped and better staffed hospitals in the community are therefore in the interests of the patients, the Federal Government and the community hospitals themselves which are operating generally below the optimal 85 percent occupancy rate.

3. The inability of the Department to close these hospitals without Congressional approval when such action is justified, as it is in this case, from the standpoint of rendering better quality care to beneficiaries and the benefits of better utilization of PHS and community hospitals, flies in the face of sound administrative judgment. The continuing operation of the PHS outpatient clinics will assure the scope, quality and quantity of ambulatory services to beneficiaries. They will also serve as an entry point into the health care system and proper referral and monitoring of care provided by community hospitals.

4. In respect to the requirement that both Section 314(a) and (b) agencies approve subsequent plans for closure of PHS hospitals, this provision would be tantamount to precluding desirable or necessary Federal action by the failure or inability of both the local and State jurisdictions to react to Federal plans. The Federal Government would be in an untenable position if such a principle were generally applied in this and other matters of Federal concern and responsibility.

For these reasons, we are strongly opposed to S. 504, the enactment of which would not be consistent with the Administration's objectives.

Sincerely,

———,
Acting Secretary.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I support the conference report, and I merely want to say that the gentleman from Minnesota (Mr. NELSON) has explained some of the changes in the language that the conferees have found acceptable, and I would recommend the adoption of this conference report by the House.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I rise to support H.R. 504, the Emergency Medical Services Systems Act and its amendment pertaining to the Public Health Service system.

I have a vital interest in this legislation, especially as it pertains to the Public Health Service system. I chaired several days of hearings on the administration's planned dismantling of the Public Health Service system and as a result introduced the legislation to keep the hospitals open.

I would like to make reference to a letter which appeared in the CONGRESSIONAL RECORD of July 16, 1973, from Secretary of Health, Education, and Welfare, Caspar Weinberger to Senator ROBERT TAFT. Several points in the Secretary's letter explained how this bill is not consistent with the administration's objectives. First I would emphasize to the Secretary that this bill may not be consistent with the administration's objectives, but it is certainly consistent with the objectives of the U.S. Congress. By now it should be apparent to the decisionmakers at HEW that the Congress does not want the PHS system to be dismantled and the Congress has expressed this emphatically in many different ways.

I would like to respond to the Secretary's arguments on a point by point basis.

The Acting Secretary said:

1. It is our firm conviction that the small beneficiary population served by PHS hospitals will be served more adequately, effectively and with less personal disruption through Federal contracts with locally available community health facilities. This is in consonance with the basic Administration position, which we have repeatedly stated, that the Federal role in health should not include the direct provision of services to Federal beneficiaries by medical facilities operated by DHEW.

The Secretary offers no evidence to support this assertion. To the contrary, in the submitted HEW "plan" for the hospitals, a majority of the affected agencies given the responsibility to take over the care and treatment of the beneficiaries have asserted that they will be unable to do so. And when they have asserted that they can take over some of the HEW responsibilities, they have admitted that they cannot do so to the same degree as HEW, thus causing a loss of many important specialized health programs. Further, they admitted the quality of care would be below that now provided by the PHS hospitals.

The Secretary provides no information to suggest that the beneficiaries share the administration's conviction that they will be better served if the PHS hospitals are closed and they are referred to community facilities. In fact, he gives no in-

dication that the beneficiaries have even been consulted. He does not mention that beneficiary groups have brought judicial actions in Federal courts in Seattle and New York to keep the hospitals open. And he makes no mention of the fact that the Federal District Court in Seattle has granted a temporary injunction barring HEW from closing the hospital there.

The Secretary ignores entirely the substantial roles which the PHS hospitals are playing in health manpower training, in health research, and as support facilities for a wide variety of community health programs serving the poor.

The Acting Secretary said:

2. The continuing operation of the hospitals, as they were on January 3, 1973, is a virtual impossibility. Existing professional staff shortages compounded by the large number of recent civilian staff retirements resulting from passage of P.L. 93-39 and the expiration of the doctors' draft on June 30, 1973 have had a critical impact on the PHS hospitals ability to provide beneficiary services. Further, increasing difficulties in recruiting physicians during fiscal year 1974 are a certainty and will undoubtedly affect the ability of PHS hospitals to provide the services which are now being furnished to beneficiaries. Our plans to shift our primary beneficiaries to the more modern, more accessible, better equipped and better staffed hospitals in the community are therefore in the interests of the patients, the Federal Government and the community hospitals themselves which are operating generally below the optimal 85 percent occupancy rate.

It is only logical that when the administration announced it would close the hospitals this summer, proceeded to ignore beneficiary groups, State, and local governments where these hospitals are located, and the Congress in order to obtain this objective, that employees would start looking for jobs elsewhere. The administration, through deft maneuvering, has attempted to present the Congress with a fait accompli; that is, first it encourages employees to leave and now it argues the hospitals must be closed because of staff shortages.

The Acting Secretary said:

3. The inability of the Department to close these hospitals without Congressional approval when such action is justified, as it is in this case, from the standpoint of rendering better quality care to beneficiaries and the benefits of better utilization of PHS and community hospitals, flies in the face of sound administrative judgment. The continuing operation of the PHS outpatient clinics will assure the scope, quality and quantity of ambulatory services to beneficiaries. They will also serve as an entry point into the health care system and proper referral and monitoring of care provided by community hospitals.

The conference report does not preclude HEW from closing these hospitals if—in fact—the administration can demonstrate with hard evidence that it can and will provide in some other fashion for those now being treated at the hospitals, for the health manpower training activities, and for research activities now being carried on at the hospitals. There is no reason why Congress should be expected to approve closure of the hospitals without that evidence and on the basis of the administration's assertions alone.

The Acting Secretary said:

4. In respect to the requirement that both Section 314(a) and (b) agencies approve subsequent plans for closure of PHS hospitals, this provision would be tantamount to precluding desirable or necessary Federal action by the failure or inability of both the local and State jurisdictions to react to Federal plans. The Federal Government would be in an untenable position if such a principle were generally applied in this and other matters of Federal concern and responsibility.

Elsewhere in his letter the Secretary refers to basic philosophical positions and convictions of the administration. Yet here there is no mention of the principle so often stated by the President with respect to the decentralization of power, the returning of power to the people, and abhorrence of the idea that the Federal Government always knows best.

The Secretary makes no mention of the fact that the 314(a) and 314(b) agencies were established pursuant to Federal law and receive Federal funds for the very purpose of participating in health planning at the State and local levels.

Extensive hearings were held on this subject by the Merchant Marine Committee and the Interstate and Foreign Commerce Committee. Secretary Weinberger testified at these hearings. The record was clear then and it is clear now. The Congress has not accepted or approved this poorly conceived "plan" of the administration to dismantle the PHS hospital system and has clearly rejected it by votes in the House and Senate in approving S. 504.

Mr. ADAMS. Mr. Speaker, I am very pleased that the Emergency Medical Service Systems Act of 1973 contains a provision to maintain the Public Health Service hospitals. I am disappointed that the administration has continued to oppose the Public Health Service hospitals and is still attempting to close them.

Our hospital in Seattle has been of great benefit to the people of the Northwest, and it seems to me that meeting the human needs of our people is a worthy project which deserves the support of the House of Representatives.

I hope we will have a substantial vote in favor of this conference report so the administration will not be tempted to veto it.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

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

Mr. ROGERS. Mr. Speaker, I demand tellers.

Tellers were refused.

Mr. ROGERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 306, nays 111, not voting 16, as follows:

[Roll No. 342]

YEAS—306

Abdnor	Ford, William D.	Morgan
Abzug	Forsythe	Mosher
Adams	Fraser	Moss
Addabbo	Frey	Murphy, Ill.
Alexander	Fulton	Murphy, N.Y.
Anderson, Calif.	Fuqua	Natcher
Andrews, N.C.	Gaydos	Nedzi
Andrews, N. Dak.	Gettys	Nichols
Annunzio	Giaimo	Nix
Ashley	Gibbons	Obey
Aspin	Gilman	O'Hara
Badillo	Ginn	O'Neill
Barrett	Goldwater	Owens
Beard	Gonzalez	Passman
Bennett	Grasso	Patman
Bergland	Gray	Patten
Bevill	Green, Oreg.	Pepper
Biaggi	Green, Pa.	Perkins
Biester	Griffiths	Peyser
Bingham	Gude	Pike
Boggs	Gunter	Poage
Boland	Haley	Podell
Bolling	Hamilton	Preyer
Bowen	Hammer-schmidt	Price, Ill.
Brademas	Hanley	Price, Tex.
Brasco	Hanna	Pritchard
Breaux	Hansen, Idaho	Quillen
Breckinridge	Hansen, Wash.	Railsback
Brinkley	Harrington	Randall
Brooks	Hawkins	Rangel
Broomfield	Hays	Rarick
Brown, Calif.	Hébert	Rees
Broyhill, Va.	Hechler, W. Va.	Regula
Buchanan	Heckler, Mass.	Reuss
Burke, Calif.	Heinz	Riegle
Burke, Fla.	Helstoski	Rinaldo
Burke, Mass.	Henderson	Roberts
Burleson, Tex.	Hicks	Robison, N.Y.
Burlison, Mo.	Holifield	Rodino
Burton	Holt	Roe
Butler	Holtzman	Rogers
Byron	Horton	Rooney, N.Y.
Carney, Ohio	Howard	Rooney, Pa.
Carter	Hungate	Rose
Casey, Tex.	Hunt	Rosenthal
Chamberlain	Ichord	Rostenkowski
Chappell	Jarman	Roush
Chisholm	Johnson, Calif.	Roy
Clancy	Johnson, Pa.	Roybal
Clark	Jones, Ala.	Runnels
Clausen, Don H.	Jones, N.C.	Ryan
Clay	Jones, Tenn.	St Germain
Cleveland	Jordan	Sandman
Cohen	Karth	Sarasin
Collins, Ill.	Kastenmeier	Sarbanes
Conte	Kazen	Satterfield
Conyers	King	Scherle
Corman	Kluczynski	Schroeder
Cotter	Koch	Seiberling
Coughlin	Kuykendall	Shipley
Cronin	Kyros	Shoup
Culver	Landrum	Sikes
Daniel, Dan	Leggett	Sisk
Daniel, Robert W., Jr.	Lehman	Skubitz
Daniels, Dominick V.	Lent	Slack
Davis, Ga.	Litton	Smith, Iowa
Davis, S.C.	Long, La.	Staggers
de la Garza	Long, Md.	Stanton, J. William
Delaney	Lott	Stanton, James V.
Dellums	McCloskey	Stark
Denholm	McCormack	Steed
Dent	McDade	Steele
Dickinson	McFall	Steelman
Diggs	McKay	Stephens
Dingell	McKinney	Stokes
Donohue	McSpadden	Stratton
Dorn	Macdonald	Stubblefield
Downing	Madden	Stuckey
Drinan	Mailliard	Studds
Dulski	Maraziti	Sullivan
Duncan	Martin, N.C.	Symington
du Pont	Mathias, Calif.	Taylor, N.C.
Eckhardt	Mathis, Ga.	Thompson, N.J.
Edwards, Calif.	Matsunaga	Thone
Eilberg	Mazzoli	Thornton
Erlenborn	Meeds	Tiernan
Esch	Melcher	Towell, Nev.
Evans, Colo.	Metcalfe	Udall
Evins, Tenn.	Mezvinsky	Ullman
Fascell	Milford	Van Deerlin
Fish	Mills, Ark.	Vander Jagt
Flood	Minish	Vanik
Flowers	Mink	Vigorito
Flynt	Mitchell, Md.	Waggonner
Foley	Moakley	Waldie
	Mollohan	Wampler
	Montgomery	Whalen
	Moorhead, Pa.	White

Whitehurst	Winn	Young, Alaska
Whitten	Wolff	Young, Fla.
Wilson, Bob	Wright	Young, Ga.
Wilson, Charles H., Calif.	Wyatt	Young, Tex.
	Yates	Zablocki
	Yatron	

NAYS—111

Anderson, Ill.	Gubser	Pettis
Archer	Guyer	Pickle
Arends	Hanrahan	Powell, Ohio
Armstrong	Harsha	Quie
Bafalis	Harvey	Rhodes
Baker	Hastings	Robinson, Va.
Bell	Hillis	Roncallo, N.Y.
Blackburn	Hinshaw	Rousselot
Bray	Hogan	Ruppe
Brotzman	Hosmer	Ruth
Brown, Mich.	Huber	Saylor
Brown, Ohio	Hudnut	Schneebeli
Broyhill, N.C.	Hutchinson	Sebelius
Burgener	Johnson, Colo.	Shriver
Camp	Jones, Okla.	Shuster
Clawson, Del	Keating	Smith, N.Y.
Cochran	Latta	Snyder
Collier	Lujan	Spence
Collins, Tex.	McClory	Steiger, Ariz.
Conable	McCollister	Steiger, Wis.
Conlan	McEwen	Symms
Crane	Madigan	Teague, Calif.
Davis, Wis.	Mahon	Thomson, Wis.
Dellenback	Mallary	Treen
Dennis	Mann	Veysey
Derwinski	Martin, Nebr.	Walsh
Devine	Mayne	Widnall
Edwards, Ala.	Michel	Wiggins
Eshleman	Miller	Williams
Findley	Minshall, Ohio	Wydler
Ford, Gerald R.	Mitchell, N.Y.	Wylie
Fountain	Mizell	Wyman
Frelinghuysen	Moorhead, Calif.	Young, Ill.
Frenzel		Young, S.C.
Froehlich	Myers	Zion
Goodling	Nelsen	Zwach
Gross	O'Brien	
Grover	Parris	

NOT VOTING—16

Ashbrook	Kemp	Taylor, Mo.
Blatnik	Ketchum	Teague, Tex.
Carey, N.Y.	Landgrebe	Ware
Cederberg	Reid	Wilson, Charles, Tex.
Danielson	Roncallo, Wyo.	
Fisher	Talcott	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Blatnik for, with Mr. Kemp against.

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

Mr. Reid for, with Mr. Ware against.

Mr. Roncallo of Wyoming for, with Mr. Talcott against.

Mr. Danielson for, with Mr. Taylor of Missouri against.

Until further notice:

Mr. Teague of Texas with Mr. Ashbrook.

Mr. Charles Wilson of Texas with Mr. Cederberg.

Mr. SANDMAN and Mr. MATHIAS of California changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

EXEMPTING STEAMBOAT "DELTA QUEEN" FROM CERTAIN VESSEL LAWS

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5649) to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws.

The Clerk reads as follows:

H.R. 5649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the primary purpose of the amendment made by section 2 of this Act is to assure the continuity of operation of the overnight riverboat, the steamboat *Delta Queen,* by extending her existing exemption from the safety-at-sea laws. A new overnight passenger riverboat will be constructed by the owners of the *Delta Queen* and, in order to assure the preservation of this historic and traditional piece of American folklore and life, such amendment will provide for the continued operation of the present steamboat *Delta Queen* while the new riverboat is being constructed.

SEC. 2. The penultimate sentence of section 5(b) of the Act of May 27, 1936 (49 Stat. 1384, 46 U.S.C. 369(b)), as amended, is amended by striking out "November 1, 1973," and inserting in lieu thereof "November 1, 1978,".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge my colleagues to support H.R. 5649, to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws. It is no secret that I have long championed the continued operation of this grand old lady of the inland river system which makes port calls in some 17 States so that thousands of Americans each year enjoy the beauty of our Nation's waterways and spend their vacations on this fabulous replica of the storied past.

For those who are not informed, the *Delta Queen* is a paddlewheel riverboat, the only overnight passenger vessel left on our river system. She is 285 feet long and weighs 1,837 tons. Her hull, over 50 years old, was shaped at Clydesbank, Scotland, her steel forged at the Krupp works in Germany. Her superstructure is mostly wood and this is where the problem has arisen.

Under legislation enacted in the 89th Congress—Public Law 89-777—certain standards for the safe operation of deep draft cruise vessels were enacted into law. Inadvertently, it would seem, this legislation was made broad enough to include passenger vessels carrying overnight passengers and operating in our inland rivers and waterways.

The original legislation gave the inland water passenger vessel owners a short period of time to permit the companies involved to assess their particular situations. As a result, one company operating on the Great Lakes went out of business, ceasing all its operations. The last remaining company, Greene Line Steamers, Inc., the owners and operators of the *Delta Queen* decided to attempt to construct a new vessel and thus continue its operations. An extension of time was enacted by the Congress in 1968—Public Law 90-435—allowing the *Delta Queen* to continue operating until November 1970.

The owners and operators of the *Delta Queen* found to their dismay that with the rise in cost of construction material and labor, a new replacement vessel would have cost in excess of $10 million, instead of the originally anticipated $4 million. These costs stalled new construction at that time. The question then arose as to whether the *Delta Queen* would be able to continue in operation. As everyone knows, I spearheaded the drive in Congress 3 years ago to get a 3-year exemption. Our efforts were successful with the passage of H.R. 6114 in the House of Representatives, on December 15, 1970, by a vote of 295 to 73. The bill was signed by the President on December 31, 1970, and became Public Law 91-612.

As unbelievable as it seems, that 3-year exemption period is closing in on its termination date of November 1, 1973. Thus, we are once again faced with the possible demise of the only overnight passenger vessel left on our rivers. She is the last of her class and if Congress fails to act, she will be forced into retirement and another of our great American traditions will have passed from the scene. If that happens, it will mean the end of nearly 160 years of paddlewheel history in this country, and particularly on the Mississippi River.

Fortunately, the owner of the *Delta Queen* has now found sufficient resources to enter into a contract for the construction of a new riverboat vessel. In order to continue this romantic link with our past, it will be necessary to provide the *Delta Queen* with another exemption. To this end, we have the bill H.R. 5649, which we are considering today, which will give the *Delta Queen* a 5-year exemption from the safety-at-sea laws.

As I mentioned earlier—and I guess it is well known—I have long been a proponent of exempting the *Delta Queen* from safety at sea laws and continuing her in operation. My reasons for this position are many, and I believe reasonable and logical.

First, I believe she should be allowed to continue to ply the inland rivers of the United States because of her great historic and cultural value. At a time when change is the rule and not the exception, there should be kept intact marks of the old America which is a part of our history and tradition and culture. These marks should be kept with us. At a time when we are doing much to save the endangered species of fish and wildlife from extinction, why not also save this vanishing overnight paddlewheel riverboat from total extermination?

The advancement of technology and efficiency should not come at the expense of the great monuments of the past, it should include these things. If history

allows us to stand on our predecessors' accomplishments and advancement, I hope it will let us stand tall enough to look over the trees and see a river system with the *Delta Queen* sailing majestically on it.

Another reason for preserving this romantic link with our past, and perhaps the really basic reason, is the undeniable fact that the people of the Nation want it. Few other subjects in the last several years have brought a stream of letters and outpouring of emotion as has this particular matter.

Another reason why I believe this legislation should be enacted is that the termination of the *Delta Queen* would be a misapplication of law. The first thrust of the safety of sea laws of 1966 was the passenger trade out of the major ocean ports of the United States and the cruise trade to the Caribbean and other seaward locations. The owners of this vessel have had their vessels plying the waters of this great country for 50 years without one loss of life due to an accident or an unsafe condition. It must be considered that the *Delta Queen* is not a vessel engaged in international carriage or trade, nor does she encounter the stresses, strains, and dangers of a vessel on the high seas. Studies of the operation of the *Delta Queen* have convinced me and many others that the nature of her commerce and the many special precautions taken by her owners to protect her, make the *Delta Queen* as safe as if her superstructure were made of metal.

At this very moment, when we are considering this legislation to exempt the *Delta Queen* from the safety at sea laws. thousands of Americans are aboard vessels on the various inland waterways of Europe which do not meet the standards established in this area by the laws we now have on the books. I do not believe that we need to be insensitive to the desires of our people and if we wish to preserve this little piece of our romantic past and keep the *Delta Queen* available to the millions of Americans who have been enjoying her all these many years, then we should pass H.R. 5649.

In passing, I would like to point out that I am convinced that this vessel operates as reasonably safely in all the circumstances as can be expected. It should be recognized that the owners have fireproofed the wooden portions of the vessel and have installed fire prevention sprinkler systems. In addition, these inland passenger vessels are never more than a few yards from any shore, presently meet certain Coast Guard safety standards, and are frequently operated in waters no deeper than the middle of the ship.

I have not been aware of any evidence adduced at our hearings or coming to light over the past several years to persuade me that this romantic link with the past should not be continued in operation. To the contrary, the fact that she has been operating safely and wonderfully without mishap all these years is the best argument there is for her continued operation. I am confident the Congress can only resolve to let America continue to have this part of her cultural heritage and romance of the past and that this grand old lady of the rivers will not be drowned in a tide of apathy and indifference. I urge all my colleagues to vote in support of H.R. 5649.

Mr. RUPPE. Mr. Speaker, H.R. 5649 amends the act of May 27, 1936, as amended, by changing the effective date for application of certain vessel safety provisions set forth in 46 U.S.C. 369, to domestic passenger vessels operating solely on the inland rivers and waterways of the United States from November 1, 1973, to November 1, 1978. The provision affected is that which would prohibit after November 1, 1973, the issuance of a certificate of inspection to a passenger vessel of the United States of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers if the vessel was not constructed of fire-retardant material and if the structural fire protection did not conform to requirements established by regulations for vessels constructed for on or after May 28, 1936.

The United States has required since May 28, 1936, that passenger vessels be constructed essentially of fire-retardant material. In 1966, the original act was amended by Public Law 89–777 which had as one of its basic provisions a section dealing with construction of domestic vessels. In essence, that act prohibited from operation those vessels of U.S. flag which did not conform to current standards of structural fire protection.

When Public Law 89–777 was enacted, it was recognized that its domestic application would terminate the service of two vessels operating on the inland rivers and waterways, the *Delta Queen* and the *South America*. These vessels, which had previously been exempted from the fire-retardant construction requirements of the 1936 act by a grandfather clause, were the only U.S. vessels affected by Public Law 89–777. Original drafts of legislation culminating in Public Law 89–777 provided for an effective date of July 1, 1966, for compliance with these requirements by our domestic vessels. Prior to enactment of this law, however, the date was extended by Congress to November 2, 1968, in order to allow time for the development of replacement vessels. Since the expiration of the November 2, 1968, date, Congress has extended the effectve date on two separate occasions to the present expiration date of November 1, 1973.

The bill under consideration would permit the owners of the *Delta Queen* to operate it for an additional 5 years while a new riverboat is being constructed. The *Delta Queen*, built in 1926, and certificated for 192 passengers, is the sole inland vessel in operation, of 100 gross tons or over and with berth or stateroom accommodations for 50 or more passengers.

In the interest of maritime safety, the Coast Guard and the Department have consistently opposed legislation to prolong the service of the *Delta Queen* on the ground that the vessel, constructed primarily of wood, and operating in the overnight passenger trade, presents a serious risk in regard to fire safety. The United States in international maritime safety negotiations has long championed fire preventive standards, as opposed to firefighting capability standards, as the primary aim of marine fire safety regulations. Fire preventive standards were written into the International Convention for the Safety of Life at Sea of 1960 at the insistence of the United States. The standards of that convention are incorporated by reference in the act to be amended.

Mr. Speaker, I oppose this legislation and the exemption contained therein from the vessel safety laws.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. SNYDER) such time as he may consume.

Mr. SNYDER. Mr. Speaker, the Fourth Congressional District of Kentucky, which I have the honor to represent, consists of eight counties, all of which border on the Ohio River. Thus, the lives of all the people of our district are more or less intimately involved with the river, its history, its heritage, and its traditions.

One of these great traditions is the steamboat *Delta Queen*, the only overnight passenger vessel left on our river.

One hundred years ago there were thousands of steamboats plying their trade up and down the Mississippi and its tributaries. Today just one paddle wheel riverboat, the *Delta Queen*, carries on the 160-year steamboat tradition.

The U.S. Department of the Interior has recognized her unique role in history, listing her in the National Register of Historic Places.

The *Delta Queen*, as originally designed and built in 1926, was the most expensive—$875,000—luxurious and safest paddle wheel passenger riverboat ever built.

The hull was fabricated on the River Clyde in Glasgow, Scotland, and shipped to Stockton, Calif., for final assembly. The superstructure of oak, walnut, teak, mahogany, and ironwood was hand-fitted by California cabinetmakers. The boat was originally commissioned by the California Transportation Co. to operate overnight between Sacramento and San Francisco on the Sacramento River.

During World War II, the U.S. Navy recommissioned the *Delta Queen* to ferry troops and wounded in San Francisco Bay. In 1947, the vessel was auctioned off to the highest bidder, Capt. Tom Greene, then president of Greene Line Steamers.

After painstakingly "crating" the superstructure, the *Delta Queen* was towed down the Pacific Coast to the Panama Canal and up through the Gulf of Mexico to New Orleans. Under its own power, the boat proceeded up the Mississippi and Ohio Rivers, where she was remodeled and outfitted for Mississippi River trade at a cost of nearly $750,000. During the next 20 years, the *Delta Queen* carried hundreds of thousands of passengers on memorable river journeys in historic mid-America.

In 1966, when the *Delta Queen* was enmeshed in the Safety at Sea Law, the owners voluntarily undertook a major program of restoration and safety improvements that by 1973 totaled more than $1 million.

Today, the *Delta Queen* is a familiar and stirring sight as she serenely steams

up and down the Mississippi, Ohio, Tennessee, Cumberland, Arkansas, and Illinois Rivers. She is a living museum of fine riverboat design and engineering—impossible to duplicate in our day and age.

The Congress has also recognized the unique nature of the *Delta Queen* by noting that she does not face the same hazards as oceangoing vessels. Since the enactment of the safety at sea law in 1966, Congress has voted three times in favor of temporarily exempting America's last overnight passenger paddlewheel riverboat from these laws.

This exemption will not only enable the *Queen* to continue her life on the river but—more importantly—it will enable service to continue as a new $15.5 million vessel is built.

The new boat will be a steampowered stern paddlewheeler of traditional design, constructed of noncombustible materials and with hull and outfittings which comply with Coast Guard regulations.

The new vessel will not be, and is not intended to be, a replacement for the *Delta Queen*. Her historic value and nostalgic feeling cannot be replaced.

Mr. Speaker, the new vessel is designed for those who prefer the comforts and conveniences of our modern age and the first of a new fleet of riverboats.

To make the new vessel attractive, it is necessary to maintain the great tradition of the *Delta Queen* until the new boat is completed. This bill would do that, and would make a valuable contribution to the service of a vital part of our national heritage.

Mr. Speaker, I implore and urge my colleagues to vote affirmatively on this legislation.

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

Mr. SNYDER. I yield to my colleague from Kentucky (Mr. STUBBLEFIELD).

Mr. STUBBLEFIELD. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Kentucky, and urge passage of H.R. 5649.

Mr. SNYDER. Mr. Speaker, I appreciate the gentleman's support.

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

Mr. SNYDER. I yield to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, it seems to me that when we had this matter before us on a previous occasion there was a great deal of talk about a movement to build a replica of the *Delta Queèn* that would be constructed and take the place of this boat, and let this dear old lady retire.

Mr. Speaker, what has happened to the movement to do that?

Mr. SNYDER. Mr. Speaker, of course in the original first exemption, it was thought that they could comply with the Coast Guard regulations with the present vessel. Then, they found out they could not do that to the satisfaction of the Coast Guard. Of course, members must bear in mind that the safety at sea law really was directed toward those vessels that go out to sea, not to those which are only a minute from shore. They asked for the second exemption when it was estimated that it would cost $4 million to build a new vessel. They found out that it cost in excess of $10 million. This required new financial arrangements which have now been obtained. The new vessel will cost $15½ million.

It is just one of those things that people get involved in which cost more than they think. They have got to get their financing worked out, and they have done that.

Mr. Speaker, as far as the *Delta Queen* is concerned, I do not know what the owners intentions are about that, but I hope they do not intend to retire the *Delta Queen* because of its place in river history. The problem is it carries over 50 passengers, overnight, and they will have to cease and desist doing that under the safety at sea law. I hope the *Delta Queen* continues to ply up and down the river for many years.

Mr. DEVINE. Mr. Speaker, what the gentleman is saying is that they have abandoned any idea of replacing her with a more modern vessel?

Mr. SNYDER. No, a contract has been let for a new $15½ million vessel which will be completed during the term of this projected exemption.

Mr. DEVINE. Is the projection for 1975?

Mr. SNYDER. The bill is to 1978. It will be completed in that time.

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

Mr. SNYDER. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I want the gentleman to know that I am in strong support of this legislation.

Mr. McCLORY. Mr. Speaker, this bill (H.R. 5649), which would extend a 5-year exemption to the *Delta Queen* from certain vessel safety laws, will enable us to retain a traditional example of a famed river steamer.

The gentlewoman from Missouri (Mrs. SULLIVAN) and the gentleman from Kentucky (Mr. SNYDER) have spoken eloquently in support of this legislation. I concur in their remarks, and add that someone very close to me—my wife, Doris—is one of the millions of Americans who has enjoyed a memorable voyage on this historic and well-equipped *Delta Queen* and can attest to its safe and skillful operation.

Mr. Speaker, the law from which the *Delta Queen* will continue to be exempted appears to have been intended for seagoing vessels and not riverboats. The excellent safety record of the *Delta Queen* and the many safety precautions that have been taken by her owners and operators, would seem to justify fully the additional 5-year exemption that is granted by this bill.

Mr. Speaker, I urge my colleagues to give this measure their wholehearted support.

Mr. SNYDER. Mr. Speaker, I assure the gentleman that if someone close to his heart decided to take her husband, he would be equally enthusiastic.

Mr. RUPPE. Mr. Speaker, I yield 4 minutes to my distinguished colleague from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Speaker and Members, I hate to inject a sour note into this exercise in nostalgia today, but this of course is the third extension that we have been asked to pass exempting the good old *Delta Queen* from the safety at sea laws. We know that the Coast Guard is against this, as they were for the first extension in 1968 and the second extension in 1970 and this extension which asks for another 5 years of exemption.

Mr. Speaker, I would like to remind the Members of the House of the circumstances of the last exemption the Congress granted. As the Members may remember, our former colleague, Mr. Garmatz, who was chairman of the Committee on Merchant Marine and Fisheries, was adamantly opposed to granting this exemption to the *Delta Queen* because he felt the safety at sea laws really meant something and that the Congress meant them to be enforced in passing these laws.

Therefore, this bill was never able, as I understand it, to get through the illustrious Merchant Marine and Fisheries Committee of this House.

So the last time it came up for exemption, lo and behold, it appeared as a nongermane amendment added by the other body on a private claim bill. That was a bill brought for the relief of Elmer M. Grade, and was acted upon by the Judiciary Committee of the House.

I should like at this time, Mr. Speaker, merely to repeat what I said then, in the interest of nostalgia. I believe we do owe something to Elmer Grade. I said at that time:

> Mr. Speaker, I rise today to pay particular tribute to a modern Atlas, one Elmer M. Grade, a patriot, who has, through the vagaries of the legislative process, finally, on Thursday last—

This was in December 1970—

> managed to carry on his back that historic symbol of a bygone era, the *Delta Queen*, to a resounding victory for nostalgia. Mr. Speaker, I would hope that the Greene Line Steamers, Inc., who are apparently the owners of the *Delta Queen*, would grant Mr. Elmer M. Grade a lifetime pass in this now historic ship for his unwitting services above and beyond the call of duty.

I would say to the Members that we do not need Mr. Grade today, because apparently the committee is unanimous in its approval of again extending for 5 years the exemption from the safety at sea laws for this wooden ship.

I must repeat to the Members the warning of Mr. Garmatz. He said, I remember, that if a terrible tragedy should happen with this wooden ship because of this exemption the blame would be on this Congress.

Mr. RUPPE. Mr. Speaker, I yield 5 minutes to my distinguished colleague from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Speaker, I thank the gentleman from Michigan for yielding, and I congratulate him on the work on this particular bill.

I should like also to congratulate the gentlewoman from Missouri for the fine work, recommendations, and leadership she has shown in presenting the bill in this fashion to this body.

As representative from the home port of the river steamer *Delta Queen*, I am pleased to urge that the historic vessel

be granted a 5-year extension to its exemption from certain provisions of the 1968 Safety at Sea Act. This exemption will enable the *Delta Queen* to continue in overnight service on the Mississippi River system until November 1, 1978.

On two previous occasions, in 1968 and again in 1970, the Congress has seen fit to grant an exemption to the *Delta Queen*. Since 1968, the owners of the *Delta Queen*, Greene Line Steamers, Inc., has spared no effort to make the vessel as safe as possible. Greene Line has spent over a million dollars to date on safety improvements and has promised to make further safety changes if granted the exemption which we are considering.

A new overnight riverboat has been commissioned by Greene Line and is currently taking shape in Jeffersonville, Ind. The new boat will cost $15.5 million and will be the finest vessel of its type in the world. With the construction of the new boat, which the Greene Line owners hope to have in service in 1975, we may see the beginning of a new era in passenger riverboat service. Recent years have witnessed renewed interests in riverboats and the way of life which they represent.

In Europe, riverboats represent a common and accepted method of travel and the potential in this country is great with our extensive network of navigable waters. All the citizens of Cincinnati look forward to the day when the new riverboat will make its first call at its home port, but until that day we must be sure that the *Delta Queen* remains in operation and that the continuity of riverboat service is not broken.

The *Delta Queen* must remain in operation in order to train crew for the new boat. The company also needs a continuing source of revenue in the intervening years. The president of Greene Line has said that the success of the new riverboat cannot be guaranteed if the *Delta Queen* is forced out of service.

Beyond the beneficial effect on the vessel now under construction, the *Delta Queen* deserves preservation in its own right. The boat is unique and the last remaining link to a bygone era. It is not a relic of the past as some have termed it but a living preservation of a way of life. This was the way of life when rivers were the major avenue of commerce for the Midwest and South. We should allow this exemption so that the calliope of the *Delta Queen* will continue to be heard on the Nation's rivers.

Mr. Speaker, I would also like to take this opportunity to congratulate the gentleman from Kentucky (Mr. SNYDER) for his excellent statement which he presented before I spoke.

Mr. RUPPE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I asked for these 2 minutes in order to clarify something in connection with this traditional exercise which we go through every once in a while.

I received a letter from one of my constituents that expressed a great deal of nostalgia about the use of the *Delta Queen*. He thought this was one of the most wonderful trips he and his wife had ever taken, and during this trip some time during the past 2 years; he stated that he looked over the crowd on the ship—and I believe I wrote to the gentlewoman from Missouri about this—and he was distressed and quite concerned about what would happen in the event a fire or something of that nature should break out, due to the advanced ages of the passengers and the fact that there was very little likelihood that they could successfully escape in that event.

Now, I do not know whether the gentlewoman from Missouri has information concerning the average age of the passengers who take advantage of this fine trip or not, but this is an area of concern which I think we should all discuss before we once again renew the life of this "Dear Old Lady."

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, there is no average age that has ever been discussed concerning the passengers. I think we all know that we are all up in years when we have some leisure time at our disposal, so naturally those who take these trips outside of the vacation months would be those who have already retired, those who probably do not have to work and have the leisure time.

However, the company does have a rule that they will not take anyone in wheelchairs or anyone who is crippled. That, I believe, is expressed in their advertising. Now, if people attempt to go aboard after all their arrangements are made, and their reservations have been made by mail, I cannot tell you whether they refuse to let them on or not.

Mr. DEVINE. Mr. Speaker, I thank the gentlewoman.

I would say, concerning the owners of the *Delta Queen*, whoever they may be, that they have a pretty good thing going, because we, in Congress, do all their advertising. Every time we come up with a renewal, they get a lot of publicity, and they get quite a waiting list of customers, so it seems we are somewhat of a public relations department for them.

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

Mr. DEVINE. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I certainly can understand the gentleman's concern about the safety of the passengers on the boat.

I just want to bring out the point that failure to enact this legislation does not take the *Delta Queen* off the river. It only takes it off the river as to overnight trips with over 50 passengers, and then it still could stay on overnight if it carries 49 passengers rather than 50 or more. This legislation is only necessary because of the fact that it does go overnight with more than 50 passengers, which is prohibited under the safety at sea law.

Mr. DEVINE. Mr. Speaker, we certainly hope that nothing does occur, because we would hate to have someone point the finger of responsibility at the House of Representatives in that event.

Mr. RUPPE. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Speaker, we are all aware of the predicament of the riverboat *Delta Queen*. The purpose of H.R. 5649 is to extend until November 1, 1978, from November 1, 1973, the existing exemption of the paddlewheel steamboat from the specifications of the Safety at Sea Act.

My wife and I both have wonderful memories of many happy hours spent aboard this grand old ship. This paddlewheel riverboat is the only overnight passenger vessel left on our inland waterways. It really is only right and proper that we pass this needed legislation to allow the *Delta Queen* to continue operation until her replacement is ready. This riverboat is our last remaining link with the paddlewheels of a bygone era, making her of great historical and cultural value. In addition, the owners of this vessel have undertaken extraordinary measures in the past few years to provide for additional safety for her passengers. We must not allow this historic piece of America's past to be obliterated.

Mr. RUPPE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. COCHRAN).

Mr. COCHRAN. Mr. Speaker, I urge my colleagues to pass this bill which is of considerable importance to the citizens of my State and our Nation who love the river towns and enjoy the nostalgia of a trip down the Mississippi.

H.R. 5649 will insure that the *Delta Queen* will be able to continue 160 years of paddlewheel service on the inland waterways of this country.

The *Queen*, as the last of her breed, should be permitted exemption from a law which was never intended to apply to her but which now threatens to end her life.

A secondary, but no less important feature of this legislation, is its auxiliary benefit to the communities which are the *Queen*'s ports of call along the Mississippi River, particularly the great river cities of Natchez and Vicksburg in my own district, and those of 16 other States along our waterways.

I hope you will vote "aye" and help preserve a great tradition.

Mrs. SULLIVAN. Mr. Speaker, to close the debate, I would just like to refer my colleagues to pages 4 and 5 of the report to show the extent of work that has been done on the *Delta Queen* to make her as safe as it is possible to make any vessel safe on an inland waterway.

I have no hesitation at all to recommend the passage of this extension of the exemption, and I urge my colleagues to vote to that effect.

Mr. Speaker, I do wish to point out that there is no money in this bill at all. There is no expense at all connected with the legislation which we are enacting.

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

Mr. MILLER. Mr. Speaker, I am pleased to lend my enthusiastic support to H.R. 5649, extending the steamboat *Delta Queen*'s exemption from the safety at sea laws. The committee and its new chairman, Congresswoman SULLIVAN, are to be commended for their fine leadership in bringing this legislation to the floor for an early vote. We all recall the

rather dramatic parliamentary maneuvering it took to grant the *Queen* an 11th hour reprieve from the drydock in 1970. That 3 year reprieve expires this November 1. H.R. 5649 gives the *Queen* an additional 5-year extension of its exemption allowing it to operate until November 1, 1978. The owners have contracted to replace the *Queen* with a new vessel satisfying the safety at sea regulations.

The 1966 Safety at Sea Act which necessitated this action was intended to protect Americans from unsafe oceangoing vessels but its provisions were so broad as to include inland water passenger vessels with wooden superstructures. In other words, the laws broad brush interpretation paints America's only overnight paddlewheeler, the *Delta Queen*, into a corner and only the Congress can now rescue the vessel from oblivion.

I recently had the opportunity to inspect the *Queen* when she docked in my district in Gallipolis, Ohio. Quite frankly, I was very much impressed by the extensive fireproofing and safety work that has been performed on the vessel since 1970 as well as the pride, dedication and experience of its crew. Over half a million dollars in safety equipment and repairs have made the steamboat as safe as possible and justifies an additional lease on its life.

The *Queen is* an unique part of America's river heritage which she keeps alive for thousands of people to experience and enjoy. The charm and nostalgia she invokes is that of a bygone era rich in cultural and historical significance. Those of us who several years ago joined the nationwide campaign to save the *Queen* believe this essential aspect of Americans is worth preserving for future generations.

Mr. JOHNSON of California. Mr. Speaker, in these days of rapid progress and growth, the preservation of links with our cultural heritage becomes increasingly important. The steamboat *Delta Queen* is one of these links and the only one of her kind remaining.

Most historical exhibits and landmarks offer families the chance to view the conditions under which our ancestors lived. But a voyage on the *Delta Queen* is a journey into the past, a return to the era of Mark Twain and turn-of-the-century America. Not only can people see the artifacts of days gone by, but they can experience a way of life.

The *Queen* is a microcosm of American culture and society in the late 1800's; one of a dwindling number of sanctuaries for people seeking respite from the fast pace of today's world. The distinctive red paddlewheel and black smokestacks make the 285-foot white vessel a welcome sight from St. Paul to New Orleans. The *Queen's* famous calliope, along with the 40-foot plumes of water thrown from her paddles helps to create the charm that attracts people now just as it did 70 years ago.

The *Queen* was born 1926 in the shipyards of Glasgow, Scotland. She was then shipped to Stockton, Calif., where her wooden superstructure was added. The *Queen* made runs regularly between Sacramento and San Francisco until World War II, when she was used as a troop carrier. After the war the ship was purchased by Greene Line Steamers and towed to Pittsburgh for refurbishing. As a Mississippi steamer, the *Delta Queen* ferries passengers up and down the river, covering some 35,000 miles a year, visiting over 100 cities in 17 different States.

In 1966 we enacted a safety-at-sea law to protect Americans from hazardous voyages at sea. This was in response to two disastrous fires at sea on Caribbean cruises. Although the sternwheeler never leaves sight of the shore, she technically falls under the wording of the law which states that all ships which carry 50 overnight passengers or more, must be of fireproof construction. Because the *Queen's* superstructure is of wood, the great paddleboat was condemned as unsafe.

In an effort to retain the *Delta Queen* as a unique historical vessel, the Congress granted the *Queen* a 2-year exemption from the new law. She has been granted a 2- and a 3-year extension since that time. Her current reprieve is scheduled to expire November 1 of this year. In view of this fact the distinguished gentlewoman from Missouri has introduced legislation to further extend the *Queen's* exemption for another 5 years.

Since the last exemption, the *Delta Queen* has been upgraded at the cost of nearly $500,000. Included among her modifications are a total repainting with fire-retardant paints approved by the National Aeronautics and Space Administration, an installation of an automatic fire detection and warning system, and the addition of a shipwide sprinkler system.

This link with our historical past continues to offer many pleasures for travelers. A river cruise is a smooth, relaxing trip. There is no seasickness. It is comparable to traveling across country in relative seclusion on a modern passenger train. It is considered by some as the most peaceful and relaxing experience one can enjoy in today's fast-paced world.

The shoreline becomes a kaleidoscope of sights along the river's grassy banks. Crowds invariably assemble at the locks meeting the *Queen* and requesting to hear a tune from her stern-mounted steam calliope. The passengers can enjoy the pleasure of quiet reading, basking in the sun, or watching the many varieties of birds that nest along the river. Nights are particularly spectacular with the boat floating quietly on the water under a black sky blanketed with a million stars.

The *Delta Queen* has both a historical and a current purpose. Let us continue this cruise into history and preserve the memories of some of America's finest years. I am confident that such action will be widely acclaimed and will be in the best interest of the Nation as a whole.

Thank you.

Mr. ANNUNZIO. Mr. Speaker, I have asked for the time to express my enthusiastic support for H.R. 5649, the *Delta Queen* bill. This bill was submitted on March 14 of this year by Mrs. SULLIVAN, chairwoman of the House Merchant Marine and Fisheries Committee. Congresswoman SULLIVAN is to be commended for her outstanding leadership in the areas of responsibility covered by the Merchant Marine and Fisheries Committee. Taking the initiative in presenting this bill is a good example.

The bill, H.R. 5649, has a single purpose and objective—to extend the *Delta Queen's* existing exemption from the safety of sea laws for an additional 5 years, to November 1, 1978.

The *Delta Queen* is a river excursion boat operating on the Mississippi River and its tributaries. But the *Queen* is more than a commercial venture or a recreational attraction. She is truly an American institution—a monument to an era which has long since passed. She is the last of the overnight river boats which years ago plied our navigable rivers and inland streams.

The *Delta Queen* was built in Glasgow, Scotland in 1926. She was shipped to California where her wooden superstructure was added. For many years she saw service between San Francisco and Sacremento, and during World War II as a troop carrier in California waters. Her safety was not considered a critical factor while hauling American troops during that period.

Is she really less safe today? The *Queen* has recently undergone a modernization program during which her owners installed safety and fire prevention equipment, including treating her wooden superstructure surfaces with fire resistant material, and installation of automatic fire detection systems in the crew and work areas, and of an automatic sprinkler system. I understand that the *Delta Queen* now meets and exceeds the safety recommendations of the National Aeronautics and Space Administration.

The *Queen* is a river boat and is hardly likely to go to sea. It was her unfortunate fate to be caught up in the provisions of the Safety at Sea Act of 1966 which was enacted to authorize the establishment of safety requirements for ocean vessels which operate under the hazards of the open sea. Many have long argued that the *Delta Queen* should never have been included within the scope of the act. There is considerable weight of logic to support their contention.

The inappropriateness of including the *Queen* within the scope of the 1966 Safety at Sea Act is clearly reflected in congressional action. Three times, Congress has seen fit to exempt her temporarily from the act's provisions. The most recent action extended the exemption to November 1, 1973.

This date is rapidly approaching, and this is the reason for H.R. 5649, and for my appeal today. I think it entirely fitting that we grant this fine old river vessel a 5-year lease on life. At the same time, I consider it unthinkable to force this memorable bit of Americana out of existence.

It would be a shame, because once out of service the *Queen* will be gone forever. At least as a living, moving monument which she is. Thousands of Americans have booked her voyages each year, and will continue to if we allow the vessel to continue operating.

As everyone is clearly aware, the *Delta*

Queen cannot continue to operate forever. Firm plans for a metal replacement for the *Queen* have been made. It will cost just over $15 million and will carry 400 passengers, with conveniences such as a pool, elevators, and air conditioning. The Maritime Administration has agreed to insure a construction loan and mortgage for the new vessel. But her power will be steam, and her propulsion system will be the paddlewheel.

So it is doubly important that we extend the life of the *Queen*. The bill I have mentioned, H.R. 5649, points out clearly that:

A new overnight passenger riverboat will be constructed by the owners of the *Delta Queen* and, in order to assure the preservation of the historic and traditional piece of American folklore and life, such amendment will provide for the continued operation of the present steamboat *Delta Queen* while the new riverboat is being constructed.

Mr. Speaker, I am a former member of the House Merchant Marine and Fisheries Committee. During my tour of duty with this important Committee, the matter of extending exemption to the *Delta Queen* came up on several occasions. On those occasions I gave my support to continuation of the fine, old tradition which the *Queen* represents. I have not changed my attitude one bit. I still firmly support the cause of the *Queen*.

Mr. Speaker, again let me commend the chairwoman of the Merchant Marine and Fisheries Committee for introducing H.R. 5649, which I know will have her support. I urge my colleagues in the House to join in support of this most worthy measure.

Mr. MAZZOLI. Mr. Speaker, I rise in support of H.R. 5649, which would extend until November 1, 1978, the existing exemption of the *Delta Queen* from the Safety at Sea Law.

Since 1966, the effective date of the act, Congress on three occasions has exempted the *Queen* from requirements of the act.

When this question of exemption was last before the Congress in 1970, the normal legislative processes were short circuited and legislation was passed as an amendment to a private bill. This year, I am glad to report, the House will treat the matter directly and work its collective will in the regular manner.

I should like to take this opportunity to commend my distinguished colleague, the gentlewoman from Missouri (Mrs. SULLIVAN) the chairman of the House Merchant Marine and Fisheries Committee, for her tireless efforts in behalf of this legislation.

Mrs. SULLIVAN has long been dedicated to the preservation of the *Delta Queen*. Without her stalwart efforts in 1970 we would not be considering today further extension of the *Queen's* exemption, because this fine ship would have been retired.

We, in Louisville, Ky., have a deep interest and personal stake in the preservation of the *Delta Queen*. For the past 10 years the *Queen* has provided the competition for our own *Belle of Louisville* in the annual Great Steamboat Race which is a feature each year during Kentucky Derby Week. Each boat has won the race five times which attests to the intense rivalry involved.

Kentuckians have other reasons to support the preservation of the *Queen*. She cruises the Ohio River which bounds Kentucky on the north, and she takes week-long passenger excursions into the famous and beautiful Kentucky Lake resort area in western Kentucky.

But the importance of the legislation before us today extends far beyond a continuation of the Kentucky Derby Week boat-race spectacular. It goes beyond the fact that the *Queen* glides through our State's waterways during the cruise season.

Passage of this measure will preserve the last of the great river steamers reminiscent of that era of America when the commerce on our Nation's rivers contributed so greatly toward its exploration, settlement, and development. Today, only the *Delta Queen* remains to transport modern Americans—though too briefly—into this glorious and historical past as it cruises up and down the Ohio and the Mississippi.

Since the enactment of the Safety at Sea Law in 1966 the Greene Line Steamers, Inc., has spent approximately $1.5 million to assure the safety of the *Queen's* passengers. In its 47 years of operation, it has never incurred the loss of a single passenger life.

Further evidence of the dedication and good faith of the *Queen's* owners is their announcement of the construction of a new boat which will conform to the safety provisions of the law.

Thus, the continued operation of "today's" *Queen* becomes even more important since it will permit the proper promotion and advertising of the new boat and can be utilized for training of the personnel who will be required to operate "tomorrow's" *Queen*.

Mr. Speaker, I enthusiastically support this legislation and I hope all of our colleagues will recognize the need to preserve this queenly and regal vessel and will vote to grant the *Delta Queen* another 5 years of life.

Mrs. BOGGS. Mr. Speaker, I rise in support of H.R. 5649, to extend until November 1, 1978 the existing exemption of the steamboat *Delta Queen* from certain vessel laws, and I associate myself with the meaningful remarks of the gentlewoman from Missouri.

Completely refurbished with the most modern emergency radio, radar, and microphone facilities, and extensively repaired and improved to meet the most stringent safety regulations, this grand old lady of the river is a safe passenger vessel which can bring the joy of river travel to countless fortunate Americans and foreign visitors.

All of the romance of our history as a nation is tied to the struggles, international and continental, that finally secured the Mississippi River system to the infant United States of America. The Louisiana Purchase opened up the entire era of expanding and building across the continent to the other sea. One can relive the romance of the early struggles and experience our potpourri of cultures which has resulted from the trade and commerce and foreign settlements throughout the heartland of America.

As we prepare for our bicentennial celebration, we are restoring old sights and houses and planning musical and dramatic presentations of our history. The *Delta Queen* is a historical vessel, already restored, which can dramatically unfold to our Bicentennial travelers much of the history of our Nation and of the glories of the American dream in action. I hope, Mr. Speaker, that the *Delta Queen* will be given a new lease on life and will be allowed to continue to operate pending completion of a new vessel which will meet the new safety requirements.

Mr. MEZVINSKY. Mr. Speaker, the bill before us is pleasantly unique. It is not engulfed in controversy and it would not cost the taxpayers a dime.

But it is an important and pressing matter because Congress must act to preserve an historic and romantic link with America's past—the *Delta Queen*.

The legislation before us will exempt the *Queen*, the last steampowered paddlewheeler offering overnight passenger service on our inland waterways, for an additional 5 years from Federal regulations which threaten to scuttle this famous reminder of the days of Mark Twain, Huck Finn and Tom Sawyer.

The *Queen* is a living museum of our Nation's riverboat history—a proud, colorful, and sometimes infamous history of the expansion of our Nation. She is the last of her class on the Mississippi and that makes her very special to thousands of my constitutents who live on the banks of the mighty Mississippi as well as to millions of Americans who have, or look forward to enjoying a riverboat journey on the river.

As you know, safety-at-sea regulations threaten to ban the *Queen* from her proud voyages because her superstructure is oak, walnut, teak, and mahogany instead of the steel required for all ships carrying overnight passengers. Of course, the steel superstructure requirement was meant for oceangoing vessels, but it has, inadvertently, I believe, affected the *Delta Queen*.

Twice before, Congress has acted to give the *Queen* reprieve by exempting her from the steel superstructure requirement. Today, I believe we should again do so to protect this important, irreplaceable relic of the past.

The *Queen's* owners, Greene Line Steamers, Inc., have invested a good deal of time and money to insure the safety of the paddlewheeler's passengers and the *Queen* has written an excellent safety record.

I believe the safety precautions, the safety record, and the *Queen's* magnificent history combine to merit our favorable consideration of the required exemption.

Mr. BEARD. Mr. Speaker, as a cosponsor of H.R. 7244, which extends the existing exemption of the steamboat *Delta Queen* from certain vessel laws, I rise to urge my colleagues to join in support of this effort to preserve one of the last living museums of our Nation's great heritage on the Mississippi River.

In this age of modern transportation—of jet airplanes, high-speed buses and trains and faster and faster means to get us from one place to another, we often

forget to look and appreciate the sights we pass along the way. We forget the every day drama of life that is being waged in each of America's communities and towns. This was not the case with steamboat transportation in the heyday of the magnificent paddlewheelers of the Mississippi. When it took days instead of hours to get to a destination several hundred miles away, one had a chance to reflect on one's surroundings and the emotions they welled in him.

Today, a trip on the *Delta Queen* provides the traveler this same perspective on a bygone era. If only to preserve this perspective, I urge that we act today to grant the continued operation of "the *Queen.*"

The bill under consideration today exempts the *Delta Queen* from the fire standards established for deepwater vessels. This is not a permanent exemption, but one that would be in effect until November 1, 1978, when a new $15.5 million passenger riverboat, can take her place.

The financial resources necessary to build the new vessel will depend upon whether the *Delta Queen* is allowed to continue operation until her replacement is ready.

Granting this extension to the *Delta Queen* would be a giant step toward retaining for posterity the last remaining link with the era of the Mississippi, Ohio, and Tennessee River boats. In my opinion it should be saved.

Mr. CULVER. Mr. Speaker, the paddlewheelers which traveled the Mississippi and other major rivers during the 19th and early 20th centuries played an important role in our Nation's expansion. In many ways they were also the center of life for the inhabitants of the river towns, providing entertainment and a tie with other parts of the land.

Today, there remains only one overnight passenger paddlewheel steamboat, the *Delta Queen.* She makes regular trips up and down the Mississippi and Ohio Rivers, granting us the opportunity to glance back into a bygone era—an era of Tom Sawyers and Huck Finns, of riverboat gamblers, and of a music all its own.

Today we have the opportunity to preserve a living symbol of this heritage.

It has been argued that the *Delta Queen* should meet standards established for deepwater vessels, but those regulations were designed to protect passengers on ships hundreds of miles from land. The *Delta Queen* is never more than 5 minutes from shore and meets modern firefighting capability standards.

In order to assure the preservation of this portion of our river heritage, the present owners of the *Delta Queen* are currently building a riverboat which will meet the new structural standards. I urge you to vote today to extend the life of the present *Delta Queen* so that she and her successor might continue to inspire future generations of Americans.

The SPEAKER. The question is on the motion offered by the gentlewoman from Missouri (Mrs. SULLIVAN) that the House suspend the rules and pass the bill, H.R. 5649.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

AMENDING REORGANIZATION PLAN NUMBERED 2 OF 1973

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8245) to amend Reorganization Plan Numbered 2 of 1973.

The Clerk read as follows:

H.R. 8245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Reorganization Plan Numbered 2 of 1973 is amended by—

(1) repealing section 2;

(2) repealing section 6(b) and redesignating section 6(a) as section 6; and

(3) striking "and to the Secretary of the Treasury", and "and to the Department of the Treasury, respectively," from section 8.

SEC. 2. The amendments made by this Act shall be effective on the date of the enactment of this Act or as of July 1, 1973, whichever is earlier.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, H.R. 8245 will repeal section 2 and subsection 6(b) and modify section 8 of Reorganization Plan No. 2 of 1973. That plan was transmitted to the Congress by President Nixon on March 28, 1973. A resolution—House Resolution 382—to disapprove the plan was rejected in the House on June 7, 1973, by a vote of 281 to 130, thereby permitting the plan to take effect. The effective date as specified in the plan is July 1, 1973.

Reorganization Plan No. 2 of 1973 has two parts. Section 1 of the plan established in the Department of Justice a new agency, the Drug Enforcement Administration, and permitted the transfer of about 500 drug investigative personnel from the Customs Bureau to the new agency. The second part of the plan, which would be repealed by H.R. 8245, transfers to the Secretary of the Treasury functions vested by law in the Attorney General or the Department of Justice regarding the inspection of persons and documents at U.S. ports of entry. This part would have caused the transfer of approximately 900 immigration inspectors from the Immigration and Naturalization Service in the Justice Department to the Customs Bureau in the Treasury Department.

In the course of the subcommittee hearings on Reorganization Plan No. 2, and subsequently, it became evident that this second part of the reorganization plan was very controversial. It was strongly opposed by union representatives of employees in the Immigration and Naturalization Service. The employees' concern, shared by many Members of Congress and myself, was that the transfer of so large a proportion of immigration inspector personnel from the Service at this time would have a detrimental effect on morale and the ability to perform their important function of policing the entrance of illegal aliens.

The Immigration and Naturalization Service is confronted with a serious problem of illegal entry of aliens into the United States. There are said to be more than a million illegal aliens in the country now. About a half-million illegal aliens a year—judging by 1972 figures—are being apprehended and returned, but the service obviously is undermanned for this difficult job. This problem is particularly acute in southern California, Texas, and Arizona as well as other States.

As a result of discussions between administration and union representatives, certain understandings were reached and summarized in written form. The administration agreed to support the repeal of section 2 and subsection 6(b) of the plan, and to make a conscientious effort to expand the number of, and upgrade, positions in the Immigration and Naturalization Service. The union then expressed its willingness to withdraw opposition to the plan.

During the floor debate on Reorganization Plan No. 2 of 1973, the situation was fully explained and assurances were given that prompt action would be taken to consider and report a bill repealing the objectionable part. H.R. 8245 carries out that pledge.

A hearing on H.R. 8245 was held by the Subcommittee on Legislation and Military Operations on Thursday, June 14, 1973. Testifying in support of the bill were Roy L. Ash and Frederic V. Malek, Director and Deputy Director, respectively, of the Office of Management and Budget; and James H. Lynch, a representative of the American Federation of Government Employees. Letters endorsing the bill were received from the Departments of Justice and Treasury, and the AFL–CIO.

The subcommittee recommended by a vote of 10 to 0 that H.R. 8245 be approved, and the Full Committee on Government Operations voted favorably, 35 to 2, to report the bill.

No additional costs are involved in the enactment of this legislation. I would note, however, that the Office of Management and Budget has made a strong commitment to consider and support a request by the Immigration and Naturalization Service for additional personnel in the INS and its Border Patrol. The OMB commitment comes as a result of the committee's inquiry into the conditions as indicated by the testimony of the working personnel.

Our committee will not stop here in its monitoring of these matters. We will

watch to see that the commitments are carried out, yes; but we also have two other inquiries proceeding in the committee. One of our subcommittees is examining the effectiveness and efficiency of the Immigration Service, and another is looking into the adequacy and strategy of the Federal programs to stop drug traffic and otherwise meet the drug problem.

Mr. HORTON. Mr. Speaker, I rise in support of the bill H.R. 8245.

Mr. Speaker, I wish to indicate my support for the statement made by the chairman, the gentleman from California (Mr. HOLIFIELD) and to indicate that I thought it was an adequate and full explanation of what is involved here.

As I stated before, Mr. Speaker, I rise in support of H.R. 8245, a bill to amend Reorganization Plan No. 2 of 1973. This bill would repeal those parts of the plan which involve the transfer to the Bureau of Customs of the document inspections authority and some 900 officers of the Immigration and Naturalization Service. No other aspects of the plan are affected by this bill.

At the time of the consideration of the reorganization plan, Chairman HOLIFIELD and I explained to the House that we believed the INS transfer did not belong in the reorganization plan and that we would make every effort to permit the House to vote on the repeal of that transfer as soon as possible. We are here today to fulfill that pledge to the House.

The transfer of INS personnel involves an issue which is quite unrelated to the central purpose of Reorganization Plan No. 2, which is to consolidated Federal drug law enforcement activities in a Drug Enforcement Administration. The administration told us the INS transfer would result in better management of personal, document, and baggage inspectors at ports of entry. But organized labor informed the Government Operations Committee that it felt the INS transfer would hamstring important efforts to keep illegal aliens out of the country. It was my feeling that the INS issue should not be allowed to confuse the question of whether this consolidation of drug enforcement programs should be permitted to take effect. Drug abuse is too important a problem.

We on the committee made every effort to resolve this INS issue prior to House consideration of the plan. When the Administration and the union finally did reach an agreement, Chairman HOLIFIELD and I consented to support it as the best alternative available to assure support for this necessary drug reorganization. We immediately sent each Member of the House word of the agreement so that everyone would know exactly what we felt would be the best course of action. The scheduled vote on the disapproval resolution to the reorganization plan was put off a week to allow Members to give full consideration to the agreement and its effect upon the plan. On the floor, we discussed the agreement and its effect upon the plan.

The House, of course, approved Reorganization Plan No. 2 of 1973 on June 7 by an overwhelming vote, and the reorganization plan took effect on July 1 of this year. The Drug Enforcement Administration is now in existence, combining the drug law enforcement efforts of the Bureau of Customs and the Bureau of Narcotics and Dangerous Drugs. I understand the transition went well, and the new Administration is functioning smoothly. We can expect from this new agency a stronger, better managed, and more efficient attack on those who supply and sell illegal drugs.

The Administration has not implemented the INS transfer called for by the plan, pending congressional consideration of this bill. INS continues to operate the document inspections function. Therefore, enactment of this legislation will not result in any disruption of the Immigration and Naturalization Service or of the Bureau of Customs.

This bill, H.R. 8245, proved to be a necessary adjunct to the drug law enforcement reorganization approved by the House. The Government Operations Committee approved this bill by a vote of 35 to 2, with one member voting present. All of the minority members on the committee supported H.R. 8245. It also has the support of the AFL-CIO, the American Federation of Government Employees, and the administration. I hope the House now will pass this bill, thus completing our consideration of and action on the issues involved in Reorganization Plan No. 2 of 1973.

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

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

The SPEAKER. The question is on the motion offered by the gentleman from California. (Mr. HOLIFIELD) that the House suspend the rules and pass the bill H.R. 8245.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 8245.

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

There was no objection.

WAGNER-O'DAY ACT AUTHORIZATION

Mr. HICKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7423) to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

The Clerk read as follows:

H.R. 7423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 25, 1938 (52 Stat. 1196), as amended by Public Law 92–28, dated June 23, 1971 (85 Stat. 77), is hereby amended as follows:

By striking out in section 6 the words "and the next two succeeding fiscal years" and inserting in lieu thereof "and the next succeeding fiscal year, and $240,000 for the fiscal year ending June 30, 1974".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. HICKS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 7423 to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

Mr. Speaker, I believe the bill now before the House is rather straightforward. It increases the authorization for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped by $40,000 for fiscal year 1974. The committee's function is to help increase employment opportunities for blind and handicapped workers by selecting products and services which the Government will purchase from certified workshops employing these workers.

The existing authorization of $200,000 was set in 1971 when Public Law 92–28 amended the Wagner-O'Day Act of 1938. Besides expanding the coverage of the act to other severely handicapped, the 1971 amendment authorized a full time staff for the committee. The original authorization was not based on actual operating experience and represented the best information available at that time. Subsequently, increases in rental costs, travel requirements to inspect workshops for compliance and to provide assistance, and step level increases in salary necessitated an increase of $40,000.

The Senate has already passed S. 1413, a bill identical to this one. The Appropriations Committee has received testimony on the need for this additional amount. Approval of this authorization would clear the way for action by the committee.

This action today is of a one-time nature. Since new authorization for fiscal year 1975 and thereafter will be required, our subcommittee plans to hold hearings to put the authorization procedure on a continuing and realistic basis.

Mr. WYDLER. Mr. Speaker, as the ranking minority member of the subcommittee which considered H.R. 7423, I rise in support of the bill.

Two years ago, the Congress enacted another bill emanating from the Special Studies Subcommittee of the Government Operations Committee—one which established a Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. We authorized an annual appropriation of $200,000 for hiring a staff and conducting the business of the committee.

Mr. Speaker, that small sum has proven a good investment. The committee has done excellent work in providing opportunities for handicapped people to become part of the American economy.

Due to increased operating costs and a recognition that the committee's staff must leave Washington somewhat more frequently if it is to do its job properly, the committee's authorization must be increased by $40,000 for fiscal year 1974.

This small increment is justified. H.R. 7423 would provide it. I hope that the House will follow my subcommittee and the full Government Operations Committee in giving unanimous support to the bill.

Mr. Speaker, this appropriation is one I think every Member of Congress supports. The money being asked for is a small amount highly necessary for the proper operation of the committee charged with the responsibility under the act. This bill went through the subcommittee unanimously and through the full Committee on Government Operations, and I think it is a very worthwhile bill and deserves the support of all of the Members.

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

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

Mr. HORTON. Mr. Speaker, I rise in support of H.R. 7423.

In a sense, this bill is a minor one: It increases an authorization by only $40,000, and that only for 1 fiscal year. But in another sense, this bill is very important: It holds out the promise that in return for a small additional investment, we will be able to promote many opportunities for blind and other severely handicapped Americans to become gainfully employed participants in our economic system.

Just 2 years ago, blind persons were the only handicapped people who benefited from the activities of the committee whose authorization we consider today. As a result of Public Law 92-28, which passed the House upon the recommendation of the Government Operations Committee, other severely handicapped were included within the scope of the blind committee's operations. That committee is now pursuing the goal of fully implementing the legislative mandate. It has plans to expand its operations still further, to assist in training handicapped citizens so that they have sufficient skills to leave their sheltered workshops and become truly self-sufficient.

The aims of the legislation we passed 2 years ago are valuable. Fulfilling them requires a small amount of money. In the last Congress, we enacted an authorization for this committee using cost estimates which could not have been based on operating experience, for the committee had never before had a staff. The first full year's experience has demonstrated that our original authorization was too low, and must be increased by $40,000 for fiscal year 1974. This increase is already included in the budget which the President has proposed for that fiscal year. I urge my colleagues to authorize the recommended sum by enacting H.R. 7423.

Mr. HICKS. Mr. Speaker, I yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I rise to commend the distinguished chairman of the subcommittee, the gentleman from Washington (Mr. HICKS) for his leadership in the extension of this legislation. We in the House may recall we had a sad experience with some vetoed legislation earlier this year for the benefit of the handicapped.

Faced with the pressures of other work, this subcommittee did not overlook or neglect the very important legislation concerning the handicapped.

We in the Congress can express ourselves today as we say we have not forgotten the blind and the handicapped. We must help those who cannot help themselves. With the pressures we face in the remaining days before the recess, this subcommittee is to be commended that they have taken the time to act for those who would otherwise be neglected and forgotten.

Mr. HICKS. Mr. Speaker, I yield to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, I want to compliment both Mr. RANDALL, the former chairman, and the present chairman, Mr. HICKS, in bringing this bill to the floor. I, too, believe that the extension of the Wagner-O'Day Act for the handicapped has been an important development. The act as it now stands is in the position to be able to give employment assistance to the handicapped and the blind. The additional authorization requested today will help us get that moving. We will find that we can further the Wagner-O'Day Act with this authorization and proceed to really provide more meaningful work and assistance to the handicapped and to the blind in the way that they can participate on their own and be constructive in our society.

I thank the gentleman for yielding.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. HICKS) that the House suspend the rules and pass the bill H.R. 7423.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. HICKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of the Senate bill (S. 1413) to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, which is identical to the bill just passed, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 25, 1938 (52 Stat. 1196), as amended by Public Law 92-28, dated June 23, 1971 (85 Stat. 77), is hereby amended as follows:

By striking out in section 6 the words "and the next two succeeding fiscal years" and inserting in lieu thereof "and the next succeeding fiscal year, and $240,000 for the fiscal year ending June 30, 1974".

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

A similar House bill (H.R. 7423) was laid on the table.

GENERAL LEAVE

Mr. HICKS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

CUSTOMS AND IMMIGRATION INSPECTORS CLASSIFICATION

Mr. WALDIE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6078) to include inspectors of the Immigration and Naturalization Service or the Bureau of Customs within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of certain employees engaged in hazardous occupations, and for other purposes.

The Clerk read as follows:

H.R. 6078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 8336(c) of title 5, United States Code, is amended to read as follows:

"(c) An employee, the duties of whose position are primarily—

"(1) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States;

"(2) to perform work as an inspector in the Immigration and Naturalization Service or in the Bureau of Customs; or

"(3) to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment;

including an employee engaged in this activity who is transferred to a supervisory or administrative position, who is separated from the service after becoming fifty years of age and completing twenty years of service in the performance of these duties is entitled to an annuity if the head of his agency recommends his retirement and the Civil Service Commission approves that recommendation.".

(b) The third sentence of section 8336(c) of title 5, United States Code, is amended by redesignating the references "(1)", "(2)", "(3)", and "(4)", as "(A)", "(B)", "(C)", and "(D)", respectively.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. WALDIE. Mr. Speaker, I rise in support of H.R. 6078, which was unanimously ordered reported by the Post Office and Civil Service Committee on March 20, 1973. Similar legislation, H.R. 440, passed the House in the 92d Congress but failed of consideration in the Senate. The purpose of H.R. 6078 is to extend to customs and immigration inspectors the same retirement treatment accorded Federal law enforcement personnel under the hazardous duty provisions of the civil service retirement law.

Presently the civil service retirement law grants special early retirement privileges to employes serving in positions which primarily involve investigation, apprehension or detention of per-

sons who are suspected or convicted of criminal offenses. These employees who are engaged in hazardous duty may retire after reaching the age of 50 and after having served at least 20 years in such capacity.

It should be noted that these preferential provisions apply only if the head of the employing agency recommends such an employee's retirement and only if the Civil Service Commission approves the recommendation.

H.R. 6078 would extend this preferential treatment to approximately 5,000 customs and immigration inspectors. These inspectors engage in duties that can be reasonably called hazardous.

The inspectors are charged with the enforcement of customs and immigration laws. Enforcement includes securing and acting upon information of actual or suspected violations of law and, when necessary, making searches, seizures and detention of suspected violators. These inspectors, it must be noted, are the front line of enforcement in regard to unauthorized importation and exportation of dangerous drugs. They are also responsible for the enforcement of statutes pertaining to entry into and departure from the country.

In short, these inspectors often face hazards more perilous than those to which customs and immigration "agents" and other criminal law enforcement personnel are subject to. This fact has been borne out in hearings before the Subcommittee on Retirement and Employee Benefits, and during a special investigatory hearing by an ad hoc subcommittee which went to San Ysidro, Calif. I might add, at this point, that under the legislation no customs or immigration inspector who had not in fact been exposed to hazards over a 20-year period would be eligible for preferential retirement consideration.

It is the consensus of the committee then, that customs and immigration inspectors are essentially law enforcement officers. In its judgment, to confine a preference under law to a group of employees engaged in hazardous duty without recognizing supportive personnel performing equally or, at times, more hazardous duties is, in itself, an inequity. The committee also is also of the opinion that enactment of this legislation will facilitate the maintenance of relatively younger and more vigorous inspection and enforcement force. I would strongly urge the passage of this legislation.

Mr. MALLARY. Mr. Speaker, I rise in opposition to H.R. 6078 and urge the House to exercise good judgment by rejecting this legislation which grants preferential retirement benefits to customs and immigration inspectors.

In speaking against this legislation, I do so, Mr. Speaker, with the realization that the dam has already been breached with special interest retirement legislation through the enactment last year of a bill which gave similar preference to Federal firefighters. I find it difficult to understand or explain the inconsistency of the executive branch in favoring one bill for firefighters and opposing another for customs and immigration inspectors, but the fact that preferential retirement for firefighters was signed into law does not make preferential retirement for customs and immigration inspectors any more reasonable or justifiable.

The fact is, that by enactment of this bill (H.R. 6078) the Government would be helping to create a situation conducive to competition between various groups within the civil service retirement system for ever higher annuity formulas, without regard to such consideration as good management and retirement policy.

Following this legislation, Mr. Speaker, we can undoubtedly expect a continuing series of bills that will seek to extend the same benefits to countless other employees whose duties involve some form of hazard.

I submit that the civil service retirement fund is not the instrument for compensating employees for hazardous duty. Any degree of hazard should be compensated directly through premium pay.

I would like to note the strong opposition of the Civil Service Commission and its full explanation of this objection. I think it should also be noted for the record that this particular bill would increase the unfunded liability of the civil service retirement and disability fund by $63.5 million.

Although I oppose this bill, I wish to indicate my full recognition of the vital services performed by our customs and immigration inspectors and the substantial hazards involved in their work. Despite this recognition, I maintain that the Congress should not be put in the position of making such detailed judgments as to hazard. This procedure will inevitably lead to a continued stream of bills of this sort which will lead to chaos in our whole retirement system.

Mr. Speaker, I urge the defeat of this legislation.

Mr. WYLIE. Mr. Speaker, will the gentleman yield for a question?

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

Mr. WYLIE. Mr. Speaker, the gentleman has raised a valid point and I would like to direct a question if I may to the gentleman from California (Mr. WALDIE) if I may have the general's attention.

Is it not true that hazardous Federal civil service is generally compensated for by higher pay?

Mr. WALDIE. No, it is not true.

Mr. WYLIE. That is not true?

Mr. WALDIE. No, it is not.

Mr. WYLIE. Does the gentleman know of other instances where this kind of special treatment has been given for hazardous duty?

Mr. WALDIE. Yes, I do.

Mr. WYLIE. Will the gentleman please name them?

Mr. WALDIE. I would be pleased to. Customs guards, immigration enforcement officers, U.S. marshals, prison guards, policemen, Treasury agents, Federal firefighters, and employees of the FBI.

Mr. WYLIE. Does the gentleman say that those people are not compensated at a higher rate for hazardous duty than other civil service employees?

Mr. WALDIE. That is what I said.

Mr. WYLIE. Mr. Speaker, I was under the impression that hazardous duty pay is common practice within the Federal civil service, but the gentleman from California says my information is not accurate.

Mr. WALDIE. These people I listed are compensated by preferential retirement, such as we are today proposing and such as the House enacted last year for this new category of hazardous duty employees.

Mr. WYLIE. But the hazardous duty which they perform does not necessarily command a higher rate of pay for them?

Mr. WALDIE. All I know is that the hazardous duty they perform in the categories I read to the gentleman are already covered in the preferential retirement. It was the opinion of the House last year, and it is the opinion of the subcommittee and the full committee this year, and hopefully the House, that these employees are entitled to the same treatment because their duty is equally hazardous.

Mr. WYLIE. I thank the gentleman for yielding, and have just one added comment.

It was my impression that persons who perform hazardous duty for the Federal Government receive higher compensation for performing that hazardous duty, and that by being compensated with higher pay their retirement benefit is thus increased.

Mr. WALDIE. Mr. Speaker, that would be a logical and understandable solution to the problem, and I can understand why the gentleman might feel that is the way the problem has been handled because there is, in fact, authority in the law to do precisely that which it is suggested has been done.

The fact of the matter is that in all the categories which I enumerated, that logical response to their hazardous duty was not forthcoming from either the agency or the Civil Service Commission. It was, therefore, the opinion of Congress that they were entitled to preferential retirement.

Mr. WYLIE. Would it not be advisable to establish a more uniform system of retirement benefits for Federal employees then?

Mr. WALDIE. Yes, I do not think that there is any question at all about that. The gentleman is absolutely correct that it would be advisable, were we able to do so.

In the 7½ years I have been on the subcommittee, we have struggled with that effort and we have been unable to do so, and therefore we have approached it in what is inevitably a piecemeal process. The gentleman will recall that we did it last year with the firemen and are seeking to do it this year with this group. Each year, we have approached the solution to this problem in a haphazard way. The gentleman is absolutely correct. I wish I were able to propose a more logical solution to these inequities, but I am not.

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

Mr. MALLARY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I think one of the points here which this bill is trying to accomplish has been brought up in the colloquy that just took place between the gentleman from Ohio (Mr.

WYLIE) and the gentleman from California (Mr. WALDIE). That point is, what is the need and purpose for this bill?

Mr. Speaker, I think one of the most important needs and purposes for it is that it reduces the time a person is required to give in an occupation that has become hazardous duty from 30 to 20 years, and permits retirement age of 50 as compared with age 55. What this does, Mr. Speaker, is keep a young force available to serve in hazardous duty work of the Bureau of Customs.

Before our committee, testimony in the 92d Congress revealed that for 10 months of fiscal 1971, there were 8,159 seizures of narcotics offenders made. This resulted in confiscation of over 143,000 pounds of narcotics and dangerous drugs with an estimated street value of over $127 million.

This has become, as we all know, I believe, an extremely hazardous type of duty and activity on the part of those law enforcement officials who have to make these apprehensions and arrests and confiscations of dangerous drugs.

For example, it was the experience of the inspectors at the Port of Laredo, Tex., that the traveling public is becoming more and more belligerent in connection with customs processing, because many have been found to be not only under the influence of alcohol, of "speed," and other "pep pills," but also marihuana. Persons in these kinds of conditions frequently are very difficult to handle. The inspectors as a result were authorized to carry mace, and some were authorized to carry pistols.

This is typical of what is happening daily throughout the land.

Physical hazards are present in boarding or leaving vessels, and particularly during bad weather.

The workload of the Customs Service has been steadily increasing, and the Service is understaffed. As a result, there is continuing pressure on the inspectors to get the job done, and these pressures have caused diseases such as coronary attacks and hypertension, to mention a couple.

The hazardous nature of a customs inspector's duty certainly warrants inclusion under the hazardous duty retirement provisions of the Civil Service Retirement Act, and this is what H.R. 6078 would do. I urge its approval.

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

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

Mr. KETCHUM. I wonder if the gentleman could answer one question for me with regard to this group of individuals. One of the things we normally require, when we speak of retirement at a younger age and increased retirement based on a hazardous occupation, is this information. Could the gentleman tell me how many of these inspectors were killed in the line of duty in the last several years?

Mr. HILLIS. There have been some fatalities, I am sure. I cannot tell the gentleman how many.

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

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

Mr. WALDIE. I am sorry, but I could not hear the question.

Mr. HILLIS. The question was how many customs inspectors had been killed in the line of duty in the past couple of years?

Mr. WALDIE. I cannot give that answer. It may be in the report.

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

Mr. MALLARY. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. WALDIE. I have no response to that. I do not know what the figure is. I am sorry.

Mr. KETCHUM. I thank the gentleman.

Mr. MALLARY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I rise in support of H.R. 6078 because it gives statutory recognition to the duties and responsibilities of customs and immigration inspectors by according them the benefits of hazardous duty retirement to which I believe they are entitled.

My support of this legislation is based on personal investigation of customs inspector duties in my own State of California—an investigation which I conducted with my colleague CHARLES H. WILSON, and I can say without reservation that these employees are justly entitled to the benefits of this bill.

Last November, Mr. WILSON and I were appointed to an ad hoc subcommittee by the chairman of our Committee on Post Office and Civil Service to conduct an onsite investigation to evaluate the performance of U.S. Customs Service inspectors at San Ysidro, Calif. The report which we submitted to the chairman, and which was subsequently printed as House Report No. 93–35, contained the following recommendation:

> We recommend that the appropriate subcommittee give early attention to legislation which would provide hazardous duty retirement benefits for customs inspectors. We see no valid distinction between the law enforcement and apprehension duties of the customs inspector—who is not entitled to this benefit—and the custom agent—who is. We feel both categories of customs employees are entitled to the same retirement benefits.

Mr. Speaker, this legislation, H.R. 6078, carries out this recommendation.

As evidence of the justification of this legislation, I cite the following verbatim excerpts from the official job description for customs inspector, prepared by the Bureau of Customs:

> Principal Duties and Responsibilities:
>
> The purpose of this position is to perform the full range of customs inspectional work related to the enforcement of laws governing the importation and exportation of all types of merchandise as well as the laws of other government agencies. (The employee) apprehends and searches suspected smugglers based on an extensive knowledge and perception of contraband goods. (The employee) seizes merchandise which is being imported or exported contrary to laws and as required, holds articles seized for other Federal agencies for ultimate disposition. (The employee) detains and arrests, if warranted, persons involved in violation of laws.

Mr. Speaker, I believe this job description clearly describes a person engaged in law enforcement activities, and therefore such an employee should be entitled to retirement benefits on the same footing as all other law enforcement personnel.

In further support of my position, I quote another portion of the official job description:

> Incumbents stationed at Mexican Border Ports may, upon recommendation of the District Director and at the discretion of the Regional Commissioner, be authorized to carry firearms (.38 caliber pistol) during the performance of their duties.

Mr. Speaker, I can testify from personal knowledge that customs inspectors at the San Ysidro Port do wear sidearms and that in the performance of their duties they are exposed to all of the hazards of law enforcement personnel.

For example, just a few days after our hearing at San Ysidro, one of the witnesses, Mr. Anthony Martinez, who is a GS–9 customs inspector, was seriously injured in the performance of his duties. Mr. Martinez had attempted to apprehend a dope smuggler who was trying to cross the border, and during the encounter Mr. Martinez incurred critical neck and back injuries.

Mr. Speaker, I am personally convinced of the merit of this legislation, H.R. 6078, and I strongly urge its approval.

Mr. MALLARY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from California.

Mr. Speaker, I rise in support of H.R. 6078, a bill I cosponsored. The sole purpose of this legislation is to extend to immigration and customs inspectors the same retirement treatment accorded other Federal law enforcement personnel under the hazardous duty provisions of the civil service retirement law. That is, immediate retirement benefits at age 50—20 years of service at 2 percent with no reduction in annuity for being under age 55.

As a former FBI agent and one who has witnessed firsthand the duties and responsibilities of customs and immigration inspectors, I am of the opinion they are essentially law enforcement officers. Accordingly, they are entitled to, and should be extended benefits under the hazardous duty provisions of the civil service retirement law.

To illustrate this point, permit me to cite for you certain parts of the official job description of Customs Inspectors:

> MAJOR DUTIES AND RESPONSIBILITIES
>
> 1. *Baggage Inspection*: Examines baggage and importations of a wide variety at a port where there is a substantial volume and variety of international traffic, consisting of returning residents, foreign visitors, long-term visitors, crew members and immigrants. Questions arriving persons to determine residence for customs purposes, allowable personal exemption and value of articles being imported; makes allowances for use and wear; passes articles which are free of duty; determines dutiable value and assesses and collects duty and Federal Internal Revenue tax on articles imported for personal use or gifts. Determines the value and classification of commercial importations entered on the baggage declaration and releases examined baggage and merchandise after all laws and regulations have been complied with and duties and taxes paid. Also gives necessary information and instruc-

tions on articles acquired abroad and not accompanying the passenger, commercial shipments declared on a baggage declaration, the value of which requires more formal entry procedure. Enforces the laws and regulations of customs and other Federal Government agencies governing the importation and exportation of all types of merchandise, apprehends and searches suspected smugglers, including crew members, personnel of airlines, and others assigned to loading and unloading operations of passengers and cargo, seizes merchandise which is being imported contrary to law, prepares seizure reports, and detains and arrests, if warranted, the person or persons involved in the violation.

As recently as 1972, Congressmen ROUSSELOT and CHARLES H. WILSON of California of an Ad Hoc Subcommittee of the Post Office and Civil Service Committee, conducted an investigation into the reported personnel problems at San Ysidro, Calif., inspection station. The following excerpts are taken from House Report 93-35:

The following is a statement of Mr. Pat Early, GS-9 Inspector:

I have been employed as an inspector at San Ysidro for 2 years. I feel very strongly that inspectors should not have to be subject to assaults, both verbal and physical. While performing my duty, I lost the sight of one eye. Because of my age I will not be eligible for retirement for another 20 years. However, because of my injury, I am unable to work in my chosen profession. I would hope that the retirement system for customs inspectors could be changed so that an inspector could be retired at a younger age if he sustains an injury while performing his duty. Additionally, I feel that inspectors are not properly trained; many inspectors have to supply their own firearms, and there is no firing range for practice.

The following is a statement by Mr. Robert L. Lasher, Supervisory Customs Inspector:

For years, San Ysidro has been an enforcement port and record amounts of narcotics have been caught crossing this border. For many years, this was done with a staff of 28 to 35 inspectors covering three 8-hour tours of duty.

Customs at San Ysidro has had inspectors "kidnapped" at gunpoint and forced to drive the getaway cars. They have been dragged, hanging from the outside of the vehicles used to smuggle. They have been outnumbered in fights with smugglers, drug addicts, drunks, psychos, and just plain irate people that feel they have had to wait in traffic lanes too long and/or object to Customs inspection.

In the last 3 years, customs officers have seized drugs or narcotics from representatives of nearly every profession you can find in the United States. Top narcotic dealers have employed the services of such a variety of people to smuggle narcotics across the borders that any officer naive enough to think he has stereotyped the "smuggler" isn't fit to work in this business at the southern border.

The subcommittee was impressed with the performance of the Customs inspectors and the duties they are required to perform. It reported, and I quote:

We recommend that the appropriate subcommittee give early attention to legislation which would provide hazardous duty retirement benefits for Customs inspectors. We see no valid distinction between the law enforcement and apprehension duties of the Customs inspector—who is not entitled to this benefit—and the custom agent—who is. We feel that both categories of customs employees are entitled to the same retirement benefits.

According to a letter to the committee dated June 11, 1971, C. E. Trumble, Inspector, U.S. Customs Service, reported that at the port of San Ysidro, Calif., customs inspectors processed in excess of 25 million people each year. From July 1970 to May 1971, a total of 7,431,369 automobiles crossed this border entering the United States from Mexico. Of this number, 258,401 vehicles were referred to secondary stations for further inspection. In this same period of time there were 1,139 narcotics seizures made, not even taking into consideration the dangerous drug seizures that totaled 6,482,483 units. In addition, there were 70 pistols and 417 switchblade knives seized, which were fully loaded when found. In addition, to those weapons seized in connection with narcotic seizures, many more pistols, loaded and unloaded, and hundreds of switchblade knives, brass knuckles, daggers, homemade billy clubs, and others too numerous to mention, were also seized.

Mr. Speaker, I think the important point to be remembered in this discussion is that customs and immigration inspectors are the first persons to come in contact with the criminal or potential criminal. If they feel this man is a drug smuggler they arrest him, and take him into custody. Therefore, I am convinced that these occupations are clearly within the provisions of the first part of the sentence of section 8336(c) of title 5, which reads:

An employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States.

The time has come for the Congress to recognize the duties and responsibilities of customs and immigration inspectors by according them the same retirement benefits enjoyed by other Federal law enforcement personnel.

Mr. MALLARY. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding time to me.

I did not mean to get into this debate to any great extent, but I would like to have the attention of the gentleman from California (Mr. WALDIE).

A while ago I asked a question to this effect: Is it not true that hazardous Federal service is generally compensated for by providing higher pay? And I thought I had the benefit of what would be the answer in advance. I was a little bit surprised when the gentleman from California said, "no."

Mr. Speaker, I would like to refer back to some hearings which were held in 1971; I do not suggest the gentleman will recall those hearings to his mind.

In answer to a question of the gentleman from California (Mr. WALDIE), Mr. Andrew Ruddock, Director of the Bureau of Retirement Compensation and Health, U.S. Civil Service Commission said:

While all of these occupations entail physical hazards not present in many other occupations, we do not consider this to be justification for extending to them special preferential retirement rights and more liberal benefits. Hazardous works is generally, and appropriately, compensated for in the Federal service by higher pay. These positions are placed in appropriate grades in accordance with their duties, responsibilities, and qualification requirements. The knowledge, skills, and abilities required by the hazards encountered in these jobs have been taken into account in setting position classifications, which in turn establishes rates of pay.

Does the gentleman disagree with that?

Mr. WALDIE. Yes, I do.

Mr. WYLIE. Does the gentleman feel it is not an accurate statement?

Mr. WALDIE. Yes, I do.

Mr. WYLIE. I thank the gentleman.

Mr. WALDIE. Will the gentleman yield further?

Mr. WYLIE. I will be glad to yield.

Mr. WALDIE. I disagree to this extent: The ability to compensate for hazardous pay exists and Mr. Ruddock is correct to that extent, but the implementation of that ability has been absent, and it was in the categories of employees I read to you where Congress decided that since the hazardous pay provisions were not sufficiently implemented to compensate for hazardous occupations, they would seek to compensate them further liberalizing their retirement. And not only by early retirement, but to attempt to address themselves to the additional problem that extra pay does not address itself to; namely, the maintenance of a younger service.

Mr. WYLIE. I understand what the gentleman is saying now. He feels the customs and immigration inspectors do not receive the benefit of additional higher pay for hazardous duty.

Mr. WALDIE. That is right.

Mr. WYLIE. The point I was making is that Federal Civil Service employees generally do receive higher pay for hazardous duty, and that is reflected in their receiving higher pension benefits; that is, the employees who are working at hazardous duties receive higher pay which produces higher retirement benefits?

Mr. WALDIE. If the gentleman will yield further, if that were the case, the employees in fact performing hazardous duties were in fact receiving higher compensation, my inclination would be to agree with the gentlman that that is the way to go, but it does not address itself to the fact that the Civil Service Commission and the agencies involved do not really reflect the fact that hazardous duties are being performed and thereby extra compensation is to be given.

If I can give you a more concrete example than the one just given, in my own county, there is a naval ammunition depot—during World War II 300 men were killed when the ammunition exploded at the dock at Port Chicago in Contra Costa County, and to this day the commission did not construe it as a hazardous occupation or give additional pay to compensate for that hazard.

All I am saying is the provision to do it is there, but the will to do it is not,

so the Congress steps in in this manner to reflect and compensate for that lack.

Mr. WYLIE. I understand the gentleman's position a lot better now.

Mr. WALDIE. I am sorry.

Mr. WYLIE. My own position was when we first started to debate this bill was that we are here singling out a special group of Federal employees for special treatment. Does this not open the door for other special groups who are performing hazardous duty to ask for this same special treatment?

The SPEAKER. The time of the gentleman has expired.

Mr. WALDIE. I yield the gentleman 1 additional minute.

Mr. WYLIE. And would it not be better to have a uniform retirement policy and would it not be more advisable than having these special bills come before the Congress?

Mr. WALDIE. If the gentleman will yield further, I must say I cannot with logic argue against your position. It would be much better were there a uniform standard that we could apply to encompass all groups rather than take this on a case-by-case basis as to who should be entitled to this preferential retirement treatment, but I assure you that we on the committee took up this matter and we were not able to come up with a resolution of it and, therefore, in fact, as the gentleman has suggested, had to take a makeshift approach to a much bigger and larger problem.

Mr. WYLIE. I thank the gentleman for a very intelligent statement which helps me understand his position.

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

Mr. WALDIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I would ask the gentleman from California (Mr. WALDIE), whether my understanding is correct that immigration inspectors and customs inspectors as a class will not be entitled to their retirement under the provisions of this bill?

Mr. WALDIE. It is my understanding that the way the bill works it authorizes the Civil Service Commission then to determine within that class which of those people are engaged in hazardous occupations.

Mr. KAZEN. In other words, those people in the service of immigration and customs are going to have to depend upon the head of the agency, as I understand it, recommending to the Civil Service Commission and getting the approval of the Civil Service Commission before a person can be declared to be in hazardous duty?

Mr. WALDIE. The gentleman is correct.

Mr. KAZEN. This is not a bill that applies to all customs inspectors, or immigration inspectors?

Mr. WALDIE. The gentleman is correct.

Mr. KAZEN. I am just afraid that the gentleman is going to raise a little confusion here. Has the gentleman given any thought to the fact that within the service we are going to have some jealousies and scrambling for certain types of jobs, because of the more beneficial retirement provisions?

Mr. WALDIE. I say to the gentleman from Texas, we have not treated this group of employees any differently than other groups of employees that have been brought under this provision of the retirement law.

Mr. KAZEN. Let me ask the gentleman from California this question: The laws applicable to those two classes that are involved in this bill will be the same as those applicable to all other hazardous occupations in the Federal service?

Mr. WALDIE. The gentleman is correct.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, the intent of section 8336(c) of title 5, United States Code, which H.R. 6078 proposes to amend, is to provide preferential retirement benefits to anyone whose duties for 20 years or more is primarily the investigation, apprehension, or detention of individuals suspected or convicted of offsenses against the criminal laws of the United States.

It is felt that this special treatment is justified when the nature of certain law enforcement positions require a young, strong organization, and a liberalized retirement formula would make it economically feasible for a law enforcement officer to retire when he is no longer at the peak of efficiency.

There are many occupations in the Federal Civil Service, such as the customs and immigration, and others, which entail a certain degree of hazard. But in these instances the occasional exposure to hazard is generally provided for in the classification and scales of pay for these employees.

To include customs officials under the hazardous duty retirement provisions of the Civil Service Retirement Act would be unfair to many other groups of Federal employees who encounter certain hazards in the performance of their duties as well, and who undoubtedly insist upon receiving equal treatment. It would be equally unfair to all the other Federal employees who will be saddled with the cost of this bill, but will not receive the increased benefits therefrom.

Rather than pursuing this course on an occupation by occupation basis, as has been the practice in the past, it is my opinion that the entire subject of preferential early retirement be thoroughly studied before any further liberalizations are proposed.

I, therefore, recommend that H.R. 6078 be defeated.

Mr. WHITE. Mr. Speaker, I rise in support of H.R. 6078, the purpose of which is to extend to customs and immigrant inspectors the same preferential retirement treatment the law has accorded enforcement officers of the Bureau of Customs and the Immigration and Naturalization Service for the past 25 years.

Although the principal duties of these inspectors are not the investigation, apprehension, or detention of offenders of criminal laws, they are, nevertheless, charged with the enforcement of the Federal immigration and customs statutes. The fact of the matter is that inspectors form the first line of enforcement of the pertinent laws. They are, essentially, law enforcement officers, notwithstanding the titles of their positions or their job descriptions. Inspectors along the border of Mexico have suffered many injuries and deaths apprehending and detaining law violators, especially in the traffic of illegal narcotics.

Therefore, Mr. Speaker, equity would seem to dictate that the more liberal treatment be accorded these supportive personnel involved in customs and immigration work, to the same extent that the civil service retirement provisions favor other criminal law enforcement personnel employed by the U.S. Government.

I urge the adoption of this legislation.

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 6078.

Since 1948 the civil service retirement law has accorded special retirement treatment to Federal employees engaged in criminal law enforcement activity, including enforcement officials of the Immigration and Naturalization Service and the Bureau of Customs. Similar treatment is not extended by the Civil Service Commission to immigrant and customs "inspectors" on the sole premise that these employees do not meet the prescribed statutory criteria; that is, that while there are elements of hazards in these occupations, their primary duties are not the investigation, apprehension, or detention of persons suspected or convicted of offenses against Federal criminal laws.

While these inspectors' job descriptions may not stipulate that the duties of their positions are primarily to investigate, apprehend, or detain criminal offenders, they are charged with the enforcement of Federal laws and, in fact, search, seize, and detain suspected violators of those laws.

These inspectors are law enforcement officers in fact, if not in name, and warrant inclusion in the pertinent provisions of the retirement law.

Therefore, Mr. Speaker, I recommend the adoption of this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. WALDIE) that the House suspend the rules and pass the bill H.R. 6078.

The question was taken.

Mr. HILLIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 296, nays 123, not voting 14, as follows:

[Roll No. 343]

YEAS—296

Abzug	Ashley	Bergland
Adams	Aspin	Bevill
Addabbo	Badillo	Biaggi
Alexander	Bafalis	Biester
Anderson, Calif.	Baker	Bingham
Andrews, N. Dak.	Barrett	Boggs
Annunzio	Beard	Boland
	Bell	Bolling
	Bennett	Bowen

Brademas	Hanley	Podell
Brasco	Hanna	Preyer
Bray	Hanrahan	Price, Ill.
Breaux	Hansen, Wash.	Pritchard
Breckinridge	Harrington	Railsback
Brinkley	Harvey	Randall
Brooks	Hawkins	Rangel
Broomfield	Hays	Riegle
Brotzman	Helstoski	Rinaldo
Broyhill, Va.	Henderson	Roberts
Burgener	Hicks	Rodino
Burke, Calif.	Hillis	Roe
Burke, Fla.	Hinshaw	Rogers
Burke, Mass.	Hogan	Roncallo, N.Y.
Burleson, Tex.	Holifield	Rooney, N.Y.
Burton	Holtzman	Rooney, Pa.
Carney, Ohio	Horton	Rose
Casey, Tex.	Hosmer	Rosenthal
Chappell	Howard	Rostenkowski
Chisholm	Hudnut	Rousselot
Clancy	Hungate	Roy
Clark	Hunt	Roybal
Clausen, Don H.	Johnson, Calif.	Runnels
Clay	Jones, Ala.	Ryan
Cleveland	Jones, N.C.	St Germain
Cohen	Jones, Okla.	Sandman
Collins, Ill.	Jones, Tenn.	Sarasin
Conlan	Jordan	Sarbanes
Conte	Karth	Satterfield
Conyers	Kastenmeier	Seiberling
Corman	Kazen	Shipley
Cotter	Keating	Shoup
Coughlin	Ketchum	Shriver
Cronin	Kluczynski	Sikes
Culver	Koch	Sisk
Daniel, Robert W., Jr.	Kyros	Skubitz
Daniels, Dominick V.	Landrum	Slack
Davis, Ga.	Leggett	Smith, Iowa
Davis, S.C.	Lehman	Smith, N.Y.
de la Garza	Lent	Staggers
Delaney	Long, La.	Stanton, James V.
Dellums	Long, Md.	Stark
Denholm	McCloskey	Steed
Dent	McCollister	Steele
Diggs	McDade	Steelman
Dingell	McEwen	Steiger, Ariz.
Donohue	McFall	Stephens
Dorn	McSpadden	Stokes
Downing	Macdonald	Stratton
Drinan	Madden	Stubblefield
Dulski	Mahon	Studds
Duncan	Mailliard	Sullivan
du Pont	Mathias, Calif.	Symington
Eckhardt	Mathis, Ga.	Teague, Calif.
Edwards, Calif.	Matsunaga	Thompson, N.J.
Eilberg	Meeds	Thomson, Wis.
Esch	Melcher	Thone
Evans, Colo.	Metcalfe	Thornton
Evins, Tenn.	Mezvinsky	Tiernan
Fascell	Milford	Towell, Nev.
Fish	Miller	Udall
Flood	Mills, Ark.	Ullman
Flowers	Minish	Van Deerlin
Flynt	Mink	Vander Jagt
Foley	Mitchell, Md.	Vanik
Ford, William D.	Mitchell, N.Y.	Veysey
Forsythe	Mizell	Waldie
Fraser	Moakley	Walsh
Fulton	Mollohan	Wampler
Fuqua	Moorhead, Calif.	Whalen
Gaydos	Moorhead, Pa.	White
Gettys	Morgan	Whitehurst
Giaimo	Moss	Whitten
Gibbons	Murphy, Ill.	Widnall
Gilman	Murphy, N.Y.	Williams
Ginn	Natcher	Wilson, Bob
Goldwater	Nedzi	Wilson, Charles H., Calif.
Gonzalez	Nichols	Wilson, Charles, Tex.
Grasso	Nix	Wolff
Gray	Obey	Wright
Green, Oreg.	O'Hara	Wyatt
Green, Pa.	O'Neill	Wydler
Griffiths	Owens	Wyman
Grover	Parris	Yates
Gubser	Patman	Yatron
Gude	Patten	Young, Ga.
Guyer	Pepper	Young, Tex.
Haley	Perkins	Zablocki
Hammer-schmidt	Pettis	Zwach
	Peyser	
	Pickle	
	Pike	
	Poage	

NAYS—123

Abdnor	Broyhill, N.C.	Chamberlain
Anderson, Ill.	Buchanan	Clawson, Del
Andrews, N.C.	Burlison, Mo.	Cochran
Archer	Butler	Collier
Arends	Byron	Collins, Tex.
Armstrong	Camp	Conable
Ashbrook	Carter	Crane
Brown, Ohio	Cederberg	Daniel, Dan
Davis, Wis.	Kuykendall	Robison, N.Y.
Dellenback	Latta	Roncalio, Wyo.
Dennis	Litton	Roush
Derwinski	Lott	Ruppe
Devine	Lujan	Ruth
Dickinson	McClory	Saylor
Edwards, Ala.	McKay	Scherle
Erlenborn	McKinney	Schneebeli
Eshleman	Madigan	Schroeder
Findley	Mallary	Sebelius
Ford, Gerald R.	Mann	Shuster
Fountain	Maraziti	Snyder
Frelinghuysen	Martin, Nebr.	Spence
Frenzel	Martin, N.C.	Stanton, J. William
Frey	Mayne	Steiger, Wis.
Froehlich	Mazzoli	Stuckey
Goodling	Michel	Symms
Gross	Minshall, Ohio	Taylor, Mo.
Gunter	Montgomery	Taylor, N.C.
Hamilton	Mosher	Treen
Hansen, Idaho	Myers	Vigorito
Harsha	Nelsen	Waggonner
Hastings	O'Brien	Ware
Hechler, W. Va.	Passman	Wiggins
Heckler, Mass.	Powell, Ohio	Winn
Heinz	Price, Tex.	Wylie
Holt	Quie	Young, Alaska
Huber	Quillen	Young, Fla.
Hutchinson	Rarick	Young, Ill.
Ichord	Rees	Young, S.C.
Jarman	Regula	Zion
Johnson, Colo.	Reuss	
Johnson, Pa.	Rhodes	
King	Robinson, Va.	

NOT VOTING—14

Blackburn	Danielson	McCormack
Blatnik	Fisher	Reid
Brown, Calif.	Hébert	Talcott
Brown, Mich.	Kemp	Teague, Tex.
Carey, N.Y.	Landgrebe	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Blatnik and Mr. Reid for, with Mr. Landgrebe against.

Mr. Talcott and Mr. Carey of New York for, with Mr. Kemp against.

Mr. McCormack and Mr. Danielson for, with Mr. Hébert against.

Until further notice:

Mr. Clay with Mr. Brown of California.

Mr. Teague of Texas with Mr. Blackburn.

Mr. Fisher with Mr. Brown of Michigan.

Mr. RANGEL changed his vote from "nay" to "yea."

Messrs. YOUNG of Alaska, ROBINSON of Virginia, and POWELL of Ohio changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill (H.R. 6078) just passed.

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

There was no objection.

FLEXIBLE GI INTEREST RATE AUTHORITY IN VA

Mr. DORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8949) to amend title 38 of the United States Code relating to basic provisions of the loan guaranty program for veterans.

The Clerk read as follows:

H.R. 8949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1803(c)(1) of title 38, United States Code, is amended by striking out the semicolon and all that follows thereafter and inserting in lieu thereof a period.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. DORN. Mr. Speaker, H.R. 8949 has a special urgency at this time in that it is vitally needed to restore the effectiveness of the GI veterans' loan program. As the distinguished chairman of our Subcommittee on Housing, the gentleman from Ohio, will explain to you in more detail, the authority of the Administrator of Veterans Affairs regarding GI loans as well as the authority of the Secretary of Housing and Urban Development regarding FHA loans to set interest rates in the light of current market conditions expired June 30, 1973. Accordingly, under the basic law, GI loans may not bear interest at a rate in excess of 6 percent as set forth in a provision of the National Housing Act. In today's market, this of course means that no lender is interested in making any loans subject to this low yield. Enactment of our bill will give the Administrator independent authority to adjust the interest rate consonant with the changing loan market demands.

I now yield such time as he may consume to the distinguished chairman of our Subcommittee on Housing, the gentleman from Ohio (Mr. CARNEY) who will explain in more detail the purpose and urgent need of this legislation.

GENERAL LEAVE

Mr. CARNEY of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill presently under consideration, H.R. 8949.

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

There was no objection.

Mr. CARNEY of Ohio. Mr. Speaker, the veterans' housing program is in a state of lapse. Failure of the Senate to accept House Joint Resolution 512, which passed the House on May 20, has caused this problem. After June 30 of this year, the Secretary of HUD and the Administrator of Veterans' Affairs have no authority to set interest rates, and the rate has lapsed to the statutory 6 percent. This, in effect, has killed the veterans' housing program.

I understand the Senate has failed to pass House Joint Resolution 512 because of some very controversial amendments which were added to the resolution when the bill was reported on June 25. I will not attempt to deal with the merits of the amendments since they are not under the jurisdiction of our committee. I am concerned, however, about the continuity and success of the veterans' housing program. It is for this reason that our committee reported H.R. 8949 on June 27.

The purpose of the bill is quite simple. It separates the Veterans' Administration housing program from the FHA expiring deadlines and confers on the Administrator of Veterans' Affairs authority to set interest rates for the veterans' program.

This is the third time in recent years that this problem has developed and I feel that the time has come to separate the veterans' program from any relationship with the various deadlines affecting FHA programs. We have a very good example of the kind of mischief that can occur if the two programs are left together. When the veterans' housing program went into default on June 30, the Veterans' Administration issued instructions immediately to their field offices to proceed with the closing of approximately 50,000 cases on which the VA had already issued commitments of guaranty. A few days later the Administration announced, and I understand this was over the protest of the VA, that when and if the impasse in the Senate is resolved and authority is restored to the Secretary of HUD to set interest rates, that the Secretary planned to set the rate at 7¾ percent. This advance announcement of intention to make a change in the interest rate, which so far as I was able to learn is unique, is having the effect of depriving about 50,000 veterans of a 7-percent loan because the lenders who had issued the commitments to make the loans are now put on notice of an impending increase to 7¾ percent and are refusing to make these loans until the rate is raised.

Mr. Speaker, even though H.R. 8949 gives authority to the Administrator of Veterans' Affairs to set interest rates for the VA loan program, it will in no way interfere with any necessary coordination between various agencies on the subject of interest rates. We all know that decisions that alter interest rates are made jointly between the Secretary of the Treasury and the Council of Economic Advisors, after consultation with the various agencies involved. Since the Administrator of Veterans' Affairs is an appointee of the President, obviously he is required to coordinate through the Office of Management and Budget with the policies of the administration. In view of this, there is no basis for the argument that some undesirable unilateral action could occur. The necessary coordination could be achieved administratively. The bill would, however, prevent the VA housing program from going into lapse because of controversies that develop on extraneous issues that have nothing to do with the veterans' program.

I hope, Mr. Speaker, that this bill can be passed and signed quite promptly because each day that passes creates further disruption in the veterans housing program and the housing industry as a whole.

At this point, I shall insert in the RECORD letters from representatives of the American Legion, the Veterans of Foreign Wars of the United States, and the National Association of Concerned Veterans which express their strong support of the objective of H.R. 8949. Also, I am submitting for the interest of the members a very significant table showing the magnitude of the Veterans' Administration GI loan program, inviting particular attention to the increase in the number of loans from 1971 to 1973. It will be noted that by the end of the past fiscal year 8.5 million loans had been guaranteed or insured by the VA representing a principal amount of over $98 billion.

The material follows:

JULY 12, 1973.

Hon. WM. JENNINGS BRYAN DORN,
Chairman, House Committee on Veterans' Affairs, Washington, D.C.:

The American Legion is extremely disappointed at the failure of the Congress to act timely to extend authority to set interest rates on VA guaranteed loans before the delimiting date of June 30, and the ill advised, premature announcement by the Secretary of HUD to raise interest rates to 7¾ percent. These actions have halted the VA loan guaranty program thereby depriving some 50,000 veterans of securing 7 percent loans which were being processed.

The American Legion has long supported enactment of legislation to grant the Administrator of Veterans Affairs with the continuing authority to regulate interest rates on home loans to meet the demands of the changing mortgage market. Had this been done, veterans attempting to purchase homes would not be faced with the present chaotic dilemma.

Accordingly, The American Legion strongly supports the provisions of H.R. 8949 granting such authority of the Administrator and urges early consideration and passage of the bill.

HERALD E. STRINGER,
Director, National Legislative Commission, the American Legion.

VETERANS OF FOREIGN WARS,
Washington, D.C., July 16, 1973.

Hon. WM. JENNINGS BRYAN DORN,
Chairman, Committee on Veterans' Affairs, Washington. D.C.

MY DEAR MR. CHAIRMAN: Expiration of the authority of the Veterans Administration—HUD to adjust mortgage rates above the statutory limitation of 6% has caused great anguish among thousands of veterans. The GI home loan program has come to a halt.

Over the years the Veterans of Foreign Wars has taken a very dim view of the comingling of Veterans Administration programs in any fashion with other Government agencies. It is noted that H.R. 8949 will provide the VA independent authority to adjust the interest rate on GI loans, thus eliminating the very unsatisfactory situation which has prevailed in recent years, which has authorized the Secretary of HUD to adjust mortgage rates for GI home loans, with the only requirement being consultation with the VA. The Veterans of Foreign Wars holds that it should be just the reverse.

It appears that H.R. 8949 will effectively accomplish the purpose of giving back to the VA full authority over the GI home loan program and make possible available funds for VA home loans at the earliest possible time.

For these reasons, the Veterans of Foreign Wars strongly urges the House to approve and send to the Senate without delay H.R. 8949, the flexible GI interest rate bill. The favorable consideration of this bill will carry out Veterans of Foreign Wars mandates regarding one of the most successful programs for veterans ever approved by the Congress, the GI home loan program.

With kind personal regards, I am

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

NATIONAL ASSOCIATION OF CONCERNED VETERANS,
July 12, 1973.

Hon. WILLIAM JENNINGS BRYAN DORN,
Chairman, Committee on Veterans' Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: The National Association of Concerned Veterans fully supports the provisions of H.R. 8949. This bill, if enacted, would rectify a very unjust situation.

As of July 1, 1973 the Administrator of Veterans Affairs and the Secretary of Housing and Urban Development have no authority to adjust mortgage interest rates above the statutory limit of 6 per cent.

Because of this development, the Veterans Administration home loan program is at a standstill. This predicament is causing undue hardships for many veterans.

If enacted, H.R. 8949 would give the Administrator of Veterans Affairs authority to adjust mortgage interest rates without regard to section 203(b) of the National Housing Act. This action would enable the Veterans Administration to begin certifying home loans for veterans once again.

According to recent VA statistics the number of its home loans have reached a 16 year high, and nearly 70 per cent of its FY 1973 home loans were made for veterans under the age of 35.

Since the NACV is primarily a Vietnam era veterans' organization, we strongly suggest that any delay in the passage of H.R. 8949 will cause even further hardships and expense for young veterans.

Respectfully yours,

JAMES M. MAYER, *President.*

TABLE 1.—VETERANS' ADMINISTRATION GUARANTEED OR INSURED LOANS

	Cumulative through June 30, 1973[1]	Fiscal year— 1973[1]	1972	1971
Number of loans, total	8,507,407	366,554	359,010	197,915
Home	8,196,419	360,685	354,571	197,606
Mobile home	10,574	5,860	4,430	278
Farm	71,157	6	4	19
Business	229,257	3	5	12
Amount of loans, total (thousands)	$98,615,588	$8,374,154	$7,860,833	$4,112,014
Home	97,587,739	8,322,538	7,822,580	4,109,367
Mobile home	91,850	51,521	38,118	2,211
Farm	283,853	53	88	334
Business	652,146	42	47	102
Amount of guarantee and insurance total (thousands)	50,757,981	4,067,664	3,921,657	2,133,214
Home	50,425,464	4,052,208	3,910,178	2,132,351
Mobile home	27,517	15,426	11,428	663
Farm	120,000	21	41	168
Business	185,000	9	10	32

[1] June 1973 data estimated.

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

Mr. CARNEY of Ohio. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

I should just like to inform the House that I happen to be one of these very veterans whom we are talking about today in this bill.

I made application under the G.I. bill for an opportunity to buy a home here in Washington. I made my application in the month of June. June elapsed, and I was not aware of the fact that on July 1 the Administrator of the Veterans' Administration no longer had the power to authorize the insurance of a home loan in excess of 6 percent interest. In effect we have no program now. And, I cannot lose my home purchase.

I happen to be right at this moment packing everything in our house in boxes. I am betwixt the devil and the deep blue sea. I am between a rock and a hard spot.

I do not know whether to tell the mover in Louisville, Ky., to pick up my household goods and transport them up here or not. Because for the moment the seller and I are in a state of limbo and we are unable to close my home purchase arrangement.

I would certainly hope that unless the House has some extraordinarily good reason for not supporting this bill that it would support it. And, I personally urge the House to support it.

Finally, I should like to ask the gentleman from Ohio one question. Is he of the opinion that Mr. Johnson, the Administrator of the Veterans' Administration, will in fact exercise the authority the Congress would give him under this measure. In this bill we do not mandate him to do so anything; we simply give him the authority to insure home loans for veterans where the mortgage interest rates exceed 6 percent.

Is it the gentleman's opinion that this authority will be exercised to help veterans like myself?

Mr. CARNEY of Ohio. No, I have not talked to Mr. Johnson personally, but I have been assured by our administrative staff and by our committee that this is true and they will act. Also I thank the gentleman for bringing this to our attention. I am sure that when this bill passes it will have prompt attention in the U.S. Senate.

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

Mr. CARNEY of Ohio. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I would like to say to our distinguished colleague from Kentucky that we have been assured by the Veterans' Adminstrator that if this bill passes he will take action as soon as it is signed by the President to see to it that cases such as the gentleman's which exist throughout the breadth of our land are taken care of at once.

Mr. MAZZOLI. I would like to thank the distinguished gentleman from Pennsylvania and certainly our friend, the gentleman from Ohio and the distinguished gentleman from South Carolina, the chairman of this committee, for having moved this bill forward. Because, notwithstanding the philosophical questions involved in high or low interest rates for veterans, the truth is that many veterans like myself are absolutely strung up. We cannot be more frustrated, more troubled nor more uncertain about the future than we are at this moment in not knowing whether this bill will be enacted and the veteran's program continued.

As one voice in the wilderness, as one seeing how it feels to be at the other end of the shotgun, I would urge the House to pass this legislation, to work with our colleagues on the other side of the Capitol to make this law pass and to urge the President to sign it without delay.

Mr. CARNEY of Ohio. I thank my friend, the gentleman from Kentucky. I would like to say his plight is the plight of 50,000 other veterans at this time.

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

Mr. CARNEY of Ohio. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I would like to associate myself with the remarks of my friend, the gentleman from Kentucky and the chairman of the subcommittee, on this bill. For the past 10 days I have been besieged in my office with calls from veterans who have been hung up because of the waiting time on this bill. It is sort of ridiculous. I have one young couple who are being transferred to California who cannot leave because of the complex situation which now exists on the selling of their home and the liquidation process so they might move out.

This is a good bill. I hope everybody understands this is a bill that is really necessary, because if we do not get this through all we do is penalize the veteran who is trying to do the right thing in buying a house or disposing of property.

It has been a nightmare to us to try to get the thing straightened out. I compliment the gentleman and his committee.

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

Mr. CARNEY of Ohio. I yield to the gentleman from Ohio.

Mr. WYLIE. I think we should put this bill and the situation in proper perspective. The gentleman from New Jersey (Mr. HUNT) said he had been besieged with calls and letters from people waiting for this House to pass this bill. May I suggest to the gentleman this House has already acted in the area of veterans' housing and indeed, on FHA housing. This House passed House Joint Resolution 512 as the gentleman from Ohio suggested but the other body in its inimitable wisdom is against playing games. This time with housing problems. The other body has attempted to put on a Cambodian amendment and an amendment on the impounding of funds and such related matters, so that House Joint Resolution 512 has become a controversial bill tied up in the Banking, Housing, and Urban Affairs Committee of the Senate.

So again the Veterans' Committee is meeting an emergency situation. We are saying we do not want the veterans of the United States to be denied housing by political maneuverings and shenanigans in the Senate, so we want to separate the veterans' housing program from the other housing programs.

It is true the Veterans' Administrator has said they will still have to check with the Secretary of HUD to establish the proper interest rates, but the reason this program is being held captive is not for lack of interest or action by this House of Representatives, I say to the gentleman from New Jersey (Mr. HUNT). It is because of lack of responsible action by the other body and that is the real reason for the necessity for this bill at this time.

Mr. CARNEY of Ohio. Mr. Speaker, I thank the gentleman. I tried to point that out a little more diplomatically but to the same effect.

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

Mr. CARNEY of Ohio. I yield to the gentleman from New Jersey.

Mr. HUNT. I would like to say to my friend, the gentleman from Ohio, that we in New Jersey do understand English and I read the bill but I find it necessary to have still a very explicit explanation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 8949. This is a measure that will eliminate the requirement of current law that the interest rate on GI home loans cannot exceed the interest rate on FHA insured home loans. This measure is essential if the Nation's veterans are to have any opportunity to purchase a home under the Veterans' Administration home loan program.

Under existing law, the Administrator of Veterans Affairs is authorized to set the maximum rate of interest on GI home loans except that the rate shall not exceed the rate in effect for FHA home loans. Unfortunately, the temporary authority to establish a rate of interest in excess of 6 percent on FHA home loans expired June 30.

The expiration of this temporary authorization meant simply that neither FHA nor Veterans' Administration home loans can be made at a rate in excess of 6 percent after July 1 of this year. Since the 6 percent rate is not competitive in today's money market, there will be no mortgage capital available for VA and FHA home loans.

Legislation to extend on a temporary basis the authority of the Secretary of Housing and Urban Development to establish an FHA interest rate in excess of 6 percent passed the House of Representatives on May 21, 1973. The other body has failed to act on this legislation, with the result that both of these Government housing programs have been permitted to lapse. The members of the Committee on Veterans' Affairs, Mr. Speaker, believe the Nation's veterans deserve much better treatment. We have, therefore, reported unanimously this bill that will, in effect, divorce the Veterans' Administration interest rate from the interest rate ceiling on FHA loans. Thus, the Administrator of Veterans Affairs would be free to establish an interest rate that is commensurate with the demand of today's loan market.

In closing, Mr. Speaker, let me point out that we are extremely reluctant to approve legislation that will permit the interest rate on Veterans' Administration home loans to be different than the interest rate on FHA insured home loans. On the other hand, we are even more reluctant to witness the demise of the veterans home loan program simply because of inaction by the other body on legislation relating to the interest rate on FHA home loans. Even though this measure will create the possibility of two different rates of interest on the two Government housing programs, I have great confidence in the ability of the Office of Management and Budget in cooperation with the Secretary of the Treasury and the Secretary of Housing and Urban Development to make certain that the interest rate for the two programs remains identical when the necessary authority to establish a reasonable rate of interest for FHA loans is ultimately worked out.

In any event, Mr. Speaker, this is necessary legislation and I urge that it be passed.

Mr. Speaker, I yield such time as he may consume to the senior member of the committee on the minority side, the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 8949. This bill would give the Veterans' Administration the independent authority to make adjustments in the mortgage rates above the 6 percent statutory limit in order to keep it competitive with the mortgage market.

Heretofore, the interest rate has been adjusted by the Secretary of Housing and Urban Development in consultation with the Administrator of Veterans Affairs. This authority expired on July 1, 1973. Provisions for its extension are contained in House Joint Resolution 512 which passed the House on May 21, 1973, but the Senate has failed to act on it.

The effect of this is to penalize certain veterans who decide to purchase a home during this period of lapse, since 6 percent home loans are not available in today's money markets.

There is additional penalty imposed that is not quite so apparent. That the price of homes increases almost daily is an established fact. Any delay, therefore, to the veteran ready to make a purchase, means he will pay a higher price for the home commensurate with the length of the delay.

I believe this bill is urgently needed in order that the GI home loan program may continue as a viable benefit, and I intend to vote for it.

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

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 8949, a bill that will permit the Administrator of Veterans' Affairs to establish a competitive rate of interest on GI loan homes without regard to the maximum permissible rate of interest under the FHA program.

The chairman of the Housing Subcommittee has explained the inaction of the other body that has resulted in both the FHA home mortgage and VA home loan program suspending their activity. Under the law in effect since July 1, the maximum permissible interest rate that can be charged by either of these two Government programs is 6 percent. This, of course, is completely unrealistic and legislative action is necessary to authorize both the Secretary of Housing and Urban Development and the Veterans' Administrator to establish a competitive rate of interest. House Joint Resolution 512, a bill that will permit such a course of action, passed the House on May 21, 1973, and has been hopelessly mired in the other body since that date.

This legislation will, in effect, put the Veterans' Administration home loan program back in business by freeing the VA interest rate from the restriction that it cannot exceed the FHA rate of interest. I shall support this measure and urge that it be passed.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS), a member of the committee.

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 8949, a bill which would grant the Administrator of Veterans' Affairs the authority to adjust the interest rates on GI guaranteed loans in keeping with the loan market demands.

Since 1968 the Secretary of Housing and Urban Development, after consulting with the Administrator of Veterans' Affairs has been empowered to adjust home mortgage rates. On June 30, 1973, this authority expired because the Senate failed to act on House Joint Resolution 512 which contained as one of its provisions, the extension of the interest adjustment authority to June 30, 1974.

I believe that the enactment of H.R. 8949 is mandatory if we are going to deal equitably with all of our veterans. I do not believe that we can afford to have periods of undetermined length when those entitled to a GI loan may lose out in the purchase of a home, because their decision to buy was made during a time when the authority had lapsed. This is a good bill, and I am going to vote for it.

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

Mr. GOLDWATER. Mr. Speaker, I rise in support of this legislation, and commend the Committee on Veterans' Affairs and its distinguished chairman for this quick and positive action.

Mr. Speaker, there is no question in my mind that enactment of this legislation is urgently needed. Thousands of veterans have been subjected to terrible uncertainty as a result of the expiration of the authority to adjust mortgage rates above the statutory limitation of 6 percent.

Just last week my district offices in California were flooded with calls from veterans who have been adversely affected by the expiration of the present authority. There are untold stories of disruptions of plans for building, commitments to build, and the selling of one home based upon expectancy of the loan being approved for another home.

The Veterans' Affairs Committee and its distinguished chairman are to be commended for this quick and positive action in preparing this legislation for consideration by the House. It deserves to be passed overwhelmingly.

Mr. DORN. Mr. Speaker, may I respond to my distinguished and beloved colleague from Ohio, Mr. WYLIE?

Mr. Speaker, we have been assured by the leadership of the other body that this bill will move expeditiously in the other body when it passes the House. I do not anticipate any hangup or anything being tied on to it at this time.

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

Mr. DORN. They are aware of the urgency.

Mr. WYLIE. I think, too, the other body is aware of the urgency in the veterans' housing program and will act quickly.

Mr. DONOHUE. Mr. Speaker, I earnestly urge and hope that the House will overwhelmingly adopt this measure now before us, H.R. 8949, designed to give the administrator of Veterans Affairs independent authority to adjust the interest rate on guaranteed loans to meet the changing market demands in our present economic situation.

On this past July 1, Mr. Speaker, the interest ceiling on VA guaranteed loans reverted, because of existing legislation, from 7 percent to the statutory limitation of 6 percent. This present legislative proposal we are considering, because of this particular occurrence, has been unanimously recommended to the House by the esteemed Veterans' Affairs Committee because of their fears, which I am sure are commonly shared by most of the Members here, that in the current money market such a low rate will make any mortgage funds for veterans practically unavailable.

In substance, this measure would encourage participating institutions to make mortgage loan money available to those veterans and their families who are in a position to purchase a home. Any adverse action on our part, with respect to this bill, would virtually amount to discrimination against the veteran, in providing any opportunity at all for veterans to obtain a guaranteed mortgage loan in today's market. So, while we pledge to continue to do everything within our legislative power to expedite the improvement of our present economic situation, I hope that the House will resoundingly accept this measure.

Mr. ZWACH. Mr. Speaker, I would like to associate myself with my distinguished colleague from Ohio in support of eliminating the interest rate ceiling on VA guaranteed or insured loans.

Temporary measures attempted by Congress have failed to forestall the current emergency that exists in mortgage interest rates under the VA. As of the July 1, the VA and HUD no longer have authority to set interest rates, and the rate has reverted back to 6 percent.

We are all aware that current market mortgage rates are in the neighborhood of 8 to 8½ percent. Needless to say the VA activities in mortgages have been halted.

The House's effort (H.J. Res. 512) to forestall this housing crisis was not acted on in the Senate. In order to continue the GI home loan program it is imperative that Congress move immediately. Housing for veterans is a necessity, not a luxury.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina (Mr. DORN) that the House suspend the rules and pass the bill H.R. 8949.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 412, nays 3, present 1, not voting 17, as follows:

[Roll No. 344]

YEAS—412

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

NAYS—3

Leggett	Patman	Patten

PRESENT—1

Mazzoli

NOT VOTING—17

Blatnik	Hébert	Milford
Brademas	Henderson	O'Neill
Carey, N.Y.	Kemp	Reid
Danielson	Kuykendall	Talcott
Fisher	Landgrebe	Wilson, Bob
Gray	McEwen	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Henderson.
Mr. Blatnik with Mr. Milford.
Mr. Carey of New York with Mr. Talcott.
Mr. Brademas with Mr. McEwen.
Mr. Fisher with Mr. Landgrebe.
Mr. Danielson with Mr. Bob Wilson.
Mr. Hébert with Mr. Kuykendall.
Mr. Reid with Mr. Minshall of Ohio.
Mr. Gray with Mr. Kemp.

Mr. PATTEN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS HEALTH CARE EXPANSION ACT OF 1973

Mr. DORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9048) to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Health Care Expansion Act of 1973".

TITLE I—HOSPITAL, DOMICILIARY, AND MEDICAL CARE BENEFITS

SEC. 101. (a) Subparagraph (C) of section 601(4) of title 38, United States Code, is amended to read as follows:

"(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans; or (iii) hospital care for veterans in a State, territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospital by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978".

(b) Section 601 (5) of such title is amended to read as follows:

"(5) The term 'hospital care' includes—

"(A) (i) medical services rendered in the course of the hospitalization of any veteran, and (ii) transportation and incidental expenses for any veteran who is in need of treatment for a service-connected disability or is unable to defray the expense of transportation;

"(B) such mental health services, consultation, professional counseling, and training (including (i) necessary expenses for transportation if unable to defray such expenses; or (ii) necessary expenses of transportation and subsistence in the case of a veteran who is receiving care for a service-connected disability, or in the case of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, under the terms and conditions set forth in section 111 of this title) of the members of the immediate family (including legal guardians) of a veteran or such a dependent or survivor of a veteran, or, in the case of a veteran or such dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or such a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a vet-

eran or such a dependent or a survivor of a veteran; and

"(C) (i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, and (ii) transportation and incidental expenses for such dependent or survivor of a veteran who is in need of treatment for any injury, disease, or disability and is unable to defray the expense of transportation.".

(c) Section 601(6) of such title is amended by inserting immediately after "treatment," the following: "such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title".

SEC. 102. Section 610 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) "or nursing home care" immediately after "hospital care" where it first appears;

(2) striking out clause (1)(B) of subsection (a) and inserting in lieu thereof the following:

"(B) any veteran for a non-service-connected disability if he is unable to defray the expenses of necessary hospital care;";

(3) amending subsection (c) to read as follows:

"(c) While any veteran is receiving hospital care or nursing home care in any Veterans' Administration facility, the Administrator may, within the limits of Veterans' Administration facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which he is hospitalized, if the veteran is willing, and the Administrator finds such services to be reasonably necessary to protect the health of such veteran."; and

(4) adding at the end thereof the following new subsection:

"(d) In no case may nursing home care be furnished in a hospital not under the direct and exclusive jurisdiction of the Administrator except as provided in section 620 of this title.".

SEC. 103. (a) Subsection (f) of section 612 of title 38, United States Code, is amended to read as follows:

"(f) The Administrator may also furnish medical services for any disability on an outpatient or ambulatory basis—

"(1) to any veteran eligible for hospital care under section 610 of this title (A) where such services are reasonably necessary in preparation for, or to obviate the need of, hospital admission, or (B) where such a veteran has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care; and

"(2) to any veteran who has a service-connected disability rated at 80 per centum or more.".

(b) Strike out sections 613 and 614 in their entirety and insert in lieu thereof:

"§ 613. Medical care for survivors and dependents of certain veterans

"(a) The Administrator is authorized to provide medical care, in accordance with the provisions of subsection (b) of this section, for—

"(1) the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and

"(2) the widow or child of a veteran who died as a result of a service-connected disability

who are not otherwise eligible for medical care under chapter 55 of title 10 (CHAMPUS).

"(b) In order to accomplish the purposes of subsection (a) of this section, the Administrator shall provide for medical care in the same or similar manner and subject to the same or similar limitations as medical care is furnished to certain dependents and survivors of active duty and retired members of the Armed Forces under chapter 55 of title 10 (CHAMPUS), by—

"(1) entering into an agreement with the Secretary of Defense under which the Secretary shall include coverage for such medical care under the contract, or contracts, he enters into to carry out such chapter 55, and under which the Administrator shall fully reimburse the Secretary for all costs and expenditures made for the purposes of affording the medical care authorized pursuant to this section; or

"(2) contracting in accordance with such regulations as he shall prescribe for such insurance, medical service, or health plans as he deems appropriate.

In cases in which Veterans' Administration medical facilities are particularly equipped to provide the most effective care and treatment, the Administrator is also atuhorized to carry out such purposes through the use of such facilities not being utilized for the care of eligible veterans.

"§ 614. Fitting and training in use of prosthetic appliances; seeing-eye dogs

"(a) Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Veterans' Administration facility or other training institution, or by outpatient treatment, including such service under contract, and including necessary travel expenses to and from his home to such hospital or training institution.

"(b) The Administrator may provide seeing-eye or guide dogs trained for the aid of the blind to veterans who are entitled to disability compensation, and he may pay all necessary travel expenses to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs. The Administrator may also provide such veterans with mechanical or electronic equipment for aiding them in overcoming the handicap of blindness"."

(c) The table of sections at the beginning of chapter 17 of such title is amended by striking out

"613. Fitting and training in use of prosthetic appliances.
"614. Seeing-eye dogs."

and inserting

"613. Medical care for survivors and dependents of certain veterans.
"614. Fitting and training in use of prosthetic appliances; seeing-eye dogs.".

SEC. 104. (a) The first sentence of subsection (a) of section 620 of title 38, United States Code, is amended by redesignating clauses (1) and (2) as clauses (i) and (ii), respectively; and by amending that portion preceding such clauses to read as follows:

"(a) Subject to subsection (b) of this section, the Administrator may transfer—

"(1) any veteran who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, and

"(2) any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nursing home care, and (C) who upon discharge therefrom will become a veteran

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—".

(b) The second sentence of section 620(a) of such title is amended by striking out the designations (A) and (B) and inserting in lieu thereof (I) and (II).

(c) Section 620(b) of such title is amended (1) by adding "or admitted" after "transferred" and (2) by adding at the end thereof the following: "The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Administrator shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.".

(d) Section 620 of such title is further amended by adding at the end thereof the following new subsection (d):

"(d) Subject to subsection (b) of this section, the Administrator may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care at the expense of the United States to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care. Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee arrangement based on an examination by such physician. The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section.".

SEC. 105. (a) Section 626 of title 38, United States Code, is amended by striking out "fire" and inserting in lieu thereof "fire, earthquake, or other natural disaster".

(b) The catchline at the beginning of section 626 of such title is amended to read as follows:

"§ 626. Reimbursement for loss of personal effects by natural disaster".

SEC. 106. (a) Subchapter III of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 628. Reimbursement of certain medical expenses

"(a) The Administrator may, under such regulations as he shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of such care or services (including necessary travel), for which such veterans have made payment, from sources other than the Veterans' Administration, where—

"(1) such care or services were rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

"(2) such care or services were rendered to a veteran in need thereof (A) for an adjudicated service-connected disability, (B) for a non-service-connected disability associated with and held to be aggravating a service-connected disability, (C) for any disability of a veteran who has a total disability permanent in nature from a service-connected disability, or (D) for any illness, injury, or dental condition in the case of a veteran who is found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and is medically determined to have been in need of care or treatment to make possible his entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition; and

"(3) Veterans' Administration or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise, or practical.

"(b) In any case where reimbursement

would be in order under subsection (a) of this section, the Administrator may, in lieu of reimbursing such veteran, make payment of the reasonable value of care or services directly—

"(1) to the hospital or other health facility furnishing the care or services; or

"(2) to the person or organization making such expenditure on behalf of such veteran.".

(b) The table of sections at the beginning of such chapter is amended by deleting

"626. Reimbursement for loss of personal effects by fire.
"627. Persons eligible under prior law."

and inserting in lieu thereof

"626. Reimbursement for loss of personal effects by natural disaster.
"627. Persons eligible under prior law.
"628. Reimbursement of certain medical expenses.".

SEC. 107. (a) Chapter 17 of title 38, United States Code, is amended by striking out sections 631 and 632 in their entirety and inserting in lieu thereof the following:

"§ 631. Assistance to the Republic of the Philippines

"The President is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions.

"§ 632. Contracts and grants to provide hospital care, medical services and nursing home care

"(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into a contract with the Veterans Memorial Hospital, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on July 1, 1973, and ending on June 30, 1978, under which the United States—

"(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided either in the Veterans Memorial Hospital, or by contract, or otherwise, by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 612 of this title, for Commonwealth Army veterans and new Philippine Scouts determined by the Administrator to be in need of such hospital care or medical services for service-connected disabilities;

"(2) will pay for hospital care at the Veterans Memorial Hospital for Commonwealth Army veterans, and for new Philippine Scouts if they enlisted before July 4, 1946, determined by the Administrator to need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

"(3) may provide for the payment of travel expenses pursuant to section 111 of this title for Commonwealth Army veterans and new Philippine Scouts in connection with hospital care or medical services furnished them;

"(4) may provide for payments for nursing home care, on the same terms and conditions as set forth in section 620(a) of this title, for any Commonwealth Army veterans or new Philippine Scouts determined to need such care at a per diem rate not to exceed 50 per centum of the hospital per diem rate established pursuant to clause (6) of this subsection;

"(5) may provide that payments for hospital care and for medical services provided to Commonwealth Army veterans and new Philippine Scouts or to United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator, who may furnish through the revolving supply fund, pursuant to section 5011 of this title, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefor, as applicable, appropriations available for such payments;

"(6) will provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

"(7) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Hospital fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

(b) The total of the payments authorized by subsection (a) of this section shall not exceed $2,000,000 for any one fiscal year ending before July 1, 1978, which shall include an amount not to exceed $250,000 for any one such fiscal year for the purposes of clause (4) of such subsection.

"(c) The contract authorized by subsection (a) of this section may provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Hospital at Manila, not required for hospital care of Commonwealth Army veterans or new Philippine Scouts for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines, except that (1) priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans and new Philippine Scouts needing hospital care for service-connected disabilities, and (2) such use shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

"(d) To further assure the effective care and treatment of patients in the Veterans Memorial Hospital, there is authorized to be appropriated for each fiscal year during the five years beginning July 1, 1973, and ending June 3, 1978—

"(1) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of education and training of health service personnel who are assigned to such hospital; and

"(2) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such hospital.

Such grants shall be made on such terms and conditions as prescribed by the Administrator, including approval by him of all education and training programs conducted by the hospital under such grants. Any appropriation made for carrying out the purposes of clause (2) of this subsection shall remain available until expended.".

(b) The table of sections at the beginning of such chapter 17 is amended by striking out

"631. Grants to the Republic of the Philippines.
"632. Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948."

and inserting in lieu thereof

"631. Assistance to the Republic of the Philippines.
"632. Contracts and grants to provide hospital care, medical services and nursing home care.".

(c) Nothing in subsection (a) of this section shall be deemed to affect in any manner any right, cause, obligation, contract (specifically including that contract executed April 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Public Law 89-612, which shall remain in force and effect until modified or superseded by an agreement executed under authority of this Act), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under the provisions of section 632 of title 38, United States Code, in effect on the day before the date of enactment of this section.

SEC. 108. (a) Section 624 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Administrator may furnish nursing home care, on the same terms and conditions set forth in section 620(a) of this title and at the same rate as specified in section 632(a)(4) of this title, to any veteran who has been furnished hospital care in the Philippines pursuant to this section, but who requires a protracted period of nursing home care.".

(b) The catchline at the beginning of section 624 of such title is amended to read as follows:

"§ 624. Hospital care, medical services and nursing home care abroad".

SEC. 109. (a) Chapter 17 of title 38, United States Code, is further amended by adding at the end thereof the following new subchapter:

"Subchapter VI—Sickle Cell Anemia

"§ 651. Screening, counseling, and medical treatment

"The Administrator is authorized to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment, and information under the provisions of this chapter.

"§ 652. Research.

"The Administrator is authorized to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter.

"§ 653. Voluntary participation; confidentiality

"(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

"(b) The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics.

"§ 654. Reports

"The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator deems necessary.".

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA

"651. Screening, counseling, and medical treatment.
"652. Research.
"653. Voluntary participation; confidentiality.
"654. Reports".

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE, RELATING TO THE DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. Section 4101 of title 38, United States Code, is amended by amending subsection (b) to read as follows:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and in order to assist in providing an adequate supply of health manpower to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of education and training of such health manpower (including the developing and evaluating of new health careers, interdisciplinary approaches and career advancement opportunities), and shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as physicians' assistants, dentists' assistants, and other medical technicians (including advising all such qualified veterans and servicemen about to be discharged or released from active duty of such employment opportunities), acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions; other institutions of higher learning; medical centers, academic health centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate.

"(c)(1) Within ninety days after enactment of this subsection, the Administrator, in consultation with the Chief Medical Director, is directed to conclude negotiations for an agreement with the National Academy of Sciences under which such Academy (utilizing its full resources and expertise) will conduct an extensive review and appraisal of personnel and other resource requirements in Veterans' Administration hospitals, clinics, and other medical facilities to determine a basis for the optimum numbers and categories of such personnel and other resources needed to insure the provision to eligible veterans and high quality care in all hospital, medical, domiciliary, and nursing home facilities. Such agreement shall provide that (A) at the earliest feasible date interim reports and the final report will be submitted by the National Academy of Sciences to the Administrator, the President of the Senate, and the Speaker of the House of Representatives, and (B) the final report will be submitted no later than twenty-four months after the date of the agreement except that the Administrator, in consultation with the Chief Medical Director and after consultation with the House and Senate Committees on Veterans' Affairs, may permit an extension up to twelve additional months.

"(2) Within ninety days after the submission of the final report described in subsection (a) of this section, the Administrator shall submit to the Senate and House Committees on Veterans' Affairs a detailed report of his views on the National Academy of Sciences' findings and recommendations submitted in such report, including (A) the steps and timetable therefor (to be carried out in not less than three years) he proposes to take to implement such findings and recommendations and (B) any disagreements, and the reasons therefor, with respect to such findings and recommendations.

"(3) The Administrator shall cooperate fully with the National Academy of Sciences, and make available to the Academy all such staff, information, records, and other assistance, and shall set aside for such purposes such sums, as are necessary to insure the success of the study.".

SEC. 202. Section 4103(a) of title 38, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. Not more than two Assistant Chief Medical Directors may be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service."; and

(2) by amending paragraph (7) to read as follows:

"(7) A Director of Pharmacy Service, a Director of Dietetic Service, and a Director of Optometry, appointed by the Administrator.".

SEC. 203. Section 4107 of title 38, United States Code, is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"Section 4103 Schedule

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $41,734.

"Medical Director, $36,103 minimum to $40,915 maximum.

"Director of Nursing Service, $36,103 minimum to $40,915 maximum.

"Director of Chaplain Service, $31,203 minimum to $39,523 maximum.

"Director of Pharmacy Service, $31,203 minimum to $39,523 maximum.

"Director of Dietetic Service, $31,203 minimum to $39,523 maximum.

"Director of Optometry, $31,203 minimum to $39,523 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $31,203 minimum to $39,523 maximum.

"Executive grade, $28,996 minimum to $37,699 maximum.

"Chief grade, $26,898 minimum to $34,971 maximum.

"Senior grade, $23,088 minimum to $30,018 maximum.

"Intermediate grade, $19,700 minimum to $25,613 maximum.

"Full grade, $16,682 minimum to $21,686 maximum.

"Associate grade, $13,996 minimum to $18,190 maximum.

"Nurse Schedule

"Director grade, $26,898 minimum to $34,971 maximum.

"Assistant Director grade, $23,088 minimum to $30,018 maximum.

"Chief grade, $19,700 minimum to $25,613 maximum.

"Senior grade, $16,682 minimum to $21,686 maximum.

"Intermediate grade, $13,996 minimum to $18,190 maximum.

"Full grade, $11,614 minimum to $15,097 maximum.

"Associate grade, $10,012 minimum to $13,018 maximum.

"Junior grade, $8,572 minimum to $11,146 maximum.

"(2) No person may hold the director grade in the 'Physician and Dentist Schedule' unless he is serving as a director of a hospital, domiciliary centers, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position."; and

(2) adding at the end thereof the following new subsections:

"(d) The limitations in section 5308 of title 5 shall apply to pay under this section.

"(e)(1) In addition to the basic compensation provided for nurses in subsection (b)(1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2) through (8) of this subsection.

"(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional compensation for each hour of service on such tour at a rate equal to 10 per centum of the employee's basic hourly rate, if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of work performed between those hours.

"(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, shall receive additional compensation for each hour of service on such tour at a rate equal to 25 per centum of such nurse's basic hourly rate.

"(4) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive such nurse's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work, including overtime work. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

"(5) A nurse performing officially ordered or approved hours of service in excess of forty hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rates shall be one and one-half times such nurse's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of Intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least fifteen minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

"(6) For the purpose of computing the additional compensation provided by paragraph (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing such nurse's annual rate of basic compensation by two thousand and eighty.

"(7) When a nurse is entitled to two or more forms of additional pay under paragraph (2), (3), (4), or (5) for the same period of duty, the amounts of such additional pay shall be computed separately on the basis of such nurse's basic hourly rate of pay, except that no overtime pay as provided in paragraph (5) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under paragraph (4) for such service.

"(8) A nurse who is officially scheduled to be on call outside such nurse's regular hours shall be compensated for each hour of such on-call duty, except for such time as such nurse may be called back to work, at a rate equal to 10 per centum of the hourly rate for excess service as provided in paragraph (5) of this subsection.

"(9) Any additional compensation paid pursuant to this subsection shall not be con-

sidered as basic compensation for the purposes of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation.".

SEC. 204. (a) Section 4108 of title 38, United States Code, is amended to read as follows:

"§ 4108. Personnel administration

"(a) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses appointed to the Department of Medicine and Surgery, except that the hours of employment in carrying out responsibilities under this title of any physician, dentist (other than an intern or resident appointed pursuant to section 4114 of this title), or nurse appointed on a full-time basis who accepts responsibilities for carrying out professional services for renumeration other than those assigned under this title, shall consist of not less than eighty hours in a biweekly pay period (as that term is used in section 5504 of title 5), and no such person may—

"(1) assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Veterans' Administration facility, except in those cases where the individual, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed one hundred and eighty calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed one hundred and eighty calendar days each;

"(2) teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with his responsibilities under this title;

"(3) accept payment under any insurance or assistance program established under subchapter XVIII, or XIX of chapter 7 of title 42, or under chapter 55 of title 10 for professional services rendered by him while carrying out his responsibilities under this title;

"(4) accept from any source, with respect to any travel performed by him in the course of carrying out his responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5;

"(5) request or permit any individual or organization to pay, on his behalf, for insurance insuring him against malpractice claims arising in the course of carrying out his responsibilities under this title or for his dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of his remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title; and

"(6) perform, in the course of carrying out his responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for his personal benefit, or both, and in the case of any such fund or account established before the effective date of this subsection—

"(A) the affiliated institution shall submit semiannually an accounting to the Administrator and to the Comptroller General of the United States with respect to such fund or account, and thereafter shall maintain such fund or account subject to full public disclosure and audit by the Administrator and the Comptroller General for a period of three years or for such longer period as the Administrator shall prescribe, and

"(B) no physician, dentist, or nurse may receive, after the effective date of this subsection, any cash from amounts deposited in such fund or account derived from services performed prior to the effective date of this subsection.

"(b) As used in this section, the term 'affiliated institutions' means any medical school or other institution of higher learning with which the Administrator has a contract or agreement pursuant to section 4112(b) of this title for the training or education of health manpower.

"(c) As used in this section, the term 'remuneration' means the receipt of any amount of monetary benefit from any non-Veterans' Administration source in payment for carrying out any professional responsibilities.".

(b) The table of sections at the beginning of chapter 73 of such title is amended by striking out

"4108. Administration."

and inserting in lieu thereof

"4108. Personnel administration.".

SEC. 205. (a) Section 4109 of title 38, United States Code, is amended by striking out "the Civil Service Retirement Act" and inserting in lieu thereof "chapter 83 of title 5".

(b) Subsection (b) of section 4112 of such title 38, is amended by striking out "service personnel" in the first sentence immediately after "health" and by inserting in lieu thereof "manpower".

SEC. 206. Section 4114 of title 38, United States Code, is amended as follows:

(1) by striking out the words "ninety days" in the last sentence of paragraph (3) (A) of subsection (a) and inserting in lieu thereof "one year";

(2) by inserting "(1)" immediately after "(b)" at the beginning of subsection (b) of such section and by adding at the end of such subsection the following new paragraphs:

"(2) For the purposes of this title, the term 'intern' shall include an internship or the equivalency thereof, as determined in accordance with regulations which the Administrator shall prescribe.

"(3) In order to carry out more efficiently the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as a central administrative agency for this purpose. The Administrator may pay to such designated agency, without regard to any other law or regulations governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) stipends fixed by the Administrator pursuant to paragraph (1) of this subsection. (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5. Notwithstanding the foregoing, any period of service of any such interim or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipends of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by such intern and resident for the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."; and

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

"(e) The program of training prescribed by the Administrator in order to qualify a person for the position of full-time physician's assistant or dentist's assistant shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Administrator may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined classroom (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week.".

SEC. 207. Section 4116 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows: "(a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.";

(2) by striking out the last sentence in subsection (c) and inserting in lieu thereof the following: "After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court."; and

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

"(e) The Administrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as described in subsection (a) of

this section), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury.".

SEC. 208. Section 4117 of title 38, United States Code, is amended to read as follows:

"The Administrator may enter into contracts with medical schools, clinics, and any other group or individual capable of furnishing such services to provide scarce medical specialist services at Veterans' Administration facilities (including, but not limited to, services of physicians, dentists, nurses, physicians' assistants, dentists' assistants, technicians, and other medical support personnel).".

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SEC. 301. (a) Subsection (a) of section 5001 of title 38, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a comma and the following: "and the Administrator shall staff and maintain, in such a manner as to insure the immediate acceptance and timely and complete care of patients, sufficient beds and other treatment capacities to accommodate, and provide such care to, eligible veterans applying for admission and found to be in need of hospital care or medical services. The Administrator shall maintain the bed and treatment capacities of all Veterans' Administration medical facilities so as to insure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions and in the provision of such care and of services pursuant to section 612 of this title. The Chief Medical Director shall periodically analyze agencywide admission policies and the records of those eligible veterans who apply for hospital care and medical services but are rejected or not immediately admitted or provided such care or services, and the Administrator shall annually advise the House and Senate Committees on Veterans' Affairs of the results of such analysis and the number of any additional beds and treatment capacities and the appropriate staffing and funds therefor found necessary to meet the needs of such veterans for such necessary care and services."; and

(2) striking out in the first sentence of paragraph (3) "is authorized to" and inserting in lieu thereof "shall", and by striking out "four thousand beds" and inserting in lieu thereof "eight thousand beds in the fiscal year ending June 30, 1974, and in each fiscal year thereafter".

(b) Subsection (b) of section 5001 of such title is amended to read as follows:

"(b) Hospitals, domiciliaries, and other medical facilities provided by the Administrator (including nursing home facilities for which the Administrator contracts under section 620 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing plant is purchased, it shall be remodeled to comply with the requirements stated in the first sentence of this subsection. In order to carry out this subsection, the Administrator shall appoint an Advisory Committee on Structural Safety of Veterans' Administration Facilities, on which shall serve at least one architect and one structural engineer expert in fire, earthquake, and other natural disaster resistance who shall not be employees of the Federal Government, to advise him on all matters of structural safety in the construction and remodeling of Veterans' Administration facilities in accordance with the requirement of this subsection, and which shall approve regulations prescribed thereunder. The Associate Deputy Administrator, the Chief Medical Director, or his designee, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such committee.".

(c) Section 5001 of such title is further amended by adding the following new subsection:

"(g) The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to Veterans' Administration medical facilities when deemed necessary for safe ingress or egress.".

SEC. 302. Chapter 81 of title 38, United States Code, is amended—

(1) by adding at the end of subchapter I the following new section:

"§ 5007. Partial relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under his supervision or control are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.";

(2) by inserting immediately after the first sentence in subsection (a) of section 5012 thereof the following: "Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled 'An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of his intention to do so in the newspaper of the community in which the lands or buildings to be leased are located."; and

(3) by inserting in the table of sections at the beginning of such chapter

"5007. Partial relinquishment of legislative jurisdiction."

immediately after

"5006. Property formerly owned by the National Home for Disabled Volunteer Soldiers.".

SEC. 303. Section 5053(a) of title 38, United States Code, is amended by striking out "or medical schools" at the beginning of the material contained in parentheses, and by inserting immediately after the close parenthesis the words "or medical schools or clinics".

TITLE IV—MISCELLANEOUS AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 401. Section 230(b) of title 38, United States Code, is amended by striking out "July 3, 1974" and inserting in lieu thereof "June 30, 1978".

SEC. 402. (a) Section 234 of title 38, United States Code, is amended by inserting immediately after the words "telephones for" the following: "nonmedical directors of centers, hospitals, independent clinics, domiciliaries, and".

(b) The table of sections at the beginning of chapter 3 of such title is amended by striking out

"234. Telephone service for medical officers."

and inserting in lieu thereof

"234. Telephone service for medical officers and facility directors.".

(c) The catchline at the beginning of section 234 of such title is amended by inserting immediately after the word "officers" the words "and facility directors".

SEC. 403. (a) Section 641 of title 38, United States Code, is amended by—

(1) striking out in clause (1) "$3.50" and inserting in lieu thereof "$4.50";

(2) striking out in clause (2) "$5" and inserting in lieu thereof "$6";

(3) striking out in clause (3) "$7.50" and inserting in lieu thereof "$10"; and

(4) inserting immediately after the words "veteran of any war" the following: "or of service after January 31, 1955".

(b) Section 644(b) of such title is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

(c) Section 5033(a) of title 38, United States Code, is amended by striking out "nine" and inserting in lieu thereof "fourteen".

(d) Paragraph (1) of section 5034 of title 38, United States Code, is amended by striking out "one and one-half beds" and inserting in lieu thereof "two and one-half beds".

(e) Subsections (a)(1), (b)(2), and (d) of section 5035 of such title are amended by striking out "50 per centum" wherever it appears therein and inserting in lieu thereof "65 per centum".

(f) Section 5036 of such title is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

TITLE V—EFFECTIVE DATES

SEC. 501. The provisions of this Act shall become effective the first day of the first calendar month following the date of enactment, except that sections 105 and 106 shall be effective on January 1, 1971; section 107 shall be effective July 1, 1973; and section 203 shall become effective beginning the first pay period following thirty days after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 9048.

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

There was no objection.

Mr. DORN. Mr. Speaker, the bill before the House, which is an omnibus veterans medical bill bearing the title "Veterans' Health Care Extension Act of 1973," is very similar to the veterans medical bill

we passed last year which, unfortunately, was the subject of a pocket veto after the sine die adjournment of the Congress. Although we felt the adverse Presidential action on that bill was unfortunate, I want the members to know that we have given careful consideration to the points raised by the President in conjunction with extended and effective consultations with the counterpart committee in the other body. As a result, we believe that the modified version that we have now unanimously reported from our committee will be acceptable and at long last, within a short time, the needed improvements in the veterans' medical program will become a reality.

I want to pay particular tribute to the commendable action of our subcommittee on hospitals under the able chairmanship of the Honorable DAVID E. SATTERFIELD III. The Honorable JOHN P. SAYLOR is the ranking minority member on that subcommittee, from the great State of Pennsylvania, and the Honorable JOHN PAUL HAMMERSCHMIDT of Arkansas is the ranking minority member of the full committee. Each of these gentlemen has done an outstanding job.

Mr. Speaker, I am listing here the Members of this body of the subcommittee who sponsored this legislation. Hon. OLIN E. TEAGUE, Hon. JAMES A. HALEY, Hon. THADDEUS J. DULSKI, Hon. RAY ROBERTS, Hon. G. V. (SONNY) MONTGOMERY, Hon. DON EDWARDS, Hon. CHARLES J. CARNEY, Hon. GEORGE E. DANIELSON, Hon. ELLA T. GRASSO, Hon. LESTER L. WOLFF, Hon. HENRY HELSTOSKI, Hon. JACK BRINKLEY, Hon. CHARLES WILSON, Hon. JOHN PAUL HAMMERSCHMIDT, Hon. CHARLES M. TEAGUE, Hon. MAGARET M. HECKLER, Hon. JOHN M. ZWACH, Hon. CHALMERS P. WYLIE, Hon. ELWOOD HILLIS, Hon. JOSEPH J. MARAZITI, Hon. JAMES ABDNOR, Hon. ROBERT J. HUBER, and Hon. WILLIAM F. WALSH.

I would like to note that three of them are distinguished chairmen of various committees in their own right, the Honorable OLIN E. TEAGUE, the Honorable JAMES A. HALEY, and the Honorable THADDEUS J. DULSKI.

Mr. Speaker, I would be remiss if I did not also at this time express my appreciation for the utmost cooperation and contribution from the Senate Committee on Veterans' Affairs under the able leadership of the Senator from Indiana, Mr. HARTKE, and his general counsel, Mr. Guy McMichael, as well as the understanding attitude toward reaching a compromise version taken by the Subcommittee on Hospitals and Health under the able chairmanship of the Senator from California (Mr. CRANSTON), and his very efficient staff assistants, Mr. Jonathan Steinberg and Miss Louise Ringwalt. I truly believe that this bill represents a fine example of what can be accomplished by understanding and reasonable attitudes by each of our legislative bodies.

Mr. Speaker and my colleagues, I might say that we discussed this personally with the President of the United States and time and again with Members of the other body, and we have arrived at the legislation now before us. I believe it is acceptable to all parties concerned, and certainly is in the interest of the medical care of the veterans of our country and this includes every war in which we have participated.

There have been some erroneous remarks made that we are not taking care properly of the Vietnam veterans. This is simply not true, and this medical care bill before the House today will be a long step forward in taking care of the medical needs of our veterans and certain dependents.

Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Virginia (Mr. SATTERFIELD) who did such a brilliant job, and who will explain the various provisions of this very important legislation.

Mr. SATTERFIELD. Mr. Speaker, as Chairman DORN has indicated, H.R. 9048 is a revised version of the omnibus veterans' medical bill we passed last year and which was the subject of a pocket veto by the President. At the outset I think it is highly significant to point out that this bill is the culmination of a series of hearings held by our subcommittee in the 91st, the 92d, and the 93d Congresses. Similar extended consideration of this subject was given during each of the mentioned Congresses by the other body.

In light of the veto last year, our subcommittee has given very careful consideration to the reasons assigned for that adverse Presidential action. We have engaged in extensive discussion with representatives of the Senate Committee on Veterans' Affairs in our efforts to rework certain provisions without jeopardizing the basic objectives of the measure we passed last year. We have secured encouraging coordination with the Office of Management and Budget on certain vital points. As a result, there is reason to be assured that the bill we are now considering will meet with approval on the part of the other body and that it will be satisfactory to the executive branch.

As pointed out by my distinguished colleague from South Carolina (Mr. DORN), H.R. 9048 is essentially the same as H.R. 10880, which passed the Congress in the closing days of the last Congress.

It still contains the provisions dealing with outpatient and ambulatory service to veterans. As you know, under existing law outpatient and ambulatory service is available to veterans only in preparation for hospital admission or for post-hospital service in connection with treatment he received while hospitalized.

This bill would enlarge these current provisions to make it possible for veterans, especially non-service-connected veterans, to receive outpatient or ambulatory treatment, including medical examinations, medical treatment, and optometrical, dental, and surgical services where such care is reasonably necessary to obviate the need for hospital admission.

It also provides that any veteran with a service-connected disability rated at 80 percent or above may also be entitled to such outpatient or ambulatory treatment for any service-connected or non-service-connected cause.

H.R. 9048 retains the provisions in last year's bill providing pay differential for nurses performing duty between the hours of 6 p.m. and 6 a.m., from midnight Saturday to midnight Sunday, or on Federal holidays and for overtime pay for hours of service in excess of 8 hours a day or 40 hours during a nurse's administrative workweek.

Such differentials are the general rule with respect to nurses' compensation in civilian hospitals and the VA Committee feels that VA nurses should not receive less favorable treatment. We believe that this provision will act as a real factor in improving the recruitment and retention of nurses whose services, of course, are invaluable to the overall medical care mission of the VA.

Except for three instances, the remaining provisions of the bill, 22 in number, are unchanged. Those three instances reflect efforts to remove impediments to the measure which might affect its future course. The provisions involved will, if enacted, accomplish the following:

First, extend medical care insurance protection to the wife or child of a totally and permanently disabled service-connected veteran and to the widow or child of a person who has died as a result of a service-connected disability. In the previous bill, such medical care would have been provided at VA facilities. I am sure the Members are aware we have had in operation for several years in the military service a medical insurance program known as CHAMPUS, covering certain dependents and survivors of active duty and retired personnel of the Armed Forces. H.R. 9048 would provide that where the classes of persons above mentioned are not now eligible under CHAMPUS, then the Administrator of Veterans' Affairs is authorized to negotiate with the Secretary of Defense in an effort to secure benefits for them on a reimbursable basis under the existing CHAMPUS, through effecting changes in the present and future contracts with the prime insurer. If for any reason that course of action is found to be not feasible or administratively impracticable, and I should point out now that any such agreement is absolutely discretionary with the Secretary of Defense, then the Administrator is extended the authority to secure independent health insurance coverage providing similar services for the benefit of these limited classes of beneficiaries. Finally, the Administrator would have the authority to provide care in VA facilities specially equipped to provide the most effective care and treatment in a particular case. Examples of treatment which this provision contemplates are such exceptional services as hemodialysis, spinal cord injuries, open heart surgery, and high voltage X-ray and radioisotope therapy.

Second, instead of requiring specific staff-to-patient ratios in VA hospitals on a regional basis, as did our bill last year, H.R. 9048 would direct the Administrator of Veterans' Affairs to negotiate an agreement with the National Academy of Sciences for a full review and appraisal by the Academy of personnel and other resource requirements in VA medical facilities. The problem of an appropriate staff-to-patient ratio has

been a controversial one for many years and there is a great variance of opinion as to comparison of the VA ratio to the ratios at the private sector hospital level. The committee has consulted with representatives of the National Academy of Sciences and is confident that they have the particular resources and objectivity to make meaningful findings and constructive conclusions in the area in question.

Third, another controversial area through the years has been the question of the minimum hospital patient census that should be maintained. Past appropriation acts and our medical bill which was vetoed last year, contained mandatory numerical requirements for the number of beds to be maintained and patients to be treated in VA hospitals during a fiscal year. One of the specific objections cited by the President in his memorandum of disapproval last year dealt with this feature. H.R. 9048 would place in the law a broad policy approach which has been coordinated with, and concurred in, by the Office of Management and Budget, as reflected in its letter to the committee contained in the report on H.R. 9048.

Under this bill the Administrator is directed to provide the staff and maintain sufficient beds and other facilities to insure the immediate acceptance of, as well as the timely and complete medical care to, eligible veterans who apply for hospital admission and who are found in need of hospital care or medical services.

Further, the Administrator would be required to maintain the bed and treatment capacities of all Veterans' Administration medical facilities so as to insure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions or in the provision of such care and of services pursuant to section 612 of title 38.

The other provisions of the bill are generally administrative or operational in character and are designed to make improvements in the Department of Medicine and Surgery, extend greater flexibility to the Administrator in carrying out his responsibilities in the veterans medical care program, and to clarify and extend certain administrative authority now set forth in title 38 of the United States Code.

The major objectives of the bill which I previously discussed briefly are believed by the committee to be highly desirable and essential to the needs and greater utilization of the facilities of the Department of Medicine and Surgery. The broadening of the authority to extend outpatient or ambulatory care will enable the Veterans' Administration to render such care in many cases which under present law would require initial hospitalization of the non-service-connected wartime veteran concerned. With this expanded authority, the need for hospital admission will be obviated, thus making beds available to other veterans where hospitalization is clearly required.

With respect to cost, it has been estimated that the additional cost for the first full year following enactment of the bill will be $64.9 million. This represents a significant reduction in the cost of last year's bill which was estimated to be $88.9 million. At the same time, we believe that all of the basic objectives will have been met.

Mr. Speaker, in order to fully round out the record on this very major piece of veterans' legislation, I insert at this point a detailed summary of the provisions of the bill, together with a section-by-section analysis of H.R. 9048. In addition, I insert letters and telegrams from the Veterans of Foreign Wars, the Disabled American Veterans and the American Legion urging enactment of this measure.

In conclusion, Mr. Speaker, I strongly recommend approval of this important veterans' bill.

The material follows:

SUMMARY OF PROVISIONS

(1) Permits the furnishing of medical services on an outpatient or ambulatory basis to any veteran eligible for hospital care under veteran laws, where such care is reasonably necessary to obviate the need for hospital admission. These services include, in addition to medical examination and treatment, optometrists' services, dental and surgical services, as are now available in the case of non-service-connected disabilities for treatment after the veteran has been scheduled for admission for hospital treatment or, following hospitalization, in connection with treatment he received while hospitalized. The bill also extends mental health services, consultation, professional counseling and training of members of the immediate family of disabled veteran and such home health services as may be necessary or appropriate for the effective and economical treatment of VA beneficiaries. Places peacetime veterans on same basis as wartime for hospital and medical benefits. In the case of veterans who are disabled to a degree of 80 percent or more for a service-connected cause, provides for outpatient care for any disability from which he suffers.

(2) Provides for pay differentials for nurses performing duty between the hours of 6 p.m. and 6 a.m.; from midnight Saturday to midnight Sunday; or on Federal holidays. Provides for overtime pay for hours of service in excess of 40 hours during nurses administrative work week, or in excess of 8 hours a day; and for additional pay for nurses who are "on call" outside regular work hours.

(3) Directs VA, to the extent feasible, without interfering with medical care and treatment of veterans, to develop and carry out a program of training and education of health service personnel, acting in cooperation with schools of medicine and other institutions, and stressing the recruiting, training, and hiring of former military medics.

(4) Provides for furnishing of hospital and medical care (if such care is not otherwise provided under CHAMPUS, the medical program for certain dependents and survivors of active duty and retired members of the Armed Forces), for the wife or child of a totally and permanently disabled service-connected veterans and to surviving widows and children of veterans who died as a result of service-connected disability. This care is to be provided in the same or similiar manner and be subject to the same limitations as presently apply to Armed Forces dependents previously mentioned. The Veterans' Administration is authorized to enter into contracts with the Department of Defense or with private insurors for this purpose. Care may be provided for the subject group of dependents in VA facilities in those cases where there are specialized facilities which are not being utilized for care of eligible veterans.

(5) Directs the Administrator of Veterans' Affairs, within 90 days after enactment, to conclude negotiations for an agreement with the National Academy of Sciences for conducting a full review and appraisal of the personnel and other resource requirements in VA medical facilities. The National Academy of Sciences will then render interim reports, at the earliest feasible date, to the Administrator, the President of the Senate, and the Speaker of the House of Representatives, with a final report to be submitted not later than 24 months after the date of agreement. This date may be extended by not more than 12 additional months after consultation with the Chief Medical Director and the House and Senate Committee on Veterans' Affairs. The Administrator, within 90 days after submission of said report, to be required to submit to the House and Senate Committees a detailed report of his views on the findings and recommendations of the National Academy of Sciences and the steps and timetable he proposes for implementing these recommendations.

(6) Authorizes the appointment of two additional Assistant Chief Medical Directors, who may be individuals qualified in the administration of health services, but who are not doctors of medicine, dental surgery or dental medicine. Also reflects the new designations of Director of the Pharmacy Service and Director of the Dietetic Service to correspond to the other Director of Services titles, such as Chaplain and Nursing. It also establishes the position of Director of Optometry and prescribes compensation to be paid to such personnel.

(7) Prescribes the circumstances under which physicians, dentists or nurses may perform professional services other than those performed as full-time employees of the Veterans' Administration, and prohibits payments for certain services.

(8) Permits furnishing of nursing home care in the case of service-connected veterans requiring such care for their service-connected disabilities upon determination of need therefor by a Veterans' Administration doctor, thus removing the requirement that these persons be first hospitalized under VA auspices. Authorizes direct transfer of military personnel from military hospitals to nursing home care facilities.

(9) Clarifies current law with regard to contracts with clinics and other groups or individuals (in addition to medical schools and clinics as now permitted) for securing certain specialized medical resources.

(10) Provides additional authority for temporary full-time appointments of various types of medical personnel for a period of time not to exceed 1 year. Such appointments were previously authorized for a period of not more than 90 days.

(11) Clarifies and extends protection in malpractice or negligence suits brought against VA medical personnel.

(12) Permits reimbursement of veterans in VA hospitals and domiciliaries for loss of personal effects sustained by fire, earthquake, or natural disaster, while such effects were stored in those VA facilities. Previous law permitted reimbursement only in case of loss by fire.

(13) Permits VA to lease buildings or lands to public or nonprofit organizations without advertising, and to consider maintenance, protection, or restoration, by the lessee, as all or part of payments received under the lease. Prior to execution of any such lease, the Administrator must give public notice of intention in the press of the community in which the lands or buildings to be leased are located.

(14) Authorizes reimbursement of certain veterans who have service-connected disabilities, under limited circumstances, for reasonable value of hospital care or medical services, including necessary travel expense, when services are furnished from sources other than the VA. Eligible veterans are those receiving treatment for a service-connected disability, or a non-service-connected disability associated with a service-connected disability (or veterans in need of vocational rehabilitation because of a service-connected disability whose training would be interrupted or delayed because of the illness). Services must be rendered in a medical emergency and VA or other Federal facilities must not be feasibly available. In lieu of payment to the veteran, payment may be made directly to the medical facility providing medical services, or to a person or organization making payments in behalf of the veteran.

(15) Authorizes installation of telephones in personal residences of nonmedical directors of VA hospitals, domiciliaries, centers and independent clinics. Present law permits this only in the case of medical doctors.

(16) Clarifies the term "Veterans' Administration facilities" as it relates to provision of care in private facilities for VA beneficiaries.

(17) Extends VA authority (until June 30, 1978) to continue grants for hospital and medical care of veterans in the Republic of the Philippines. No more than $2 million is authorized to be expended for this purpose in any one fiscal year (including not more than $250,000 for nursing home care). Authority is also provided for expenditures in the amounts and for the purposes which follow, in each fiscal year during the 5-year period beginning July 1, 1973 and ending June 30, 1978: Authorizes grants to VA Memorial Hospital, Manila, for education and training of health service personnel assigned to that hospital, $50,000; and for replacement and upgrading of equipment and rehabilitation of the physical plant $50,000. Also extends authority to operate the VA Regional Office in the Republic of the Philippines through June 30, 1978. Authority is provided to assist the Republic of the Philippines in furnishing medical care (including nursing home care) for Commonwealth Army veterans and new Philippine Scouts who enlisted before July 4, 1946, under certain conditions.

(18) Provides specific authority for a VA program of screening, counseling, and treatment of sickle cell anemia.

(19) Provides for relinquishment to States in which VA facilities are located of such legislative jurisdiction as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned, of lands over which VA has jurisdiction.

(20) Provides for contracts with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with VA in training interns and residents, to provide for central administration of stipend payments, provision of fringe benefits and maintenance of records, by designating one such institution to serve as central administrative agency for this purpose.

(21) Directs the Administrator to staff and maintain sufficient beds and other facilities to insure immediate care of patients found to be in need of hospital care and medical services, and makes provision for rendering of an annual report on admission policies, as well as need for additional funds and facilities to meet the needs of veterans for necessary care and services, from the Chief Medical Director to the Administrator and to the House and Senate Committees on Veterans' Affairs. The Administrator is directed, with the approval of the President, to operate not less than 8,000 nursing care beds in the fiscal year ending June 30, 1974, and in each fiscal year thereafter.

(22) Provides for appointment by the Administrator of an Advisory Committee on Structural Safety of Veterans' Administration Facilities, to include at least one architect and one structural engineer who is an expert on fire, earthquake and other natural disasters, and who are not employees of the Federal Government, to advise him on matters relative to structural safety and remodeling of VA hospital and medical facilities.

(23) Provides for VA's contribution to local authorities for construction of traffic controls and road improvements in locations adjacent to VA medical facilities when deemed necessary for safety purposes.

(24) Increases the per diem rate for reimbursements of State soldiers' homes which provide care for veterans who are eligible for admission to VA medical and domiciliary facilities, from $3.50 per veteran per day to $4.50 where domiciliary care is provided; $5 to $6 where nursing home care is provided; and from $7.50 to $10 where hospital care is provided. Authority is also provided for reimbursement of such State home facilities where care is furnished veterans whose service occurred after January 31, 1955.

(25) Increases the percentage of the Federal Government's allowable contribution under the program of grants to States for construction, alteration, and renovation of State veterans' homes, from the present 50-percent maximum to 65 percent of the estimated cost of such projects.

(26) In connection with VA assistance to States in constructing nursing home facilities for veterans, appropriation authority is extended for an additional 5 years, i.e., to June 30, 1979. The formula for determining adequate State nursing home beds is increased from a maximum of 1½ beds per 1,000 veterans in any State to 2½ beds.

SECTION-BY-SECTION ANALYSIS OF H.R. 9048 AS REPORTED

Section 1 establishes the title of the proposed Act as "The Veterans Health Care Expansion Act of 1973."

TITLE I—HOSPITAL, DOMICILIARY, AND MEDICAL CARE BENEFITS

Section 101.—Subsection (a) amends clause (C) of present section 601(4) of title 38, regarding the Administrator's contract authority for providing hospital care, along the lines recommended in the administration bill proposed in the 92d Congress to delete the qualification that contract care for persons suffering from service-connected disabilities or disabilities for which they were discharged or released from the service be provided "only in emergency cases." Deletion of this language confirms existing practice.

Subsection (b) of section 101 amends paragraph (5) of present section 601 of title 38, which defines "hospital care", to reflect the expanded eligibility for hospital care provided for in subsection (a) of section 101 and section 102(3) of the bill as reported. In addition, a new clause (B) is added in paragraph (5) in order to include within the definition of "hospital care" the provision of mental health services, counseling, training, and (on the terms set forth in present section 111 of title 38) necessary transportation and subsistence expenses for the members of the immediate family of VA patients when such services and expenses are necessary or appropriate to treat and rehabilitate the VA patient effectively.

Subsection (c) of section 101 amends paragraph (6) of present section 601 of title 38, which defines "medical services" (ambulatory and out-patient care), to provide specific authority for the provision of home health care services.

Section 102 makes a series of amendments to present section 610 of title 38, which specifies eligibility for hospital and domiciliary care.

Clause (1) amends present subsection (a) to make nursing home care an inherent part of VA hospital care, thereby authorizing direct admission to VA directly-run nursing homes for all section 610 (as amended by section 102(4) of the bill as reported) beneficiaries. The effect of this new clause and the new section 610(e), added by clause (4) of section 102 of the bill as reported, is to authorize direct admission to VA directly-run nursing homes, eliminating the requirement that admission to such nursing homes must be made only for patients hospitalized in VA facilities. This new language would not authorize such direct admission to community nursing homes. (See section 104 of the reported bill for amendments to community nursing home authority.)

Clause (2) amends present clause (1)(B) of subsection (a) to make any veteran, peace-time or war-time, eligible for hospital care for a non-service-connected disability if he is unable to defray the necessary hospital expenses, rather than only war veterans at present. This provision would provide new eligibility for approximately 150,000 peace-time veterans (generally those whose service ended prior to April 6, 1917, and those who served between November 12, 1918 and December 6, 1941, and those who served between January 1, 1947 and June 27, 1950). The VA estimates the first-year cost of this provision as $7.9 million.

Clause (3) replaces the present subsection (c), regarding the provision of medical services to hospitalized veterans for non-service-connected disabilities for which they were *not* hospitalized. The revised subsection eliminates the requirements that the Administrator make a determination in each such instance that the treatment of the non-service-connected disability would be in the veteran's interest, would not prolong his hospitalization, and would not interfere with the furnishing of hospital services to other veterans. These conditions are needlessly restrictive on professional medical judgment or redundant of such judgment. The revised subsection, in accordance with what the VA advises is actual practice in most instances, premises the provision of such medical services only upon the willingness of the veteran and a finding that such services are reasonably necessary to preserve his or her health. No additional costs will result from this provision.

Clause (4) adds a new subsection (d) to present section 610 of title 38, as follows:

New Subsection (d) provides that in no event may nursing home care under chapter 17 of title 38 (as added to basic hospital care eligibility in present section 610 by clause (1) of section 102 of the bill as reported) be provided in other than VA directly-run nursing homes except insofar as community nursing home care under contract is expressly authorized under present section 620, as amended by section 105 of the bill as reported.

Section 103 amends present section 612 of title 38 by replacing present subsection (f), regarding the provision of medical services for the non-profit-connected disabilities of certain veterans. Presently, such out-patient and ambulatory care for non-service-connected disabilities may be provided only on a pre-hospital or post-hospital care basis or to any war veteran with a total and permanent service-connected disability. The revised subsection (f) includes for the first time the language "on an outpatient or ambulatory basis" and makes the provision applicable to service-connected as well as non-service-connected disabilities (thus, a veteran unable to defray the necessary expenses of hospitalization who contended his condition was service-connected and did not then require hospitalization could be provided outpatient care if his condition met the "obviate" criterion described in item

(1) below, without waiting for adjudication of his service-connected claim). The revised subsection also makes the following changes with respect to this authority: (1) authorizes (along lines proposed in the administration bill proposed in the 92d Congress), outpatient care to such veterans "when necessary to obviate the need of . . . hospital admission"; (2) authorizes such outpatient care for any veteran, peace-time or wartime, with an 80% or more rated service-connected disability; and (3) authorizes such outpatient care for any person eligible for hospital care, which, under the hospital care eligibility provisions in the revised subsection 610, newly authorizes outpatient care under the terms of revised subsection (f) for peacetime veterans.

Under the new "necessary to obviate" hospital care standard, a veteran with a non-service-connected disability would still be required to complete an oath of inability to defray the necessary expenses of hospital care, pursuant to present section 622 of title 38. According to the VA report this provision would entail no additional expenditures.

Subsection (b) of Section 103 adds a new provision authorizing the Administrator to provide, under certain limited conditions, medical care for the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability and for the widow or child of a veteran who died as a result of a service-connected disability *provided* that such a person is not otherwise eligible for medical care under Chapter 55 of Title 10 (CHAMPUS). The Administrator may provide such care either by agreement with the Secretary of Defense to include coverage for such persons under the on-going CHAMPUS program or by contracting independently for such insurance, medical service or health plans as he deems appropriate.

The Administrator would also be authorized to treat such dependents and survivors on an inpatient or outpatient basis in VA facilities in cases where those facilities are particularly equipped to provide the most effective care and treatment, such as, for example, hemodialysis, spinal cord injury units, open-heart surgery, and high-voltage x-ray and radio-isotope therapy, and other specialized medical services which are available on an inpatient or outpatient basis in some VA hospitals and which may not be available in many community medical facilities.

Section 104.—Subsection (a) amends subsection (a) of present section 620 of title 38, regarding transfer of VA hospital patients to community nursing homes, so as to authorize direct admission (without immediately prior VA hospitalization as is now required) to community nursing homes at VA expense of servicemen from military hospitals if the Service Secretary concerned determines and the Administrator agrees that the serviceman has received maximum hospital benefits and requires nursing home care. The VA estimates no material cost increase as a result of this provision.

Subsection (b) of section 104 is purely technical in order to achieve consistency of drafting style.

Subsection (c) of section 104 amends subsection (b) of present section 620 of title 38, requiring VA standards to be established for community nursing homes to which eligible veterans are transferred, by adding a new sentence to require the Administrator to make copies of VA prescribed standards and inspection reports available to all Federal, state, and local agencies charged with licensing or otherwise regulating or inspecting such institutions (this is done only sporadically now).

Subsection (d) of section 104 adds a new subsection (d) to present section 620 of title 38 to authorize direct admission of a veteran to community nursing homes at VA expense of veterans requiring nursing home care for service-connected disabilities after the need for such care is determined by a physician (employed by the VA or performing under contract or fee arrangement) based upon an examination of the veteran by such physician. A comparable provision was supported by the VA in 1972, except that the VA provision would have excluded (apparently inadvertently) application of this new procedure in Hawaii and Alaska where the VA does not maintain medical facilities or employ physicians. The revised provision also makes clear that in such states as well as in geographical areas where no VA physician employee is stationed, the examination and determination may be conducted on behalf of the VA by a physician under a contract or fee arrangement.

Section 105.—Subsection (a) amends present section 626 of title 38, regarding VA reimbursement to VA patients due to fire loss, so as to cover certain personal property loss by earthquake or other natural disaster (flood, windstorm). The VA has produced no cost estimate for this provision, which section 501 of the bill as reported makes retroactive to January 1, 1971, in order to cover the San Fernando, California, earthquake and the Fayetteville, North Carolina, windstorm, both of which occurred in February, 1971, and occasioned considerable patient property loss.

Subsection (b) of section 106 amends the catchline for present section 626 to reflect the revision contained in subsection (a).

Section 106.—Subsection (a) amends present subchapter III (Miscellaneous Provisions) of chapter 17 of title 38 by adding a new section 628 to codify a VA regulation providing for reimbursement of the reasonable value of hospital care and medical services provided to veterans entitled to VA medical care for service-connected disabilities in an emergency when VA facilities are not readily available. No additional cost should be occasioned by this provision.

The bill as reported also includes in the reimbursement provisions of the new section authority for reimbursement (without prior authorization) for emergency care provided for any disability (whether or not it could be demonstrated to be service-connected) of a veteran with a 100 percent permanent and total service-connected disability. Under present law, such veterans are entitled to full VA medical care, in- and out-patient, for any disability, either directly in a VA facility or by fee or contract. However, it is not clear that the VA would interpret its contract authority (which itself is not crystal clear in present law—the bill as reported makes it explicit) to permit reimbursement after expenditures had been made an emergency situation where no VA hospital or clinic is accessible. And the enactment of section 628, without inclusion of authority to make such reimbursement, might be interpreted to rule out such an expansive interpretation.

The amendment would close this small gap in coverage for the 100% service-connected disabled (it is retroactive to January 1, 1971, to cover any meritorious claims arising since the start of the 92nd Congress). It is not contemplated that appreciable additional expense would be entailed since such so severely disabled veterans tend to remain accessible to VA hospitals for treatment.

Subsection (b) of the new section makes clear the Administrator's authority to make payment directly to the provider of the services rather than to the veteran treated.

Section 107.—Subsection (a) amends sections 631 and 632 of title 38 effective July 1, 1973 regarding grants to and agreements with the Philippines, by striking out these sections and inserting in lieu thereof new sections 631 and 632. The VA estimates the first year cost as $2.1 million and the same for each of the next four fiscal years.

New section 631 authorizes the President to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans and certain new Philippine Scouts for service-connected disabilities and for non-service-connected disabilities under certain conditions.

New section 632(a) provides that the President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into a contract with the Veterans Memorial Hospital, with approval of the appropriate department of the Government of the Republic of the Philippines covering the period beginning on July 1, 1973, and ending on June 30, 1978, under which the United States—

(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided in the Veterans Memorial Hospital (or by contract or otherwise) in accordance with the conditions and limitations applicable generally to beneficiaries under present section 612 of title 38, for Commonwealth Army veterans and new Philippine Scouts the Administrator determines to need such hospital care or medical services for service-connected disabilities (presently there is no contract care authority for new Philippine Scouts);

(2) will pay for hospital care at the Veterans Memorial Hospital for Commonwealth Army veterans and new Philippine Scouts who enlisted before July 4, 1946, the Administrator determines need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

(3) may provide for the payment of travel expenses pursuant to present section 111 of title 38 for Commonwealth Army veterans and new Philippine Scouts in connection with hospital care or medical services furnished them;

(4) may provide for payments for nursing home care, on the same terms and conditions as set forth in section 620(a) of title 38, for any Commonwealth Army veteran or new Philippine Scout determined to need such care at a per diem rate not to exceed 50 percent of the hospital per diem rate established pursuant to the new clause (6) of section 632 (this is a new authority);

(5) may provide that payments for hospital care and medical services provided to Commonwealth Army veterans and new Philippine Scouts or to U.S. veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator; and also is authorized to furnish, through the revolving supply fund, pursuant to present section 5011 of title 38, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefor, as applicable, appropriations available for such payments;

(6) will provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

(7) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Hospital fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

Subsection (b) of the new section provides that the total payments under this modified agreement shall not exceed $2 million for any one fiscal year during such period, of which sum not to exceed $250,000 shall be for the purposes of payments under new clause (4).

Subsection (c) of the new section provides that available beds, equipment, and other facilities at the Veterans Memorial Hospital can be made available at the discretion of the Republic of the Philippines for other persons subject to (1) priority of admission and retention in the hospital of Commonwealth Army veterans or new Philippine Scouts needing hospital care for service-connected

disabilities, and (2) the use of available facilities on a contract basis for hospital care or medical services for persons eligible therefor from the VA.

Subsection (d) of the new section provides for an authorization of appropriations each fiscal year during the six years beginning July 1, 1973, and ending June 30, 1978, of (1) $50,000 for VA grants to the Veterans Memorial Hospital for the purpose of education and training of health service personnel assigned to (as compared to present section 632(e)) the hospital and (2) $50,000 for VA assistance to the Republic of the Philippines in replacing and upgrading equipment and rehabilitating the hospital physical plant under terms and conditions prescribed by the Administrator. Appropriations for purposes of clause (2) are to remain available until expended. This provision would enable the VA to obtain equipment whose value may exceed $50,000 by allocating 2 or more years funding for such purchase.

Subsection (b) of section 107 amends the table of sections at the beginning of chapter 17 of title 38 to reflect changes made in present sections 631 and 632 of title 38 by subsection (a).

Subsection (c) of section 107 provides that nothing in this section shall be deemed to affect in any manner any right, cause, obligation, contract (specifically including that contract executed April 25, 1967, between the Government of the Philippines and the Government of the United States resulting from Public Law 89–612, which shall remain in force and effect until modified or superseded by an agreement executed under authority of this Act), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under the provisions of section 612 of title 38, in effect on the day before the date of enactment of this section.

Section 108.—Subsection (a) amends present section 624 of title 38, regarding hospital care and medical services abroad, by adding a new subsection (d) making U.S. veterans residing in the Philippines eligible for the same per diem payments for nursing home care as would be made available to Filipino veterans in the Philippines by the amendment to present section 632 in section 107 of the bill as reported. This new eligibility should entail no appreciable cost.

Subsection (b) of section 108 amends the catchline for present section 624 to reflect the revision contained in subsection (a).

Section 109.—Subsection (a) adds to chapter 17 of title 38 a new subchapter VI, "Sickle Cell Anemia". This provision is similar to provisions in section 5 of S. 2676, the proposed "National Sickle Cell Anemia Act", which passed the Senate on December 8, 1972. This section was deleted from the version as is passed the House (incorporating the text of H.R. 13592) on March 22, 1972, and this deletion was agreed to by the Senate on April 17, 1972, in returning the bill to the House with an amendment. The Act is now P.L. 92–294.

Section 651 in the new subchapter authorizes the Administrator to carry out a comprehensive program of providing sickle cell anemia screening, counseling and treatment, and dissemination of information under the provisions of chapter 17. It is expected that under these provisions, the VA would offer to all veterans receiving hospital or domiciliary care or medical services, and those receiving benefit eligibility examinations, screening examinations to detect those persons with the sickle cell trait or with sickle cell anemia; ensure that all veterans' benefits recipients receive full information as soon as possible regarding sickle cell trait or anemia and where they may receive screening and treatment for such a trait or disease; provide appropriate counseling on a voluntary basis to a spouse of an eligible veteran, who was found to have the sickle cell trait; and advise every black veteran receiving outpatient or inpatient VA care or undergoing a VA physical examination about the availability of voluntary sickle cell anemia screening under the new Subchapter. The VA estimates the cost of these programs over a five-year period to be $10 million.

Section 652 in the new subchapter authorizes the Administrator to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under the new subchapter.

Section 653 in the new subchapter.—Subsection (a) specifies that any person who participates in any of the sickle cell anemia programs under the new subchapter (including the research program by cross reference in new section 652) shall do so only on a voluntary basis, and that such participation shall not be a condition for receiving service or assistance from programs to which the participant may otherwise be entitled under title 38.

Subsection (b) of the new section directs the Administrator to ensure the confidentiality of all information and patient records obtained from sickle cell anemia programs conducted under the new subchapter.

Section 654 in the new subchapter directs the Administrator to include in the annual report to the Congress required by title 38, a comprehensive report on the administration of the new Subchapter, including recommendations for additional legislation as the Administrator deems necessary.

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE, RELATING TO THE DEPARTMENT OF MEDICINE AND SURGERY

Section 201 amends present section 4101 of title 38, regarding functions of the Department of Medicine and Surgery (DM&S), by revising present subsection (b) to supplement the primary function of the VA Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower in order to meet national needs in addition to meeting the hospital needs of veterans, to the extent feasible without interfering with the medical care and treatment of veterans. In carrying out this function, the Administrator is directed to develop and carry out a program of health manpower education and training, including the development and evaluation of new health careers, interdisciplinary approaches and career advancement opportunities, and to carry out a major program for the recruitment, training and employment of veterans with medical military occupation specialities (MOS) as physicians' assistants, dentists' assistants, and other medical technicians. The VA is directed to advise all veterans and servicemen about to be discharged with such MOS's of the opportunities for training and employment in the VA. In implementing these new programs, the VA is directed to act in cooperation with such health training institutions as the Administrator deems appropriate. The VA estimates no additional cost resulting from this provision.

Section 201 also adds a new subsection (c) to the present section 4101 to provide that—

(1) Within 90 days after enactment of the subsection, the Administrator, in consultation with the Chief Medical Director, is directed to conclude negotiations for an agreement with the National Academy of Sciences under which such Academy (utilizing its full resources and expertise) will conduct an extensive review and appraisal of personnel and other resource requirements in Veterans' Administration hospitals, clinics, and other medical facilities to determine a basis for the optimum numbers and categories of such personnel and other resources needed to ensure the provision to eligible veterans of high quality hospital, medical, domiciliary, and nursing home care in all such facilities. Such agreement shall provide that (A) at the earliest feasible date interim reports (the first six months after the contract is executed) and the final report will be submitted by the National Academy of Sciences to the Administrator, the President of the Senate and the Speaker of the House of Representatives, and (B) the final report will be submitted no later than 24 months after the date of the agreement except that the Administrator, in consultation with the Chief Medical Director and after consultation with the House and Senate Committees on Veterans' Affairs, may permit an extension up to twelve additional months.

(2) Within 90 days after the submission of the final report described in subsection (a) of this section, the Administrator shall submit to the Senate and House Committees on Veterans' Affairs a detailed report of his views on the National Academy of Sciences' findings and recommendations submitted in such report, including (A) the steps and timetable therefor (to be carried out in not less than three years) he proposes to take to implement such findings and recommendations and, (B) any disagreements, and the reasons therefor, with respect to such findings and recommendations.

(3) The Administrator shall cooperate fully with the National Academy of Sciences, and make available to the Academy all such staff, information, records, and other assistance, and shall set aside for such purposes such sums, as are necessary to ensure the success of the study.

Section 202 amends present section 4103(a) of title 38, which specifies the personnel in the Office of the Chief Medical Director to make changes included in the administration bill originally proposed in the 92nd Congress: providing in paragraph (4) of the present subsection authority for appointment of two additional (six authorized now) Assistant Chief Medical Directors (ACMD's) (VA estimated cost $89,000 per year) not more than two of whom may be lay administrators and in paragraph (7) of the present subsection, upgrading the Chief Pharmacist and Chief Dietician to Directors of Services and adding a new position "Director of Optometry" under the Chief Medical Director. (Under the new Section 4103 Schedule in section 203 of the reported bill, all three positions would be compensated at the same level—$31,203 minimum to $39,523 maximum.)

Section 203.—Clause (1) revises subsections (a) and (b) of present section 4107 of title 38, establishing title 38 DM&S grades and pay scales (for DM&S officers; physicians, dentists, and nurses), along the lines in the administration bill proposed in the 92nd Congress. Basically, the amendment reflects current practice under the three recent Federal pay increases. In addition, the Director of Nursing is upgraded to the level of Medical Director grade (GS–17)—the same as Directors of DM&S Services (such as Psychiatry); the Directors of the Chaplain, Pharmacy and Dietetic Services are upgraded from the equivalent of GS–15 to 16; and a new Nurse Schedule grade is established—Director grade comparable to the Chief Grade in the Physician and Dentist schedule, all recommended by the VA (at an annual cost estimate of $63,000). Establishment of the Director grade is intended to recognize the difficult managerial and professional responsibilities inherent in the position of Chief Nurse in the very largest and most complex VA hospitals, and in the position of the top program officials in the headquarters Nursing Service in the Department of Medicine and Surgery. Such responsibilities inherent in other chief nurse and managerial nurse positions can be similarly recognized, as appropriate, by use of existing grades in the Nurse Schedule.

The newly created position of Director of Optometry is paid on the same level as the Directors of the Pharmacy and Dietetic Serv-

ices; and the prohibition in subsection (b)(2) of the present section 4107 on persons who are eligible to hold the director grade (directors of VA hospitals, domiciliaries, centers, or independent outpatient clinics) is made applicable only to the Physician and Dentist Schedule so as to carry out the purpose of the new Director grade in the Nurse Schedule—for the Chief Nurse in large hospitals—as recommended by the Administration.

Clause 2 of section 203 adds at the end of present section 4107 of title 38, regarding grades and pay scales, new subsections as follows:

New subsection (d) specifically applies to title 38 salaries and limitations—salaries in excess of $36,000 limited to $36,000 until pay for level V of the Executive Schedule is raised—of 5 U.S.C. 5308. A comparable provision was included in the administration bill proposed in the 92d Congress.

New subsection (e) establishes overtime and premium pay benefits for VA nurses (and it is intended that this provision shall be applied to intermittent and part-time nurses) generally comparable to those now available to General Schedule and Wage Board employees. Similar provisions were included in the administration bill proposed in the 92d Congress. Variations are noted in the description that follows:

Paragraph (1) of the new subsection establishes the basic eligibility for specified pay in addition to basic compensation. *Paragraph (2) of the new subsection (Night Duty)*:—10% of the employee's basic rate added for each hour between 6 p.m. and 6 a.m. except that if at least four hours of a tour (generally 8 hours of work per full tour) fall within those hours of the night tour (for example a 3:30 p.m. to 12 midnight tour), all hours of that tour would be paid at the extra 10% rate. (It should be noted that the administration proposal in the 92d Congress seemed to exclude the night nurse working overtime from the additional 10%—i.e., 160% instead of 160% by use of the language "for each hour of service not exceeding eight hours," whereas the provision in the reported bill would clearly provide for 160%, as do present G.S. authorities.)

Paragraph (3) of the new subsection (Sunday Duty):—25% of the employee's basic rate added for each hour worked on a tour any part of which falls between midnight Saturday and midnight Sunday. The administration proposal in the 92d Congress, apparently this time following G.S. precedent, would clearly preclude 175% for Sunday overtime, whereas the reported bill provision would allow it by deleting "which is not overtime work" and the same eight-hour tour limitation discussed in new paragraph (2) above.

Paragraph (4) of the new section (Holiday Duty):—100% of the employee's basic rate added for each hour worked on a Federally-declared holiday. For overtime work on a holiday, in conjunction with paragraph (7), the full 100% additional would be paid, rather than only 50% additional for holiday overtime, which is the incongruous and inequitable effect—reducing pay when the nurse goes on overtime on a holiday—proposed by the administration and paid under the G.S. A provision has been added to specify that a nurse required to perform any work on a holiday shall receive at least two hours double pay (now provided in 5 U.S.C. 5546(c) for G.S. employees).

Paragraph (5) of the new section (Overtime Duty):—150% of the employee's basic rate used for computation for each hour in excess of eight hours per day or forty hours per administrative workweek, but the basic rate cannot be above the minimum rate of Intermediate grade in the Nurse Schedule (equivalent of GS 11—although GS 10, Step 1, is the limiting salary base under the General Schedule; overtime does not begin until at least 15 minutes is worked; compensatory time off is not permitted as it is under the G.S. system; and any new work on a non-work day or callback shall be a minimum of time-and-a-half for two hours. This whole provision is identical to the original administration proposal in the 92d Congress.

Paragraph (6) of the new subsection specifies the basis for computing the basis hourly rate (dividing annual salary by 2080) This is identical to the administration bill proposed in the 92d Congress.

Paragraph (7) of the new subsection makes clear that the additional pay provisions of new paragraphs (2) through (5) are to be applied independently and consecutively, except that holiday overtime and holiday non-overtime work are both paid the same (200%). There was no comparable administration provision proposed last Congress.

Paragraph (8) of the new subsection (On Call):—10% of the employee's basic overtime rate (150% of the employee's basic rate not to exceed Intermediate grade, Step 1) added for each hour officially scheduled on call. There is no comparable provision in the administration bill or G.S. now, although serious consideration has been given to it. A survey of available data on large city hospital pay practices for on-call time indicates the proposed provision in the Committee substitute is in step with private and community practice in this area.

Paragraph (9) of the new subsection provides that additional pay under this new subsection will not count as basic compensation for lump-sum leave payments, severance pay, and other benefits relating to basic compensation. There was an identical provision in the administration bill as a paragraph (7) in a new subsection (d) to be added to present section 4107.

The VA estimate of the first-year cost for premium and differential pay is $26.7 million.

Section 204 amends present section 4108 of title 38 to clarify the hours and conditions of employment and leaves of absence for physicians, dentists, and nurses appointed on a full-time basis.

New subsection (a) directs the Administrator to prescribe, by regulation, such hours and conditions of employment and leaves of absence, and lists provisions regarding permissible outside employment by physicians, dentists and nurses appointed in the Department of Medicine and Surgery—

Clause (1) of the new subsection would prohibit such personnel from assuming responsibility for the medical care of any patient other than a patient admitted for treatment at a VA facility, except where, with the approval of the Chief Medical Director, such responsibilities are assumed to assist communities or medical practice groups to meet medical needs which would otherwise not be available (for a period limited to 6 months, with extension for an additional six months approved specifically by the Chief Medical Director). The Chief Medical Director would delegate to the station director the responsibility for granting an exception so that consulting services for up to six months would be permissible when necessary to provide scarce expertise to help the non-VA community to provide otherwise unavailable services.

Clause (2) of the new subsection would prohibit such personnel from teaching or providing consultative services at affiliated institutes where such activities would, because of their nature or duration, conflict with responsibilities under title 38.

Clause (3) of the new subsection would prohibit such personnel from accepting payment under reimbursement programs established under subchapter XVII (Medicare) or XIX (Medicaid) of chapter 7 of title 42, or under chapter 55 of title 10, for professional services rendered while actually carrying out responsibilities under title 38.

Clause (4) of the new subsection would prohibit such personnel from accepting any payment or per diem for travel performed in the course of carrying out responsibilities under title 38, other than as provided for in section 4111 of title 5.

Clause (5) of the new subsection would prohibit such personnel from requesting or permitting any payment on his behalf for insurance insuring him against malpractice claims arising in the course of carrying out responsibilities under title 38 or for dues or fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of his remuneration for professional responsibilities permitted under section 4108, other than those carried out under title 38.

Clause (6) of the new subsection would prohibit such personnel from performing any professional services, in the course of carrying out responsibilities under title 38, for the purpose of generating money for any fund or account maintained by an affiliated institution for the benefit of such institution, or for his personal benefit, or both. Where such funds or account may have been established prior to the effective date of the new subsection (a), certain requirements and limitations are specified.

Subsection (b) of section 204 amends the table of sections at the beginning of chapter 73 of title 38 to reflect the revisions contained in subsection (a).

Section 205. Subsection (a) amends present section 4109 of title 38, regarding retirement rights, to update the statutory reference in view of the codification of title 5, United States Code.

Section 205.—Subsection (b) is a technical clarifying amendment.

Section 206.—Clause (1) amends present section 4114(a) of title 38, regarding temporary, full-time appointments of health personnel, to raise the time limit of such appointments from 90 days to one year for health personnel generally (except trainees), just as it is for physicians, dentists, and nurses. This provision was included in the administration bill (proposed in the 92nd Congress).

Clause (2) of section 206 amends present section 4114(b) of title 38, regarding residency and internship appointments, by adding a new paragraph (2) defining the term "intern" and a new paragraph (3) providing for central administration of internships and residencies, in a form virtually identical to that which was first proposed by the administration and passed the House in H.R. 10879 in the 92nd Congress with a VA estimate of no additional cost.

Clause (3) of section 206 adds a new subsection (e) to present section 4114 of title 38 to require that full-time training programs for veterans to be physicians and dentists' assistants be treated as a full-time institutional program ($220 per month for a single veteran), the same as are internship and residency training programs (by virtue of an administrative ruling) under chapter 31, 34 or 35 for purposes of GI bill benefits. Measurement of such training program as less than full-time under the GI bill would be permissible only when the combined classroom (and other formal instruction) and OJT portions of the training program totalled less than 30 hours per week (a figure drawn from present section 1788(a)(5) in chapter 36 of title 38 regarding measurement of OJT full-time programs under the GI bill). This provision is designed to make physicians' assistant training more attractive to veterans with medical MOS's. No cost estimate has been provided by the VA, but it is unlikely to be appreciable.

Section 207 amends present section 4116 of title 38, regarding defense of certain malpractice and negligence suits against the U.S. arising out of actions of certain VA health care personnel. They were included in the administration bill (section 206 of S. 1924) proposed in the 92nd Congress at no

additional estimated cost, to clarify and extend this protection to cases where Federal Tort claims actions would not lie, but actions could still be brought against the VA employee personally for actions arising in the exercise of his duties; to authorize the Administrator to provide insurance for these purposes; and to add specification of physician's and dentists' assistants. Virtually identical provisions were added to the Public Health Service Act by PL 91–623 in 1970 and were included.

Section 208 amends present section 4117 of title 38, authorizing contracts for scarce medical specialist services, to clarify that the authority extends to "any group or individual capable of furnishing" the necessary services. This provision was included in the administration bill proposed in the 92d Congress), with a VA estimate of no additional cost. Reference to physicians' and dentists' assistants is added.

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

Clause 1 in subsection (a) of section 301 amends Section 5001 of Title 38 to provide that the Administrator shall staff and maintain, in such a manner as to ensure the immediate acceptance and timely and complete care of patients, sufficient beds and other treatment capacities to accommodate, and provide such care to, eligible veterans applying for admission and found to be in need of hospital care or medical services. The Administrator shall maintain the bed and treatment capacities of all Veterans' Administration facilities so as to ensure the accessibility and availability of such beds and treatment capacities to eligible veterans in all States and to minimize delays in admissions and in the provision of such care and services. The Chief Medical Director shall periodically analyze agency-wide admission policies and the records of those veterans who apply for hospital care and medical services but are rejected or not immediately admitted or provided such care or services, and shall annually advise the Administrator and through him the House and Senate Committees on Veterans' Affairs of the number of any additional beds and treatment capacities and the appropriate staffing and funds therefor which are necessary to meet the needs of such veterans for such necessary care and services.

For several years, OMB and other Executive Branch officials have been engaged in a systematic attempt to reduce operating beds and the average daily patient census in VA hospitals. For the past two fiscal years, the Congress has established by law in appropriation acts minimum operating bed and average daily patient census levels in order to insure that all qualified veterans in need of hospital care would have the necessary VA hospital facilities to accommodate their medical needs. These statutory levels have been ignored each year by the Administrator of Veterans Affairs apparently due to lower arbitrary guidelines imposed upon the VA by OMB.

The Committee has amended the bill to remove previously established average daily patient census levels of 85,500 and operating bed levels of 97,500 which were legislated in FY 1972 and 1973. The Committee is taking this action in direct response to the President's request contained in his March 1 message to the Congress on Human Resources, and further amplified by the Administrator of Veterans Affairs in his report to this Committee on H.R. 2900, dated June 26, 1973.

The objective of this amendment is to support the Administration's stated objective in their report on this legislation that this new approach will expedite their efforts to organize facilities and budget resources to achieve the objective of caring for the medical needs of all eligible veterans. The Committee action to eliminate the numerical levels of average daily patient census and operating beds from this bill places a clear obligation on the OMB and the VA to likewise eliminate pre-conceived floors or ceilings of average daily patient census and other treatment indices which have been utilized during the past several fiscal years.

The Committee expects the VA to submit, in connection with budget requests, projections of annual average daily patient census loads; staffing needs, and budget recommendations, but recognizes that with the innovation of this new legislation, such projections will need to be continually reviewed and, where appropriate, revised later in the fiscal year and that such revisions may require commensurate additional funding.

Clause (2) in subsection (a) amends paragraph (3) to raise the nursing home care beds authorization from the present minimum (4,000) to a maximum of 8,000 by FY 1974 (6,568 presently in operation) to be maintained thereafter.

Subsection (b) of section 301 revises subsection (b) of the present section 5001 of title 38, requiring fireproof construction of VA hospitals and domiciliaries, to require the Administrator to make fire, earthquake, and other disaster resistance studies, to ensure that all new construction and new acquisitions must meet new safety standards he is directed to prescribe; and to provide for the appointment of an intra-agency Advisory Committee on Structural Safety in VA Facilities.

Subsection (c) of section 301 adds a new subsection (g) to section 5001 of title 38 to authorize the Administrator to make contributions to local authorities for the construction of traffic controls, road improvements or other devices adjacent to VA medical facilities when deemed necessary for safe access.

Section 302 amends present chapter 81 (Acquisition and Operation of Hospital and Domiciliary Facilities) of title 38, as follows:

Clause (1) of section 302 adds to chapter 81 of title 38 a new section 5007 (Partial relinquishment of legislative jurisdiction), which authorizes the Administrator to cede concurrent jurisdiction over VA lands and interests to the State where located. This provision is based on the administration bill (H.R. 481) in the 92d Congress which passed the House, but would not permit, as that bill would, total relinquishment of jurisdiction to a State. Rather, the bill as reported permits only the ceding of concurrent jurisdiction, as did P.L. 91–45 ceding concurrent jurisdiction over the Fort Harrison, Montana, VA Center real property, thereby maintaining a clear and continuing Federal control over VA land and buildings situated thereon. The VA estimates that this provision would entail no additional cost and concurs in its approach.

Clause (2) of section 302 amends present chapter 81 by amending subsection (a) of present section 5012 of title 38, regarding leasing for up to three years of lands or buildings under VA control, a new sentence exempting such leases from 5 U.S.C. 41, which requires advertising for leases above $500, and from the provisions of 40 U.S.C. 303b, which bar lease provisions calling for property maintenance as part of the consideration for the rental. These provisions were included in the administration bill (section 301 of S. 1924) proposed in the 92d Congress. An additional sentence is added in the bill as reported to require the Administrator, prior to execution of such a lease, to give appropriate public notice in local newspapers of his intention to execute such a lease.

Clause (3) of section 302 amends the table of sections at the beginning of present chapter 81 by inserting reference to the new section 5007 added by clause (1) of section 302 of the bill as reported.

Section 303 amends present section 5053(a) of title 38, authorizing arrangements for the sharing of specialized medical resources between VA and community hospital facilities, by making clear that these arrangements may also be made with "medical schools or clinics". This provision is included in the administration bill proposed in the 92d Congress, and would, along with the other two clauses added, entail no additional costs, according to the VA estimate.

TITLE IV—MISCELLANEOUS AMENDMENTS TO TITLE 38, UNITED STATES CODE

Section 401 amends subsection (b) of section 230 of title 38, regarding VA central and regional offices, to extend the termination date of the Administrator's authority to maintain a regional office in the Republic of the Philippines from July 3, 1974, to June 30, 1978. The VA estimates the first-year cost as $975,000 and the same for each of the next four fiscal years.

Section 402.—Subsection (a) amends present section 234 of title 38, regarding telephone services for medical officers, to permit installation in private residences for official use of a telephone for nonmedical directors of VA centers, hospitals, independent clinics and domiciliaries; presently, such installation may be made only for physician directors. This provision was included in the administration bill proposed in the 92d Congress, and the VA estimate of the annual cost is $3,000.

Subsections (b) and (c) of section 402 amend the table of sections at the beginning of present chapter 3 and the catchline at the beginning of present section 234 of title 38 to change the catchline of section 234 to reflect the amendment made in subsection (a)(1) of section 401 of the bill as reported.

Section 403 amends a number of sections of title 38—section 641, increasing the rates for VA payments to State veterans hospitals and nursing homes and making such payments in the case of veterans of the post-Korean conflict, with an estimated first-year cost of $5 million; section 644(b), authorizing appropriations for VA grants to states for remodeling and altering state veterans homes; section 5033, to extend the State home nursing facility program for an additional five years; sections 5035(a)(1), (b)(1), and (d), all regarding VA grants to states for construction of state home facilities providing nursing care to war veterans; and section 5036, regarding recapture of the VA-assisted portion of such homes which cease to be operated principally for the care of veterans—to raise from 50 percent to 65 percent the permissible VA share of the cost of the proposed state home project. This provision is identical to that requested by the administration in the 92d Congress.

Section 403 would also amend section 5034 of title 38, to increase the number of nursing home beds in each State for war veterans in need of nursing home care.

Originally, the number of such beds was limited to .5 beds per thousand war veteran population in the case of any one State. In October 1965 this was increased to 1.5 by Public Law 89–311. This provision of the reported bill would increase this to 2.5.

Sixteen States have received VA assistance in 25 construction projects involving 2,909 nursing care beds at a total cost of over $46 million with the Veterans Administration contributing about 46 percent or about $21 million. Only two States (Rhode Island and Vermont) have approached the maximum limit. Both have expressed interest in constructing more beds which would exceed the 1.5 bed limit.

Since other States have not raised the maximum number of beds as a problem, it is realistic to assume that a limited number of States would be affected; for example—

State	Number of beds constructed	Current maximum (1½)	Proposed maximum (2½)
Rhode Island	165	195	325
Vermont	62	81	135

The proposed maximum beds projected here are based on Bureau of Census data published December 31, 1971.

Based on an average VA construction cost of approximately $7,300 per bed, the projected cost of this provision should, for the two States mentioned, be about $1.3 million (184×$7,300 per bed=$1.3 million) over a 5-year period.

TITLE V—EFFECTIVE DATES

Section 501 makes all provisions of the proposed Act effective on the first of the month following enactment except for (1) sections 105 (reimbursement for loss of personal effects in natural disaster) and 106 (reimbursement for certain emergency medical expenses), which are made retroactive to January 1, 1971, (2) section 203 (pay and grade schedules and new premium and overtime pay), the provisions of which become effective beginning with the first pay period following 30 days after enactment and (3) section 107 relating to the Republic of the Philippines in effective July 1, 1973.

ESTIMATES OF COST

SECTION-BY-SECTION COST CHART FOR H.R. 9048, 93D CONGRESS

Section number and provision	Cost (in millions) fiscal year— 1974	1975	1976	1977	1978
101. (a) To reflect long-standing definition of "VA facility"	[1]	[1]	[1]	[1]	[1]
(b) Mental health services and training to certain dependents	[2]	[2]	[2]	[2]	[2]
(c) Home health services to veteran or dependent	[2]	[2]	[2]	[2]	[2]
102. Hospital or nursing home care for peacetime vets—for n/s/c	$7.9	$8.5	$9.0	$9.7	$10.4
103. (a) Outpatient care to obviate need for hospitalization	[13]	[1]	[1]	[1]	[1]
80 percent s/c disabled	1.6	1.7	1.8	1.9	2.0
(b) Wives, widows, and children	5.0	10.0	15.0	15.0	15.0
104. (a) Direct admission of military to community nursing home	[2]	[2]	[2]	[2]	[2]
(b) Technical amendments	[1]	[1]	[1]	[1]	[1]
(c) Nursing home standards	[1]	[1]	[1]	[1]	[1]
(d) Direct admission to community nursing home for s/c condition	[4] 11.2	12.7	13.5	13.9	14.2
105. Earthquakes—loss of personal effects	[2]	[2]	[2]	[2]	[2]
106. Reimbursement for emergency medical care	[1]	[1]	[1]	[1]	[1]
107. Grants to Philippines	2.1	2.1	2.1	2.1	2.1
108. N/H care for U.S. veterans in Philippines	[2]	[2]	[2]	[2]	[2]
109. Sickle cell anemia	2.3	2.3	2.3	2.3	2.3
201. Expands D.M. & S. mission	[1]	[1]	[1]	[1]	[1]
Staff-patient ratio study	[2]	[2]	[2]	[2]	[2]
202. 2 additional assistant CMD's	.089	.094	.099	.104	.110
Change titles of service heads	[1]	[1]	[1]	[1]	[1]
203. Salary rate D.M. & S. Increase salary range for service heads	$0.063	$0.066	$0.070	$0.074	$0.078
Nurse premium pay	26.7	29.2	31.7	34.4	37.3
204. Personnel administration	[1]	[1]	[1]	[1]	[1]
205. Technical changes	[1]	[1]	[1]	[1]	[1]
206. Temporary full-time D.M. & S. appointments	[1]	[1]	[1]	[1]	[1]
Central administration of interns and residents	[1]	[1]	[1]	[1]	[1]
207. Malpractice protection for VA medical personnel	[1]	[1]	[1]	[1]	[1]
208. Clarifies authority to contract for scarce medical specialists	[1]	[1]	[1]	[1]	[1]
301. (a) Maintain adequate bed capacities; and 8,000 nursing beds	[2]	[2]	[2]	[2]	[2]
(b) Construction standards for fire and earthquake	[2]	[2]	[2]	[2]	[2]
(c) Contribute to local for traffic controls and roads	[2]	[2]	[2]	[2]	[2]
302. Relinquishment of legislative jurisdiction	[1]	[1]	[1]	[1]	[1]
Lease authority	[1]	[1]	[1]	[1]	[1]
303. Expand sharing authority	[1]	[1]	[1]	[1]	[1]
401. VA office in Manila	[1]	.975	.975	.975	.975
402. Telephones for nonmedical directors	.003	.003	.003	.003	.003
403. (a) Increase per diem rates to State homes	5.0	5.3	5.5	5.6	5.6
(b) Increase grants to State homes, and extend program	2.7	2.7	2.7	2.7	2.7
(c) Change State N/H formula	.26	.26	.26	.26	.26
Total (in millions)	64.915	75.898	85.007	89.016	93.026

[1] No cost.
[2] No estimate.
[3] This estimate is based upon a plan of implementation whereby any costs could be absorbed mostly through a utilization of funds which would otherwise be needed for the obviated hospitalization.
[4] This estimate represents refined date indicating a substantial increase in new admissions over those anticipated from in-VA-facility admissions.

VETERANS OF FOREIGN WARS,
Washington, D.C., July 16, 1973.

Hon. WM. JENNINGS BRYAN DORN,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to H.R. 9048, the Veterans Medical Care Bill, scheduled for consideration by the full House, Tuesday, July 17.

H.R. 9048 is an amended version of S. 59, a medical care bill approved by a lopsided majority in the United States Senate on March 6. S. 59 substantially replaces a medical care bill (H.R. 10880), 92nd Congress, which was strongly approved by the Veterans of Foreign Wars; in fact, the Veterans of Foreign Wars was shocked when the faceless anti-veteran officials were successful in having H.R. 10880 rejected by the President when he pocket vetoed that bill last October.

It is noted that first the Senate and now the House Veterans' Affairs Committee have amended this legislation to meet some of the objections for its rejection last October. It contains over 20 separate provisions, a large number of which carry out Veterans of Foreign Wars mandates approved by the delegates to our most recent National Convention, which was held in Minneapolis last August. More important, H.R. 9048 will strengthen and improve the VA's capability to deliver high quality medical care for veterans. The Veterans of Foreign Wars is pleased that the bill also recognizes the need for more Congressional control over the comprehensive VA hospital and medical care system by establishing additional requirements for the Congress to make certain that all veterans who are entitled to VA hospital care are receiving it and not being arbitrarily rejected.

The Veterans of Foreign Wars, therefore, approves H.R. 9048 and urges that it be approved by the House and cleared by the Congress at the earliest practicable time. This legislation is long overdue and will be a giant step in strengthening the integrity and independence of the VA's hospital and medical care system and its capability to provide the quality medical care that Congress intends and which veterans deserve.

With kind personal regards, I am

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

TELEGRAMS

JULY 13, 1973.

Hon. WILLIAM JENNINGS BRYAN DORN,
Capitol Hill
Washington, D.C.:

The Disabled American Veterans urges your support for H.R. 9048, the Veterans Health Care Expansion Act and H.R. 8949 re interest rates on VA home loans when the measures reach the floor for a vote on July 17. We appreciate your efforts on behalf of the Nation's deserving war veterans.

CHARLES L. HUBER,
National Director of Legislation
Disabled American Veterans.

JULY 17, 1973.

Hon. WILLIAM JENNINGS BRYAN DORN,
Chairman, House Committee on Veterans Affairs, Washington, D.C.:

The American Legion strongly supports H.R. 9048 as reported by your Committee.

This bill would improve the ability of VA to deliver quality medical care to veterans on an expanded basis. It would, for the first time, authorize hospital and medical treatment for wives, widows and dependent children of certain totally disabled service-connected veterans and those who die from service-connected causes on a basis similar to persons who die in active service or in retired status.

H.R. 9048 would assist VA in providing an adequate supply of health care manpower to meet national needs in addition to meeting the hospital needs of veterans. It would also assist in the recruitment and employment of skilled health care personnel and make other improvements in the hospital and medical program.

The American Legion commends you and Chairman Satterfield of the Subcommittee on Hospitals and othr members of the Committee for your foresight in drafting and reporting this far reaching and long overdue legislation.

HERALD E. STRINGER,
Director, National
Legislative Commission

Mr. HAMMERSCHMIDT. Mr. Speaker, I wish to associate myself with the remarks of our distinguished chairman of the full committee, the gentleman from South Carolina (Mr. DORN) as well as the remarks of the able gentleman from Virginia (Mr. SATTERFIELD) the chairman of the subcommittee, and I wish to concur in his explanation.

Mr. Speaker, I support H.R. 9048. This measure, entitled the Veterans Medical Care Act of 1973, is an omnibus type medical bill that will expand medical services available to veterans and improve the delivery of health services. It will also provide additional employee benefits for certain professional personnel in the VA Department of Medicine and Surgery. This is a good bill, Mr. Speaker, and I intend to support it.

If Members will review the blue sheet which summarizes the major provisions of this measure, you will note there are 27 features of the bill that are deemed worthy of mention. I certainly do not intend to discuss these in detail, but do invite your attention to the fact that this is truly an omnibus bill with many important features.

The most significant provision of this bill, Mr. Speaker, will authorize outpatient treatment for nonservice-connected ailments for veterans eligible for hospital care if such care will obviate the need for hospitalization. Reduced to the most simple language, Mr. Speaker, this means that if a veteran has a common cold, it can be treated, because untreated it could progress to the point that it required hospital treatment.

Under existing law, outpatient treatment is available for the treatment of service-connected disabilities. Outpatient care for nonservice-connected conditions is currently limited to treatment in connection with a scheduled admission for hospital treatment, or following hospitalization, in connection with treatment received while hospitalized.

This proposed change in the law, Mr. Speaker, if approved, will be especially important in enabling our Nation to respond more completely to the increasing medical needs of older veterans.

Let me mention another important feature of this bill. Under today's law, veterans who served in the military or naval forces of our country are eligible for Veterans' Administration medical care, only if the condition for which they are seeking treatment is service-connected. The measure before the House today will eliminate this disparity and authorize the same hospital and medical benefits for peacetime service as is currently available to veterans of war service.

This measure will also authorize the Administrator of Veterans' Affairs to contract for private medical care for certain widows and children of service-connected deceased veterans and wives and children of service-connected totally disabled veterans. This care would be available to dependents in these categories only if they are not eligible for care under the civilian medical program of the Armed Forces, the so-called Champus program.

One of the most difficult problems facing the Veterans' Administration in the delivery of health services relates to the recruitment of qualified technical and professional personnel. A major provision of this bill will enable the Veterans' Administration to better compete with the private sector of the recruitment of nurses. It will provide additional pay for nurses performing duty at night, on weekends, and on holidays. The measure also authorizes overtime pay for nurses for duty in excess of 8 hours per day or 40 hours per week.

The measure also increases the Federal Government per diem rate for reimbursement of State soldiers homes which provide domiciliary, nursing, or hospital care for veterans eligible for Veterans' Administration care.

Mr. Speaker, as a composer of this bill, I want to compliment the chairman of the Hospital Subcommittee, the gentleman from Virginia and the ranking Republican member of the subcommittee, the gentleman from Pennsylvania, for demonstrating a high degree of fiscal responsibility in bringing to this floor a bill that will improve the delivery of health care to veterans and their dependents.

I urge that it be approved. And for the benefit of the Members offer this analysis of H.R. 9048:

ANALYSIS

(1) Permits the furnishing of medical services on an outpatient or ambulatory basis to any veteran eligible for hospital care under veteran laws, where such care is reasonably necessary to obviate the need for hospital admission. These services include, in addition to medical examination and treatment, optometrists' services, dental and surgical services, as are now available in the case of non-service-connected disabilities, for treatment after the veteran has been scheduled for admission for hospital treatment or, following hospitalization, in connection with treatment he received while hospitalized. Places peacetime veteran on same basis as wartime for hospital and medical benefits. In the case of veterans who are disabled to a degree of 80 percent or more for a service-connected cause, provides for out-patient care for any disability from which he suffers.

(2) Provides pay differentials for nurses performing duty between the hours of 6 p.m. and 6 a.m.; from midnight Saturday to midnight Sunday; or on Federal holidays. Provides overtime pay for hours of service in excess of 40 hours during nurses' administrative work week, or in excess of 8 hours a day. Additional pay may also be received by nurses who are "on call" outside regular work hours.

(3) Directs VA, to the extent feasible without interfering with medical care and treatment of veterans, to develop and carry out a program of training and education of health service personnel, acting in cooperation with schools of medicine, and other institutions.

(4) Provides for furnishing of hospital and medical care (if such care is not otherwise provided under CHAMPUS, the medical program for certain dependents and survivors of active duty and retired members of the Armed Forces), for the wife or child of a totally and permanently disabled service-connected veteran and to surviving widows and children of veterans who died as a result of service-connected disability. This care is to be provided in the same or similar manner and be subject to the same limitations as presently apply to Armed Forces dependents previously mentioned. Veterans' Administration is authorized to enter into contracts with Department of Defense or with private insurors for this purpose. Care may be provided for the subject group of dependents in VA facilities in very limited cases where there are specialized facilities which are not being utilized for care of eligible veterans.

(5) Directs the Administrator of Veterans' Affairs, within 90 days after enactment, to conclude negotiations for an agreement with the National Academy of Sciences for conducting a full review and appraisal of the personnel and other resource requirements in VA medical facilities, to determine needs to insure high quality care in all facilities. National Academy of Sciences to then render interim report or reports, at the earliest feasible date, to the Administrator, the President of the Senate, and the Speaker of the House of Representatives, with a final report to be submitted not later than 24 months after date of agreement. This date may be extended by not more than 12 additional months with concurrence of the House and Senate Committee on Veterans' Affairs. The Administrator, within 90 days after submission of said report, to be required to submit to the House and Senate Committees a detailed report of his views on the findings and recommendations of the National Academy of Sciences and steps and timetable for implementing these recommendations.

(6) Authorizes the appointment of two additional Assistant Chief Medical Directors, who may be individuals qualified in the administration of health services, but who are not doctors of medicine, dental surgery or dental medicine. Also reflects the new designations of Director of the Pharmacy Service and Director of the Dietetic Service to correspond to the other Director of Services titles, such as Chaplain and Nursing. It also establishes the position of Director of Optometry and prescribes compensation to be paid to such personnel.

(7) Prescribes the circumstances under which physicians, dentists or nurses may perform professional services other than those performed as full-time employees of the Veterans' Administration, and prohibits payments for such services.

(8) Permits furnishing for nursing home care in the case of service-connected veterans requiring such care for their service-connected disabilities upon determination of need therefore by a Veterans' Administration doctor, thus removing the requirement that these persons be first hospitalized under VA auspices. Authorizes direct transfer of military personnel from military hospitals to nursing home care facilities.

(9) Authorizes VA to enter into contracts to provide scarce medical specialist services at VA facilities, with medical schools, clinics, or any other group or individual capable of furnishing such services, including medical support personnel (physicians, dentists, nurses, technicians, etc.).

(10) Clarifies current law with regard to contracts with clinics and other groups or individuals in addition to medical schools and clinics as now permitted for securing certain specialized medical resources.

(11) Provides additional authority for temporary full-time appointments of various types of medical personnel for a period of time not to exceed 1 year. Such appointments were previously authorized for a period of not more than 90 days.

(12) Clarifies and extends protection in malpractice or negligence suits brought against VA medical personnel.

(13) Permits reimbursement of veterans in VA hospitals and domiciliaries for loss of personal effects sustained by fire, earthquake, or natural disaster, while such effects were stored in those VA facilities. Previous law permitted reimbursement only in case of loss by fire.

(14) Permits VA to lease buildings or lands to public or nonprofit organizations without advertising, and to consider maintenance, protection, or restrain, by the lessee, as all or part payment received under the lease. Prior to execution of any such lease, the Administrator must give public notice of intention in the press of the community in which the lands or buildings to be leased are located.

(15) Authorizes reimbursement of certain veterans who have service-connected disabilities, under limited circumstances, for reasonable value of hospital care or medical services, including necessary travel expense, when services are furnished from sources other than the VA. Eligible veterans are those receiving treatment for a service-connected disability, or a non-service-connected disability (or veterans in need of vocational rehabilitation because of a service-connected disability whose training would be interrupted or delayed because of the illness). Services must be rendered in a medical emergency and VA or other Federal facilities must not be feasibly available. In lieu of payment to the veteran, payment may be made directly to the medical facility providing med-

ical services, or to a person or organization making payments in behalf of the veteran.

(16) Authorizes installation of telephones in personal residences of nonmedical directors of VA hospitals, domiciliaries, centers and independent clinics. Present law permits this only in the case of medical doctors.

(17) Clarifies the term "Veterans' Administration facilities" as it relates to provision of care in private facilities for VA beneficiaries.

(18) Extends VA authority (until June 30, 1978) to continue grants for hospital and medical care of veterans in the Republic of the Philippines. No more than $2 million is authorized to be expended for this purpose in any one fiscal year (including not more than $250,000 for nursing home care). Authority is also provided for expenditures in the amounts and for the purposes which follow, in each fiscal year during the 6-year period beginning July 1, 1973 and ending June 30, 1978: Authorizes grants to VA Memorial Hospital, Manila, for education and training of health service personnel assigned to that hospital, $50,000; and for replacement and upgrading of equipment and rehabilitation of physical plant $50,000. Also extends authority to operate VA Regional Office in Republic of the Philippines through June 30, 1978. Authority is provided to assist the Republic of the Philippines in furnishing medical care (including nursing home care) for Commonwealth Army veterans and new Philippine Scouts who enlisted before July 4, 1946, under certain conditions.

(19) Provides specific authority for a VA program of screening, counseling, and treatment of sickle cell anemia.

(20) Provides for relinquishment to States in which VA facilities are located of such legislative jurisdiction as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned, of lands which VA has jurisdiction.

(21) Provides for contracts with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with VA in training interns and residents, to provide for central administration of stipend payments, provision of fringe benefits and maintenance of records, by designating one such institution to serve as central administrative agency for this purpose.

(22) Directs the Administrator to staff and maintain sufficient beds and other facilities to insure immediate care of patients found to be in need of hospital care and medical services, and makes provision for rendering annual report on admission policies, as well as need for additional funds and facilities to meet the needs of veterans for necessary care and service, from the Chief Medical Director to the Administrator and to the House and Senate Committees on Veterans' Affairs. The Administrator is directed, with the approval of the President, to operate not less than 8,000 nursing care beds in the fiscal year ending June 30, 1974, and in each fiscal year thereafter.

(23) Provides for appointment by the Administrator of Veterans' Affairs of an Advisory Committee on Structural Safety of Veterans' Administration Facilities, to include at least one architect and one structural engineer who is an expert on fire, earthquake and other natural disasters, and who are not employees of the Federal Government, to advise him on matters relative to structural safety and remodeling of VA hospital and medical facilities.

(24) Provides for VA's contribution to local authorities for construction of traffic controls and road improvements in locations adjacent to VA medical facilities when deemed necessary for safety purposes.

(25) increases the per diem rate for reimbursements of State soldiers' homes which provide care for veterans who are eligible for admission to VA medical and domiciliary facilities, from $3.50 per veteran per day to $4.50 where domiciliary care is provided; $5 to $6 where nursing home care is provided; and from $7.50 to $10 where hospital care is provided. Authority is also provided for reimbursement of such State home facilities where care is furnished veterans whose service occurred after January 31, 1955.

(26) Increases the percentage of the Federal Government's allowable contribution under the program of grants to States for construction, alteration, and renovation of State veterans' homes, from the present 50-percent maximum to 65 percent of the estimated cost of such projects.

(27) In connection with VA assistance to States in constructing nursing home facilities for veterans, appropriation authority is extended for an additional 5 years, i.e., to June 30, 1979. The formula for determining adequate State nursing home beds is increased from a maximum of 1½ beds per 1,000 veterans in any State to 2½ beds.

Effective Dates: Reimbursements of patients for personal loss of personal effects, and reimbursements of certain medical expenses of veterans, January 1, 1971.

Provisions relative to pay of VA medical personnel, first pay period following 30 days after enactment.

Provisions relating to Republic of the Philippines effective July 1, 1973.

Other provisions are effective the first day of the first calendar month following date of enactment.

First year cost: $65.55 million.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the ranking minority member of the Subcommittee on Hospitals, the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 9048, the Veterans Medical Care Act of 1973. As the senior minority member of the Hospital Subcommittee and a cosponsor of this important measure, I can well attest to the fact that approval of this measure will represent the culmination of several years of intensive effort to provide the means by which the quality of medical care can be improved for veterans and to improve and expand the recruitment and retention of career persons in the Veterans' Administration Department of Medicine and Surgery.

Before I proceed further, Mr. Speaker, I want to commend the distinguished chairman of the Subcommittee on Hospitals, the gentleman from Virginia (Mr. SATTERFIELD) for his extreme patience and dedication to the substance of this legislation. This is not the first time this measure and similar bills in the 91st and 92d Congresses have been on the firing line. In the first session of the 92d Congress, Members will recall that this body passed a similar measure. The other body, or the "One Hundred Club" as it is sometimes called, sat on the measure until the second session and then killed it with kindness. Subsequently, the measure was pocket vetoed by the President, following the adjournment of the 92d Congress.

Despite my deep disappointment at this rejection of a bill containing many desirable provisions, I was forced to agree with the President's action, although for somewhat different reasons. The vetoed bill would have authorized complete medical care and treatment in Veterans' Administration facilities for the widows and children of service-connected deceased veterans and the wives and children of service-connected totally disabled veterans.

Much as my heartaches for these survivors and dependents of men who made the supreme sacrifice or gave so much of themselves in preserving our national security, there appeared to be no merit in burdening the Veterans' Administration hospital system with this additional patient load when we were having great difficulty in obtaining sufficient funds to provide adequate medical services for those already entitled to Veterans' Administration medical care. In the measure before the House today, Mr. Speaker, we have eliminated this provision that would further burden our already burdened hospital system. At the same time, we have recognized the merit in providing medical services for this deserving group by authorizing the Administrator of Veterans' Affairs to contract for medical care in private facilities for those dependents and survivors who are not already eligible for care as dependents of armed services personnel.

The subcommittee has labored long and hard over this bill, Mr. Speaker, and has eliminated those provisions that were most objectionable to the President, and at the same time we have preserved those provisions that authorize more generous medical treatment for veterans.

In addition, the bill directs the Administrator to double the number of nursing care beds operated by the Veterans' Administration. Testimony presented to our committee, Mr. Speaker, revealed that World War I veterans in particular were being discharged from VA hospitals before they are entirely well. They are too sick to be sent home and yet not quite sick enough to occupy an active hospital bed. It is absolutely necessary to increase the nursing care facilities of the Veterans' Administration. I am confident that this increase to 8,000 beds will help to alleviate the problem. I am hopeful that the Veterans' Administration will take administrative action to create even more nursing care facilities than are authorized by this legislation.

One of the most important and far reaching provisions of the bill is that section that will authorize an expansion of the Veterans' Administration outpatient program. This provision will be particularly beneficial to World War I and the older World War II veterans whose medical needs are continually increasing. Under the terms of the bill, outpatient medical services may be furnished to any veteran eligible for hospital care under veterans' law, where such care is reasonably necessary to obviate the need for hospital admission. In other words, if a veteran presents himself to a Veterans' Administration outpatient clinic complaining of a belly ache, doctors will be authorized to treat the condition, on the theory that if it is untreated, it may progress to the point that hospitalization is required. Now, under today's law, there is no authority to provide such treatment. Instead, the veteran remains untreated until the condition becomes serious enough to warrant hospitalization. This ridiculous situation, Mr. Speaker, will be eliminated under the proposed bill.

To assist in the recruiting and retaining of qualified nurses, the measure authorizes pay differentials for nurses performing duties at night, on weekends and on Federal holidays. For the first time, nurses will be entitled to overtime pay for duty in excess of 40 hours a week or 8 hours per day.

Another provision of the bill sets guidelines or prescribes the circumstances under which physicians, dentists or nurses may perform professional services other than those performed as full-time employees of the Veterans' Administration. It also prohibits payments for certain services.

The bill also extends medical benefits including hospitalization to veterans of peacetime military service, thus removing a disparity of existing law. The existing authority to operate a Veterans' Administration regional office in the Republic of the Philippines and to fund the Veterans Memorial Hospital in Manila is extended for 5 additional years. Finally, the bill authorizes the Administrator of Veterans' Affairs to enter into a contract with the National Academy of Science to conduct a full review and appraisal of the staffing ratios and other resource requirements in VA medical facilities needed to insure high quality care for veterans.

These are the major provisions of this multiprovision bill. The controversial provisions have been eliminated or revised and the result is a bill that should merit the approval of all veterans' organizations, their members and the public in general, as well as the President.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. WYLIE) a member of the committee.

Mr. WYLIE. Mr. Speaker, I rise in support of H.R. 9048 a bill which I am proud to be a cosponsor and which will improve the medical care of veterans and which inaugurates a medical treatment program for certain dependents. For the veteran who is otherwise eligible for hospitalization, outpatient treatment will be available for any disability from which he may suffer, providing such treatment may eliminate the need for hospitalization. I consider this a sensible and economically sound approach to any well-rounded medical program. Peacetime veterans will become eligible for all medical benefits that are now available only to the wartime veteran. Veterans suffering from service-connected disabilities ratable at 80 percent will become eligible for outpatient treatment for any ailment from which they may suffer. This is a benefit that accrues only to the totally disabled veteran under existing law.

The widows and children of veterans who died of service-connected disabilities and the wives and children of veterans who are rated permanently and totally disabled from service-connected disabilities will become eligible for hospitalization and medical care under a program to be established by the VA which will be comparable to the one administered by the Armed Forces for certain dependents and survivors of active duty and retired members. In a very limited way specialized VA facilities will be available to dependents if they are not being utilized by veterans.

Direct admission to a nursing home for the service-connected veteran is authorized upon a finding of need by a Veterans' Administration doctor. The direct transfer of military personnel from military hospitals to nursing home care facilities is authorized also.

The program of grants to States for the construction, alteration or renovation of State veterans' homes will be increased from the present 50-percent maximum to 65 percent of the estimated cost of the project. The per diem rate is increased to State soldiers homes for eligible veterans receiving domicilary or medical care.

There also are provisions to train health service personnel and obtain scarce medical specialist services, plus authorization to provide pay differentials for nurses who perform duty in excess of 8 hours a day or other than normal working hours. These are a few of the variety of measures designed to improve health care to our veterans.

Possibly one of the most important features of this bill is that the Administrator of Veterans' Affairs is directed to arrange for the National Academy of Sciences to conduct a full review and appraisal of the VA medical system. The resulting conclusions and recommendations will then be submitted to the Congress.

This is a many faceted bill, but the overall thrust is to improve VA medical care for our veterans. I believe it to be very meritorious and urge support for it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. HILLIS), a member of the committee.

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 9048, the Veterans Medical Care Act of 1973. It is designed to improve veterans medical care; establish a new program for the medical treatment of certain dependents, and enhance careers in the Department of Medicine and Surgery. A few of the most important features of this bill are as follows:

The Administrator of Veterans' Affairs is directed to enter into an agreement with the National Academy of Sciences to conduct an overall review and appraisal of the existing VA medical operation. The ensuing reports will be rendered to the Administrator and the Congress. The study will be finalized by a report from the Administrator which will indicate how he intends to implement the recommendation made by the Academy. This should go far to insure the very best medical care for our veterans.

Outpatient treatment is expanded in two areas. Veterans with 80 percent or more service-connected disabilities are, for the first time, made eligible for outpatient care for all non-service-connected disabilities. Where outpatient treatment might obviate the need for hospitalization will be given. Peacetime veterans will become entitled to medical benefits on a par with wartime veterans.

Wives and children of veterans who are permanently and totally disabled from service-connected disabilities and the widows and children of veterans who died of service-connected disabilities will become eligible for medical care and hospitalization under a plan similar to CHAMPUS, which is a program available to certain dependents and survivors of active duty and retired members of the Armed Forces.

There are several features designed to encourage people to enter into and to make a career of employment in the Department of Medicine and Surgery. Among them is a pay differential for nurses who work overtime and on holidays.

Federal grants to States for the construction or alteration of State veterans homes will be increased from the present 50-percent maximum to 65 percent of the estimated cost of the project.

I believe that this bill will go a long way toward establishing an outstanding medical system within the Veterans' Administration and I intend to vote for it.

Mr. DONOHUE. Mr. Speaker, I earnestly urge and hope that this bill, H.R. 9048, presently under consideration, the Omnibus Veterans Health Care Expansion Act of 1973, will be unanimously approved by the House this afternoon.

Clearly, Mr. Speaker, the objectives and purpose of this proposal are not, in any sense, a partisan matter. We in Congress, on both sides of the aisle, have been long committed to the principle that those serving our country in uniform, and their dependents, deserve the finest medical care and treatment that is available and that can be provided in modern facilities.

This measure is designed to bring our present veterans medical care program more up to date and to make it more effective and efficient in operation.

It also evidences the good will and intentions of the House to reasonably respond to White House objections to the previous measure that was passed in the Congress last year but vetoed by the President.

Under this revised measure medical benefits would be extended to certain veteran's dependents under a program similar to the Defense Department CHAMPUS program for military dependents instead of direct Veterans' Administration medical care for such dependents. Also, instead of a specified minimum number of hospital beds this bill would require only that sufficient hospital beds will be so available in order that veterans will experience no undue delay in admission and treatment.

The bill further provides that instead of a requirement for the Veterans' Administration to obtain comparability with staff-patient ratio in private and public hospitals, the National Academy of Sciences will be retained by the Veterans' Administration to conduct a study and make recommendations as to the appropriate staff-to-patient-ratio and resource facilities for Veterans' Administration hospitals.

Mr. Speaker, this is an omnibus measure and it contains some 26 provisions to extend better medical services and treatment to our veterans and their

families and it is particularly timely for our Vietnam veterans who still must be regarded, unfortunately, as the most "unwept, unhonored, and unsung" war heroes in all our history.

Mr. Speaker, I have stated my conviction here many times before, and I will state it again now, that the extension of complete and competent modern hospital and medical treatment and services to our veterans and their dependents is a vitally important factor in sustaining the high morale or our people and it is also absolutely essential for the accomplishment of our own domestic tranquility and world leadership for peace.

Mr. Speaker, by any and every standard of objective judgment this measure is "good for all Americans" and I hope that it will be overwhelmingly approved by this House.

Mrs. GRASSO. Mr. Speaker, America's veterans have served our country bravely and with distinction. All have given of themselves in defense of the Nation and, in view of their contributions, they deserve the best possible benefits we can provide for them.

Therefore, I wholeheartedly endorse H.R. 9048—the Veterans Health Care Expansion Act, which I cosponsored—as one way of thanking our veterans and their families for the sacrifices and pain they have endured.

In the 92d Congress, both the House and the other body overwhelmingly approved a similar bill and sent it to the President. His pocket veto of H.R. 10880 unnecessarily postponed the excellent improvements in health care for veterans which the bill would have provided. It is my fervent hope that this bill—a similar version of which passed the Senate by a vote of 86 to 2—will be signed into law.

One of the most important provisions contained in H.R. 9048 is the section improving outpatient or ambulatory care to eligible veterans. Under this provision, a veteran who qualifies for hospital care under the law would be able to receive certain outpatient care before entering and after leaving the hospital for scheduled treatment. In this way, the qualified veteran would obtain the necessary medical care without interfering with the furnishing of hospital services to other veterans. In addition, a veteran with an 80 percent or more service-connected disability would be able to receive outpatient care for the disability from which he suffers.

Another provision of the bill improves hospital and medical care for the wife or child of a totally and permanently disabled service-connected veteran and to the surviving widow or children of veterans who died as a result of service-connected disability.

I am especially pleased to see the language of H.R. 568, a bill which I introduced on January 3, included in H.R. 9048. This section increases the per diem rate for reimbursement to State veterans homes providing care for eligible veterans from $3.50 to $4.50 for home care, $5 to $6 for nursing home care, and $7.50 to $10 for hospital care. For the State Veterans' Home and Hospital in Rocky Hill, Conn., this would mean as much as $550,000 a year in additional Federal assistance for Connecticut's veterans.

Another provision of H.R. 568 included in this bill would increase the percentage of the Government's allowable grant contribution to States for construction, alteration, and renovation of State veterans homes from the present 50 to 65 percent of the estimated cost of such projects.

Mr. Speaker, through the able leadership of our distinguished chairman from South Carolina (Mr. DORN) and the chairman of the hospital subcommittee, the gentleman from Virginia (Mr. SATTERFIELD), the Veterans' Affairs Committee has reported the House a bill of vital importance to our veterans. Fully confident that the differences between this bill and the other body's legislation will be quickly resolved, and hopeful that the bill will receive the favorable Presidential action it deserves, I urge my colleagues to give this legislation their approval.

Mr. PRICE of Illinois. Mr. Speaker, the Veterans Health Care Expansion Act of 1973 is a bill to liberalize and expand coverage of medical benefits to veterans and their families.

The Veterans' Administration hospital system has long been considered among the finest Government programs ever enacted. This Nation prides itself in its service to those who have borne the burden of battle, and Congress has always acted in the belief that the finest medical care should be made available in VA hospitals to those who have served their country.

The bill contains numerous provisions designed to improve medical services to veterans. These provisions include authority to increase the scope of treatment, creation of a voluntary sickle cell anemia screening program, mental health counseling programs, training programs for health personnel, outpatient service, ambulatory care, and nursing home service.

Other major provisions of the bill include medical care for veterans' dependents and a comprehensive study of staff utilization. In conjunction with the latter provision, VA would require the VA to contract with the National Academy of Sciences for a 2-year survey of staffing needs and resource requirements in the VA medical system. Such a study will provide the system with a comprehensive assessment of staffing requirements and recommend optimum staff-to-patient ratios so necessary to maintenance of high quality medical care.

Mr. Speaker, expansion and refinement of VA medical services comes at a time when a new generation of veterans seeks them out. It is our duty to provide these Indochina veterans, whose service and sacrifices have gone largely unrecognized by the public, with the best in health care and rehabilitative facilities. For these unthanked men and for those who fought in America's other wars, I urge support of the Expansion Act.

Mr. ANNUNZIO. Mr. Speaker, I rise in strong support of H.R. 9048, the Veterans' Health Care Expansion Act of 1973. This bill is virtually identical to H.R. 10880, which was vetoed by the President after adjournment of the 92d Congress. On March 6, the Senate passed S. 59, a bill very similar to H.R. 9048, by an overwhelming majority. We must now show the veterans of this Nation that we also stand behind this bill—and the improvement of health benefits of interest to our veterans.

I would also like to take this opportunity to commend the House Veterans' Affairs Committee for the strenuous effort exerted in attempting to work out a reasonable compromise version of a bill which would still retain the basic objectives of Congress.

The basic purpose of H.R. 9048, as stated in the House report, is:

> To improve the ability of the Veterans' Administration to deliver quality medical care to its beneficiaries by removing certain legislative restrictions on the scope of treatment (particularly for ambulatory and nursing care).

This includes extending eligibility for full medical care to 37,785 veterans with an 80-percent rated service-connected disability.

This bill also expands coverage for medical care and treatment by a CHAMPUS-type contract to approximately 282,000 new beneficiaries: the wives and children of permanently and totally disabled veterans, and the widows and dependent children of veterans who died as a result of service-connected disabilities.

It provides a voluntary, comprehensive sickle cell anemia screening and counseling program both for requesting veterans and their spouses.

It supplements the primary function of the Veterans' Administration, Department of Medicine and Surgery to include assistance in providing an adequate supply of health care manpower in order to meet our national needs, in addition to meeting the hospital needs of veterans. It also improves the personnel system of the Department of Medicine and Surgery by providing for a major emphasis on the recruitment, training, and employment by the Veterans' Administration of recent veterans with medical military occupation specialities both to make the Department more attractive to skilled health care personnel and to be able to compete for scarce health care manpower.

There were a number of provisions in H.R. 10880 of the 92d Congress which were strongly favored by the Veterans' Administration. There were, however, three basic areas in the bill to which the administration objected and which brought about the Presidential veto: Care for certain dependents of veterans, the minimum average daily patient census, and the mandated staff-to-patient ratio in the bill.

H.R. 9048 addresses the problem areas in last year's bill that led up to its eventual veto. In contrast to the Senate version, S. 59, which requires the raising of the staff-to-patient rating, H.R. 9048 authorizes an independent, indepth study aimed at improving the staff-to-patient ratio in VA medical facilities. Rather than mandating a definite average daily patient census and average operating bed

level, as in S. 59, H.R. 9048 directs the Administrator to maintain bed and treatment capacities of all VA facilities so as to insure accessibility and availability of such beds and treatment to all eligible veterans in all States and to minimize delays in admissions and in the provision of medical care and services.

Mr. Speaker, this is an important measure for the veterans of our Nation. We have made a commitment to the men and women who have served in our Armed Forces. Now this commitment must be backed with affirmative action and programs. H.R. 9048 is a vital part of the commitment to the veterans of our Nation. This bill is designed to maintain the oft-quoted phrase of the veterans hospital system: "Care second to none."

I hope the swift action of the House on this bill will help get it signed into law very soon. As in the past, this legislation has my complete support.

Mr. ZWACH. Mr. Speaker, I rise in support of H.R. 9048.

This bill authorizes a significant expansion in the medical benefits available to veterans and their dependents and the survivors of deceased veterans.

It permits the furnishing of out-patient medical service to any veteran eligible for hospital care under veterans' laws where such care is reasonably necessary to obviate the need for hospital admission. Under present law, outpatient care is generally limited to treatment of service-connected disabilities.

The measure also authorizes hospital and medical care for the wife or child of the totally and permanently disabled service-connected veteran and to widows and children of veterans who died as a result of service-connected disabilities.

The dependents' medical care will be provided in contract facilities rather than in Veterans' Administration hospitals.

Additionally, the measure authorizes increased pay for nurses performing night, Sunday, and holiday duty; authorizes the Veterans' Administration to conduct a program of screening, counseling and treatment of sickle cell anemia; increases the Federal payment to State soldiers' homes which provide domiciliary, medical, or nursing care for veteran residents.

This improved medical package for our veterans and their families will provide more equitable medical benefits for veterans and their dependents.

The Veterans' Affairs Committee, of which I am a member, has made the necessary changes in H.R. 9048 to insure administration approval. This bill is good for the vet, good to his family, and not so bad on the taxpayer's pocketbook.

As we end our involvement in the conflict in Indochina, we must turn our attentions to the returned brave men and women who fought unquestionably. Medical care is the logical place to start.

I urge my colleagues to support this legislation.

Mr. TEAGUE of Texas. Mr. Speaker, the chairman of the Committee on Veterans' Affairs and the Hospital Subcommittee chairman have explained in detail the provisions of H.R. 9048 which is designed to improve medical services for the sick and disabled veterans of this country and certain of their dependents. This legislation culminates several years of long and thorough formal hearings as well as careful study by the Hospital Subcommittee and the full Committee on Veterans' Affairs.

Mr. Speaker, for the information of my colleagues, I believe that it is important to review some of the background concerning the need for this legislation and the congressional intent of this important bill.

The Veterans' Administration hospital system has long been considered among the best Government operated medical facilities in America. This Nation has prided itself in its service to those who have borne the burden of battle, and Congress always acted with the belief that the finest medical care should be made available in VA hospitals to those who served their country. Since 1969, Congress has increased the Administration's budget requests for VA medical care by hundreds of millions of dollars in an effort to keep pace with rising demands and increased costs of VA medical care. Congress has also consistently urged staff upgrading in VA medical facilities from an overall average ratio of less than 1.5 staff to patients to a ratio more comparable to the private sector hospital level ranging from about 3.0 to 4.7 staff to patients.

In April of 1970, the President also recognized a need for improving delivery of health care in VA hospitals when he issued the following statement of veterans medical care:

> For a number of years the Veterans' Administration hospital system has been experiencing increasing difficulties in providing a full range of services for the care of sick and disabled veterans. As a result of past decisions, the ability of the VA hospital system to meet future needs has been seriously impaired. Action must be taken now to insure that eligible veterans will receive the medical care they require. To those who have been injured in the service of the United States, we owe a special obligation. We, as a people, have commitments to our veterans, and we shall fulfill them.

During the past 5 to 6 years there have been vast differences of opinions between Federal budget officials, policymakers in the executive branch of the Government, committees of Congress concerned with veterans' affairs, and national veterans groups as to the adequacy of VA hospital staffing and the quality of medical care available for America's veterans.

Based on information assembled by congressional committees and veterans organizations, it seemed abundantly clear that there was a serious need for immediate and substantial staffing and other resource increases. Surveys conducted by the House Veterans' Affairs Committee for several years among VA hospital directors indicated that additional staffing was considered to be one of their most pressing problems in the delivery of health care to veterans. These surveys also disclosed that various arbitrary personnel ceilings and grade deescalation policies imposed by Executive order were having serious adverse effects and impeding the proper care of hospitalized veterans.

Current administration budgetary requests and predicted continuation of hard-line personnel ceilings and grade de-escalation policies which will result in the reduction of over 2,000 employes in the VA's Department of Medicine and Surgery in fiscal 1974 indicate that no improvement can be expected during the next 12 months if there are no policy changes.

During the 1974 VA budget hearings before the Congress, the Administrator of Veterans' Affairs presented testimony predicting that for the most part, present staffing patterns in the VA medical program were adequate to meet current demands. However, when the Administrator transmitted his budget request for fiscal year 1974 to the Office of Management and Budget, before it was sent to Congress, it contained a request for increased medical care employment totaling about 5,500 positions at a cost of $123 million in order to staff VA medical bed sections at a ratio of 1.65 staff to patients; surgical bed sections at 2.07 staff to patients, and psychiatric bed sections at 1 staff to patients. The Office of Management and Budget did not approve these levels and the overall 1974 budget request for VA medical care was reduced by over $173 million. Of course the Administrator was then required to defend the OMB approved level rather than his own recommendations.

For many years questions have been raised as to why community hospitals appeared to be so much better staffed than VA hospitals. However, no conclusive program has been undertaken to establish the needed benchmarks for logical staffing and other resource requirements in VA medical facilities taking into consideration the similarities and differences between VA and community hospital staffing and their other comparative resource requirements. Available statistics showed larger numbers of people employed by community hospitals in relationship to operating beds. For the most part in VA, the gross number of hospital employees providing care to hospital patient census has been used to compare the staffing of different hospitals.

Early in the 91st Congress in hearings before the Subcommittee on Hospitals of the Committee on Veterans' Affairs, it became apparent that community hospitals had a higher ratio of employees to average daily patient census than VA hospitals. The comparisons made at that time were based on statistics appearing in the Annual Guide Issue of Hospitals—Journal of the American Hospital Association. During these hearings, it was recognized that many variables were involved in staffing individual hospitals in the private sector and that many differences existed between VA hospitals in spite of their being joined into a system by standardized policies, rules, and regulations.

Although various staffing studies have been undertaken by the Veterans' Administration's Department of Medicine and Surgery, no policy guidelines evolved to establish reasonable standards or guidelines to properly gage actual staffing and other resource needs to provide reasonable standards for quality medical care to hospitalized veterans.

Staffing ratio and other resource requirements for VA hospitals have been dated for a number of years; however, little progress has been made in resolving the issue. Conflicting policies have been set by both the executive and legislative branches of the Government. Funds for implementing legislative policies have been impounded by the executive branch.

For the past 2 fiscal years, the Congress has established a minimum operating bed and average daily patient census level by law in seeking to insure that all qualified veterans in need of hospital care would have the necessary VA hospital facilities available to accommodate their medical needs.

For 2 consecutive years, the numerical levels of average usage and operating bed capacity as earmarked by the Congress for the VA hospital system have been ignored, apparently due to arbitrary guidelines imposed by the Office of Management and Budget.

In each of the past 2 fiscal years, an opinion has been sought from the Comptroller General of the United States as to whether or not the VA had complied with the provisions of law pertaining to the minimum average daily patient census and operating bed levels. In two separate opinions, the Comptroller General has stated that the VA has not complied with the provisions of law.

Congress has taken note of the President's statement in his human resources message on the State of the Union on March 1, 1973, concerning the provision of medical care for veterans. In this message, the President stated:

> Since 1969, there has also been a steady shortening of the average length of stay in VA hospitals, a highly desirable objective from every viewpoint. This means that VA hospitals have fewer patients in bed on an average day, with shorter waiting lists, even though the total number of patients treated has gone up.
>
> Misunderstanding these statistics, some have sought to establish by law a numerical minimum average daily patient census in VA hospitals. But such a fixed daily census would represent a backward step; it would force sharply increased length of stay—an effect that is medically, economically, and socially undesirable. It is far better that our veterans be restored to their families and jobs as rapidly as feasible, consistent with good medical care. A fixed patient census would tie the hands of those seeking to serve veterans' health needs;

I urge Congress not to enact such a requirement.

In direct response to the President's contention as expressed in his March 1, 1973, message and further reiterated by the Administrator of Veterans' Affairs in testimony before the Congress that no fixed patient census or fixed operating bed level is needed to serve veterans' health-care needs in fiscal year 1974, Congress omitted such provisions from the appropriations bill. Congress expects, however, that the administration will also drop the arbitrary restrictions it has imposed, which has limited available hospital facilities for the care of veterans. Congress expects the VA to accept to treatment eligible veterans in need of care, as required by law, and has indicated that it stands ready to favorably entertain consideration of future justified proposals submitted by the administration to supplement medical care funding in the future.

This is most important and I hope OMB will fulfill its commitment. Eligible veterans in need of care must be admitted and I am confident that Congress will furnish the funds if the Agency will request them.

An examination of the hearing record on the 1974 VA budget reveals substantial testimony by the Administrator of Veterans Affairs to the effect that an average daily census of 80,000 is sufficient to meet the needs of veterans requiring hospital care during fiscal year 1974. In his testimony, the Administrator reiterated the President's position that there was no need to establish by law minimum census and bed level requirements which the Congress adopted in fiscal years 1972 and 1973.

The Administrator of Veterans' Affairs, in support of the requested budget, assured the committee that if the patient load required an increase in average daily patient census and operating bed levels during fiscal year 1974, the necessary upward adjustments would be made to take care of the additional load.

Members of Congress have reported that they are receiving many complaints, particularly from older World War I veterans who have been denied admission to VA hospitals and found it necessary to seek medical care in the private sector. This has resulted in considerable undue hardship on many of these veterans who must live on fixed retirement incomes. Many instances have been noted where needy veterans experienced long delays in being examined in connection with their applications for hospital admission. They generally receive good care once admitted to a hospital, but being screened for admission is often a lengthy and unnecessarily harrowing experience. It appears that arbitrary patient census limitations imposed by VA and OMB play a large role in determining admission of patients rather than medical facts of the case.

There are other areas of equal concern in the VA hospital system that need improvement. These include better staffing in direct patient care during night shifts, weekends and holidays; improvement in emergency care capability and around the clock hospital coverage to facilitate prompt workup and treatment of patients; more adequate space and better staffing to deal with greatly increasing outpatient care loads; some relaxation of rigid personnel ceilings and average grade level policies; and continued upgrading and replacement of physical facilities in the hospitals and clinics.

Both Congress and the executive branch of Government have made solemn pledges to America's veterans to provide quality care in VA medical facilities. And Congress believes that in order to provide proper guidelines for future legislative and administrative action for health care delivery in the VA medical system, an independent survey of these complex problem areas should be undertaken. This bill provides that such a survey be made by the National Academy of Sciences utilizing its extensive scientific resources and expertise, including the National Institute of Medicine and National Research Council.

The new language now contained in section 201(c) of H.R. 9048 is expressly intended to determine the total staffing patterns and/or ratios required in the VA medical system, including inpatient, outpatient, and domiciliary facilities; nursing care units; research and education programs; and any other services performed in order that veterans will receive quality medical care. It is further intended that this survey will be devoted, not only limited, to a review of the requirements of each hospital service unit and to all categories of employment, including professional, paraprofessional, technical, administrative and supporting personnel. It is further expected that this review will include, but not be limited to, resource requirements such as equipment, facilities, admitting and emergency services, as well as other 24-hour services deemed appropriate to the delivery of quality health care in the VA medical system.

The Veterans' Administration medical system has undertaken many "firsts" since its reorganization after World War II, and through its vast system of hospitals and clinics which constitute the largest single hospital system in the world, the committee believes that this pioneer step, in addition to providing extensive and highly valuable information for health care delivery in the Veterans' Administration, will be most beneficial to the Nation as a whole in attempting to help solve the so-called medical care crisis, which is of great concern to all Americans.

This is an important bill. It reaffirms the interest of the Congress in the VA medical program. I for one wish to declare my intention to continue my efforts to preserve the VA hospital and medical system intact and effective as an independent system.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina (Mr. DORN) that the House suspend the rules and pass the bill H.R. 9048, as amended.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 345]

YEAS—421

Abdnor	Archer	Bennett
Abzug	Arends	Bergland
Adams	Armstrong	Bevill
Addabbo	Ashbrook	Biaggi
Alexander	Ashley	Biester
Anderson, Calif.	Aspin	Bingham
Anderson, Ill.	Badillo	Blackburn
Andrews, N.C.	Bafalis	Blatnik
Andrews, N. Dak.	Baker	Boggs
Annunzio	Barrett	Boland
	Beard	Bolling
	Bell	Bowen

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

NAYS—0

NOT VOTING—12

Chisholm	Gray	Landgrebe
Conyers	Hébert	Mills, Ark.
Danielson	Kemp	O'Neill
Fisher	King	Talcott

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Kemp.
Mr. Danielson with Mr. Landgrebe.
Mrs. Chisholm with Mr. King.
Mr. Gray with Mr. Talcott.
Mr. Hébert with Mr. Mills of Arkansas.
Mr. Fisher with Mr. Conyers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. DORN. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from the further consideration of the Senate bill (S. 59) to amend title 38 of the United States Code to provide improved and expanded medical and nursing home care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to provide for improved structural safety of Veterans' Administration facilities; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 59

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 "Veterans Health Care Expansion Act of 1973".

TITLE I—HOSPITAL, DOMICILIARY, AND MEDICAL CARE BENEFITS

SEC. 101. (a) Subparagraph (C) of section 601(4) of title 38, United States Code, is amended to read as follows:

"(C) private facilities for which the Administrator contracts in order to provide (i) hospital care or medical services for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) hospital care for women veterans; (iii) hospital care for veterans in a State, territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978; or (iv) hospital care, where appropriate facilities defined in clauses (A) and (B) are not available, for the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and the widow or child of a veteran who died as a result of a service-connected disability.".

(b) Section 601(5) of such title is amended to read as follows:

"(5) The term 'hospital care' includes—

"(A) (i) medical services rendered in the course of the hospitalization of any veteran, and (ii) transportation and incidental expenses for any veteran who is in need of treatment for a service-connected disability or is unable to defray the expense of transportation;

"(B) such mental health services, consultation, professional counseling, and training (including (i) necessary expenses for transportation if unable to defray such expenses; or (ii) necessary expenses of transportation and subsistence in the case of a veteran who is receiving care for a service-connected disability or in the case of a dependent or survivor of a veteran under the terms and conditions set forth in section 111 of this title) of the members of the immediate family (including legal guardians) of a veteran or a dependent or survivor of a veteran, or, in the case of a veteran or dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a veteran or a dependent or a survivor of a veteran; and

"(C) (i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran, and (ii) transportation and incidental expenses for a dependent or survivor of a veteran who is in need of treatment for any injury, disease, or disability and is unable to defray the expense of transportation."

(c) Section 601(6) of such title is amended by inserting immediately after "treatment," the following: "such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran,".

SEC. 102. Section 610 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) "or nursing home care" immediately after "hospital care" where it first appears;

(2) striking out clause (1)(B) of subsection (a) and inserting in lieu thereof the following:

"(B) any veteran for a non-service-connected disability if he is unable to defray the expenses of necessary hospital care;".

(3) amending subsection (c) to read as follows:

"(c) While any veteran is receiving hospital care or nursing home care in any Veterans' Administration facility, the Administrator may, within the limits of Veterans' Administration facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which he is hospitalized, if the veteran is willing, and the Administrator finds such services to be reasonably necessary to protect the health of such veteran."; and

(4) adding at the end thereof the following new subsections:

"(d) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care or nursing home care to the following individuals, in accordance with such regulations as he shall prescribe, to the extent that the provision of such care does not interfere with the furnishing of hospital and domiciliary care under subsections (a) and (b) of this section:

"(1) the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability; and

"(2) the widow or child of a veteran who died as the result of a service-connected disability.

"(e) In no case may nursing home care be furnished in a hospital not under the direct and exclusive jurisdiction of the Administrator except as provided in section 620 of this title."

SEC. 103. Subsection (f) of section 612 of title 38, United States Code, is amended to read as follows:

"(f) The Administrator may also furnish medical services for any disability on an outpatient or ambulatory basis—

"(1) to any person eligible for hospital care under section 610 of this title (A) where such services are reasonably necessary in preparation for, or to obviate the need of, hospital admission, or (B) where such a person has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care; and

"(2) to any veteran who has a service-connected disability rated at 80 per centum or more."

SEC. 104. (a) The first sentence of subsection (a) of section 620 of title 38, United States Code, is amended by redesignating clauses (1) and (2) as clauses (i) and (ii), respectively; by striking out "veteran" in redesignated clause (i) and inserting "person"; and by amending that portion preceding such clauses to read as follows:

"(a) Subject to subsection (b) of this section, the Administrator may transfer—

"(1) any person who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, and

"(2) any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nursing home care, and (C) who upon discharge therefrom will become a veteran

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—".

(b) The second sentence of section 620(a) of such title is amended by striking out the designations (A) and (B) and inserting in lieu thereof (I) and (II), respectively; and by striking out "veteran" wherever it appears in such sentence and inserting in lieu thereof "person".

(c) Section 620(b) of such title is amended by (1) striking out "veteran" and inserting in lieu thereof "person"; (2) by adding "or admitted" after "transferred" and (3) by adding at the end thereof the following: "The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Administrator shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.".

(d) Section 620 of such title is further amended by adding at the end thereof the following new subsection (d):

"(d) Subject to subsection (b) of this section, the Administrator may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care at the expense of the United States to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care. Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee arrangement based on an examination by such physician. The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section."

SEC. 105. (a) Section 624 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Administrator may furnish nursing home care, on the same terms and conditions set forth in section 620(a) of this title and at the same rate as specified in section 632(a)(4) of this title, to any veteran who has been furnished hospital care in the Philippines pursuant to this section, but who requires a protracted period of nursing home care."

(b) The catchline at the beginning of section 624 of such title is amended to read as follows:

"§ 624. Hospital care, medical services and nursing home care abroad"

SEC. 106 (a) Section 626 of title 38, United States Code, is amended by striking out "fire" and inserting in lieu thereof "fire, earthquake, or other natural disaster".

(b) The catchline at the beginning of section 626 of such title is amended to read as follows:

"§ 626. Reimbursement for loss of peronal effects by natural disaster"

SEC. 107. (a) Subchapter III of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"(a) The Administrator may, under such regulations as he shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of such care or services (including necessary travel), for which such veterans have made payment, from sources other than the Veterans' Administration, where—

"(1) such care or services were rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

"(2) such care or services were rendered to a veteran in need thereof (A) for an adjudicated service-connected disability, (B) for a non-service-connected disability associated with and held to be aggravating a service-connected disability, (C) for any disability of a veteran who has a total disability permanent in nature from a service-connected disability, or (D) for any illness, injury, or dental condition in the case of a veteran who is found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and is medically determined to have been in need of care or treatment to make possible his entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition; and

"(3) Veteran' Administration or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise, or practical.

"(b) In any case where reimbursement would be in order under subsecion (a) of this section, the Administrator may, in lieu of reimbursing such veteran, make payment of the reasonable value of care or services directly—

"(1) to the hospital or other health facility furnishing the care or services; or

"(2) to the person or organization making such expenditure on behalf of such veteran."

(b) The table of sections at the beginning of such chapter is amended (1) by deleting

"624. Hospital care and medical services abroad."

and inserting in lieu thereof

"624. Hospital care, medical services and nursing home care abroad."

and (2) by deleting

"626. Reimbursement for loss of personal effects by fire.

"627. Persons eligible under prior law."

and inserting in lieu thereof

"626. Reimbursement for loss of personal effects by natural disaster.

"627. Persons eligible under prior law.

"628. Reimbursement of certain medical expenses."

SEC. 108. (a) Chapter 17 of title 38, United States Code, is amended by striking out sections 631 and 632 in their entirety and inserting in lieu thereof the following:

"§ 631. Assistance to the Republic of the Philippines

"The President is authorized to assist the Republic of the Philippines in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions.

"§ 632. Contracts and grants to provide hospital care, medical services and nursing home care

"(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into a contract with the Veterans Memorial Hospital, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on July 1, 1973, and ending on June 30, 1978, under which the United States—

"(1) will pay for hospital care in the Republic of the Philippines, or for medical services which shall be provided either in the Veterans Memorial Hospital, or by contract, or otherwise by the Administrator in accordance with the conditions and limitations applicable generally to beneficiaries under section 612 of this title, for Commonwealth Army veterans and new Philippine Scouts determined by the Administrator to be in need of such hospital care or medical services for service-connected disabilities;

"(2) will pay for hospital care at the Veterans Memorial Hospital for Commonwealth Army veterans, and for new Philippine Scouts if they enlisted before July 4, 1946, determined by the Administrator to need such care for non-service-connected disabilities if they are unable to defray the expenses of necessary hospital care;

"(3) may provide for the payment of travel expenses pursuant to section 111 of this title for Commonwealth Army veterans and new Philippine Scouts in connection with hospital care or medical services furnished them;

"(4) may provide for payments for nursing home care, on the same terms and conditions as set forth in section 620(a) of this title, for any Commonwealth Army veteran or new Philippine Scout determined to need such care as a per diem rate not to exceed 50 per centum of the hospital per diem rate established pursuant to clause (6) of this subsection;

"(5) may provide that payments for hospital care and for medical services provided to Commonwealth Army veterans and new Philippine Scouts or to United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator; and is authorized to furnish through the revolving supply fund, pursuant to section 5011 of this title, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefor, as applicable, appropriations available for such payments;

"(6) will provide for payments for such hospital care at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

"(7) may stop payments under any such contract upon reasonable notice as stipulated by the contract if the Republic of the Philippines and the Veterans Memorial Hospital fail to maintain such hospital in a well-equipped and effective operating condition, as determined by the Administrator.

"(b) The total of the payments authorized by subsection (a) of this section shall not exceed $2,000,000 for any one such fiscal year ending before July 1, 1978, which shall include an amount not to exceed $250,000 for any one such fiscal year for the purposes of clause (4) of such subsection.

"(c) the contract authorized by subsection (a) of this section may provide for the use by the Republic of the Philippines of beds, equipment, and other facilities of the Veterans Memorial Hospital at Manila, not required for hospital care of Commonwealth Army veterans or new Philippine Scouts for service-connected disabilities, for hospital care of other persons in the discretion of the Republic of the Philippines, except that (1) priority of admission and retention in such hospital shall be accorded Commonwealth Army veterans and new Philippine Scouts needing hospital care for service-connected disabilities, and (2) such use shall not preclude the use of available facilities in such hospital on a contract basis for hospital care or medical services for persons eligible therefor from the Veterans' Administration.

"(d) To further assure the effective care and treatment of patients in the Veterans Memorial Hospital, there is authorized to be appropriated for each fiscal year during the six years beginning July 1, 1972, and ending June 30, 1978—

"(1) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of education and training of health service personnel who are assigned to such hospital; and

"(2) the sum of $50,000 to be used by the Administrator for making grants to the Veterans Memorial Hospital for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such hospital.

Such grants shall be made on such terms and conditions as prescribed by the Administrator, including approval by him of all education and training programs conducted by the hospital under such grants. Any appropriation made for carrying out the purposes of clause (2) of this subsection shall remain available until expended."

(b) The table of sections at the beginning of such chapter 17 is amended by striking out

"631. Grants to the Republic of the Philippines.

"632. Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948."

and inserting in lieu thereof

"631. Assistance to the Republic of the Philippines.

"632. Contracts and grants to provide hospital care, medical services and nursing home care."

(c) Nothing in subsection (a) of this section shall be deemed to affect in any manner any right, cause, obligation, contract (specifically including that contract executed April 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Public Law 89-612, which shall remain in force and effect until modified or superseded by an agreement executed under authority of this Act), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under the provisions of section 632 of title 38, United States Code, in effect on the day before the date of enactment of this section.

SEC. 109. (a) Chapter 17 of title 38, United States Code, is further amended by adding at the end thereof the following new subchapter:

"Subchapter VI—Sickle Cell Anemia

"§ 651. Screening, counseling, and medical treatment

"The Administrator is authorized to carry out a comprehensive program of providing treatment, and information under the provisions of this chapter.

"§ 652. Research

"The Administrator is authorized to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter.

"§ 653. Voluntary participation; confidentiality

"(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance program under this title.

"(b) The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics.

"§ 654. Reports

"The Administrator shall include in the annual report to the Congress required by section 214 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Administrator deems necessary."

(b) The analysis at the beginning of such chapter is amended by adding at the end thereof:

"SUBCHAPTER VI—SICKLE CELL ANEMIA

"651. Screening, counseling, and medical treatment.

"652. Research.

"653. Voluntary participation; confidentiality.

"654. Reports.".

TITLE II—AMENDMENTS TO CHAPTER 73 OF TITLE 38, UNITED STATES CODE, RELATING TO THE DEPARTMENT OF MEDICINE AND SURGERY

SEC. 201. Section 4101 of title 38, United States Code, is amended by amending subsection (b) to read as follows:

"(b) In order to carry out more effectively the primary function of the Department of Medicine and Surgery to provide a complete medical and hospital service for the medical care and treatment of veterans and to assist in providing an adequate supply of health manpower to the Nation, the Administrator shall, to the extent feasible without interfering with the medical care and treatment of veterans, develop and carry out a program of education and training of such health manpower (including the developing and evaluating of new health careers, interdisciplinary approaches and career advancement opportunities), and shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as physicians' assistants, dentists' assistants, and other medical technician (including advising all such qualified veterans and servicemen about to be discharged or released from active duty of such employment opportunities), acting in cooperation with such schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions; other institutions of higher learning; medical centers; academic health centers; hospitals; and such other public or nonprofit agencies, institutions, or organizations as the Administrator deems appropriate.".

"(c) In order to attain comparability in the staff-to-patient ratio in the several services of Veterans' Administration hospitals with like services of other public and private hospitals, the Comptroller General of the United States shall, on a geographical or regional area basis, select as an index for such purpose any hospital or hospitals (or other medical installation or installations having hospital facilities) having an optimum staff-to-patient ratio in such services. Within three years after the date of the enactment of this subsection, the staff-to-patient ratio in each such service at each Veterans' Administration hospital, domiciliary, and clinic within the same geographic or regional area shall be comparable to that in the index service of the index facility in such area at such time, taking into consideration the composition of patient population. To secure the information and statistical data necessary for the selection of such index hospital, the Administrator shall cooperate fully with the Comptroller General and may make arrangements, by contract or other form of agreement, for such medical information services. The Comptroller General shall submit to the Congress not more than sixty days after the end of each fiscal year, a report describing the actions taken to implement the provisions of this subsection and the extent to which such provisions have been implemented. Such report shall also include a service-by-service description of the index ratios and established staff-to-patient ratios in each Veterans' Administration facility."

SEC. 202. Section 4103(a) of title 38, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) Not to exceed eight Assistant Chief Medical Directors, who shall be appointed by the Administrator upon the recommendations of the Chief Medical Director. Not more than two Assistant Chief Medical Directors may be individuals qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicine. One Assistant Chief Medical Director shall be a qualified doctor of

dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service."; and

(2) by amending paragraph (7) to read as follows:

"(7) A Director of Pharmacy Service, a Director of Dietetic Service, and a Director of Optometry, appointed by the Administrator."

SEC. 203. Section 4107 of title 38, United States Code, is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) The per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"Section 4103 Schedule

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $41,734.

"Medical Director, $36,103 minimum to $40,915 maximum.

"Director of Nursing Service, $36,103 minimum to $40,915 maximum.

"Director of Chaplain Service, $31,203 minimum to $39,523 maximum.

"Director of Pharmacy Service, $31,203 minimum to $39,523 maximum.

"Director of Dietetic Service, $31,203 minimum to $39,523 maximum.

"Director of Optometry, $31,203 minimum to $39,523 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided for in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and Dentist Schedule

"Director grade, $31,203 minimum to $39,523 maximum.

"Executive grade, $28,996 minimum to $37,699, maximum.

"Chief grade, $26,898 minimum to $34,971 maximum.

"Senior grade, $23,088 minimum to $30,018 maximum.

"Intermediate grade, $19,700 minimum to $25,613 maximum.

"Full grade, $16,682 minimum to $21,686 maximum.

"Associate grade, $13,996 minimum to $18,190 maximum.

"Nurse Schedule

"Director grade, $26,898 minimum to $34,971 maximum.

"Assistant Director grade, $23,088 minimum to $30,018 maximum.

"Chief grade, $19,700 minimum to $25,613 maximum.

"Senior grade, $16,682 minimum to $21,686 maximum.

"Intermediate grade, $13,996 minimum to $18,190 maximum.

"Full grade, $11,614 minimum to $15,097 maximum.

"Associate grade, $10,012 minimum to $13,018 maximum.

"Junior grade, $8,572 minimum to $11,146 maximum.

"(2) No person may hold the director grade in the 'Physician and Dentist Schedule' unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position."; and

(2) adding at the end thereof the following new subsections:

"(d) The limitations in section 5308 of title 5 shall apply to pay under this section.

"(e)(1) In addition to the basic compensation provided for nurses in subsection (b)(1) of this section, a nurse shall receive additional compensation as provided by paragraphs (2) through (8) of this subsection.

"(2) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional compensation for each hour of service on such tour at a rate equal to 10 per centum of the employee's basic hourly rate, if at least four hours of such tour fall between 6 postmeridian and 6 antimeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of work performed between those hours.

"(3) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, shall receive additional compensation for each hour of service on such tour at a rate equal to 25 per centum of such nurse's basic hourly rate.

"(4) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive such nurse's regular rate of basic pay, plus additional pay at a rate equal to such regular rate of basic pay, for that holiday work, including overtime work. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

"(5) A nurse performing officially ordered or approved hours of service in excess of forty hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service; the overtime rates shall be one and one-half times such nurse's basic hourly rate, not to exceed one and one-half times the basic hourly rate for the minimum rate of Intermediate grade of the Nurse Schedule. For the purposes of this paragraph, overtime must be of at least fifteen minutes duration in a day to be creditable for overtime pay. Compensatory time off in lieu of pay for service performed under the provisions of this paragraph shall not be permitted. Any excess service performed under this paragraph on a day when service was not scheduled for such nurse, or for which such nurse is required to return to her place of employment, shall be deemed to be a minimum of two hours in duration.

"(6) For the purpose of computing the additional compensation provided by paragraph (2), (3), (4), or (5) of this subsection, a nurse's basic hourly rate shall be derived by dividing such nurse's annual rate of basic compensation by two thousand and eighty.

"(7) When a nurse is entitled to two or more forms of additional pay under paragraph (2), (3), (4), or (5) for the same period of duty, the amounts of such additional pay shall be computed separately on the basis of such nurse's basic hourly rate of pay, except that no overtime pay as provided in paragraph (5) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under paragraph (4) for such service.

"(8) A nurse who is officially scheduled to be on call outside such nurse's regular hours shall be compensated for each hour of such on-call duty, except for such time as such nurse may be called back to work, at a rate equal to 10 per centum of the hourly rate for excess service as provided in paragraph (5) of this subsection.

"(9) Any additional compensation paid pursuant to this subsection shall not be considered as basic compensation for the purposes of subchapter VI and section 5595 of subchapter IX of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits based on basic compensation."

SEC. 204. (a) Section 4108 of title 38, United States Code, is amended to read as follows:

"§ 4108. Personnel administration

"(a) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses appointed to the Department of Medicine and Surgery, except that the hours of employment in carrying out responsibilities under this title of any physician, dentist (other than an intern or resident appointed pursuant to section 4114 of this title), or nurse appointed on a full-time basis who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title, shall consist of not less than eighty hours in a biweekly pay period (as that term is used in section 5504 of title 5), and no such person may—

"(1) assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Veterans' Administration facility, except in those cases where the individual, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed one hundred and eighty calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed one hundred and eighty calendar days each;

"(2) teach or provie consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with his responsibilities under this title;

"(3) accept payment under any insurance or assistance program established under subchapter XVIII, or XIX of chapter 7 of title 42, or under chapter 55 of title 10 for professional services rendered by him while carrying out his responsibilities under this title;

"(4) accept from any source, with respect to any travel performed by him in the course of carrying out his responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5;

"(5) request or permit any individual or organization to pay, on his behalf, for insurance insuring him against malpractice claims arising, in the course of carrying out his responsibilities under this title or for his dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of his remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title; and

"(6) perform, in the course of carrying out his responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for his personal benefit, or both, and in the case of any such fund or account established before the effective date of this subsection—

"(A) the affiliated institution shall submit semiannually an accounting to the Administrator and to the Comptroller General of the United States with respect to such fund or account, and thereafter shall maintain such fund or account subject to full public disclosure and audit by the Administrator and the Comptroller General for a period of three years or for such longer period as the Administrator shall prescribe, and

"(B) no physician, dentist, or nurse may

receive, after the effective date of this subsection, any cash from amounts deposited in such fund or account derived from services performed prior to the effective date of this subsection.

"(b) As used in this section, the term 'affiliated institution' means any medical school or other institution of higher learning with which the Administrator has a contract or agreement pursuant to section 4112(b) of this title for the training or education of health manpower.

"(c) As used in this section, the term 'remuneration' means the receipt of any amount of monetary benefit from any non-Veterans' Administration source in payment for carrying out any professional reponsibilities."

(b) The table of sections at the beginning of chapter 73 of such title is amended by striking out

"4108. Administration."

and inserting in lieu thereof

"4108. Personnel administration.".

SEC. 205. (a) Section 4109 of title 38, United States Code, is amended by striking out "the Civil Service Retirement Act" and inserting in lieu thereof "chapter 83 of title 5".

(b) Subsection (b) of section 4112 of such title 38, is amended by striking out "service personnel" in the first sentence immediately after "health" and by inserting in lieu thereof "manpower".

SEC. 206. Section 4114 of title 38, United States Code is amended as follows:

(1) by striking out the words "ninety days" in the last sentence of paragraph (3)(A) of subsection (a) and inserting in lieu thereof "one year";

(2) by inserting "(1)" immediately after "(b)" at the beginning of subsection (b) of such section and by adding at the end of such subsection the following new paragraphs:

"(2) For the purposes of this title, the term 'intern' shall include an internship or the equivalency thereof, as determined in accordance with regulations which the Administrator shall prescribe.

"(3) In order to carry out more efficiently the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veteran' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as a central administrative agency for this purpose. The Administrator may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) stipends fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title of title 5. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by such intern and resident for the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."; and

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

"(e) The program of training prescribed by the Administrator in order to qualify a person for the position of full-time physicians' assistant or dentists' assistant shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Administrator may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined classroom (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week."

SEC. 207. Section 4116 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) The remedy—

"(1) against the United States provided by sections 1346(b) and 2672 of title 28, or

"(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28, for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, physicians' assistant, dentists' assistant, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.";

(2) by striking out the last sentence in subsection (c) and inserting in lieu thereof the following: "After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of his office or employment, the case shall be remanded to the State court."; and

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

"(e) The Administrator may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as described in subsection (a) of this section), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of his duties in or for the Department of Medicine and Surgery, if such person is assigned to a foreign country, detailed to a State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury."

SEC. 208. Section 4117 of title 38, United States Code, is amended to read as follows:

"The Administrator may enter into contracts with medical schools, clinics, and any other group or individual capable of furnishing such services to provide scarce medical specialist services at Veterans' Administration facilities (including, but not limited to, services of physicians, dentists, nurses, physicians' assistants, dentists' assistant, technician, and other medical support personnel)."

TITLE III—AMENDMENTS TO CHAPTER 81 OF TITLE 38, UNITED STATES CODE—ACQUISITION AND OPERATION OR HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

SEC. 301. (a) Subsection (a) of section 5001 of title 38, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a comma and the following: "but in no event shall the Administrator provide for less than an average of 98,500 operating beds in Veterans' Administration hospitals or an average daily patient census in such beds of less than 85,500 in any fiscal year, nor maintain such a census of less than 82,000 in any such fiscal year."; and

(2) striking out in the first sentence of paragraph (3) "is authorized to" and inserting in lieu thereof "shall", and by striking out "four thousand beds" and inserting in lieu thereof "eight thousand beds in the fiscal year ending June 30, 1974, and in each fiscal year thereafter".

(b) Subsection (b) of section 5001 of such title is amended to read as follows:

"(b) Hospitals, domiciliaries, and other medical facilities provided by the Administrator (including nursing home facilities for which the Administrator contracts under section 620 of this title) shall be of fire, earthquake, and other natural disaster resistant construction in accordance with standards which the Administrator shall prescribe on a State or regional basis after surveying appropriate State and local laws, ordinances, and building codes and climatic and seismic conditions pertinent to each such facility. When an existing plant is purchased, it shall be remodeled to comply with the requirements stated in the first sentence of this subsection. In order to carry out this subsection, the Administrator shall appoint an Advisory Committee on Structural Safety of Veterans' Administration Facilities, on which shall serve at least one architect and one structural engineer expert in fire, earthquake, and other natural disaster resistance who shall not be employees of the Federal Government, to advise him on all matters of structural safety in the construction and remodeling of Veterans' Administration facilities in accordance with the requirement of this subsection, and which shall approve regulations prescribed thereunder. The Associate Deputy Administrator, the Chief Medical Director, or his designee, and the Veterans' Administration official charged with the responsibility for construction shall be ex officio members of such committee."

(c) Section 5001 of such title is further

amended by adding the following new subsection:

"(g) The Administrator may make contributions to local authorities toward, or for, the construction of traffic controls, road improvements, or other devices adjacent to Veterans' Administration medical facilities when deemed necessary for safe ingress or egress."

SEC. 302. Chapter 81 of title 38, United States Code, is amended—

(1) by adding at the end of sbchapter I the following new section:

"§ 5007. Partial relinquishment of legislative jurisdiction

"The Administrator, on behalf of the United States, may relinquish to the State in which any lands or interests therein under his supervision or control are situated, such measure of legislative jurisdiction over such lands or interests as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of legislative jurisdiction shall be initiated by filing a notice thereof with the Governor of the State concerned, or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by such State.";

(2) by inserting immediately after the first sentence in subsection (a) of section 5012 thereof the following: "Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act entitled 'An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Administrator shall give appropriate public notice of his intention to do so in the newspaper of the community in which the lands or buildings to be leased are located."; and

(3) by inserting in the table of sections at the beginning of such chapter.

"5007. Partial relinquishment of legislative jurisdiction."

immediately after

"5006. Property formerly owned by the National Home for Disabled Volunteer Soldiers.".

SEC. 303. (a) Section 5053(a) of title 38, United States Code, is amended by striking out "or medical schools" at the beginning of the material contained in parentheses, and by inserting immediately after the close parenthesis the words "or medical schools or clinics".

TITLE IV—MISCELLANEOUS AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 401. Section 230(b) of title 38, United States Code, is amended by striking out "July 3, 1974" and inserting in lieu thereof "June 30, 1978".

SEC. 402. (a) Section 234 of title 38, United States Code, is amended by inserting immediately after the words "telephones for" the following: "nonmedical directors of centers, hospitals, independent clinics, domiciliaries, and".

(b) The table of sections at the beginning of chapter 3 of such title is amended by striking out

"234. Telephone service for medical officers."

and inserting in lieu thereof

"234. Telephone service for medical officers and facility directors.".

(c) The catchline at the beginning of section 234 of such title is amended by inserting immediately after the word "officers" the words "and facility directors".

SEC. 403. (a) Section 641 of title 38, United States Code, is amended by—

(1) striking out in clause (1) "$3.50" and inserting in lieu thereof "$4.50";

(2) striking out in clause (2) "$5" and inserting in lieu thereof "$6";

(2) striking out in clause (2) "$5" and inserting in lieu thereof "$10"; and

(4) inserting immediately after the words "veteran of any war" the following: "or of service after January 31, 1955".

(b) Section 644(b) of such title is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

(c) Subsections (a)(1), (b)(2), and (d) of section 5035 of such title are amended by striking out "50 per centum" wherever it appears therein and inserting in lieu thereof "65 per centum."

(d) Section 5036 of such title is amended by striking out "50 per centum" and inserting in lieu thereof "65 per centum".

TITLE V—EFFECTIVE DATES

SEC. 501. The provisions of this Act shall become effective the first day of the first calendar month following the date of enactment, except that sections 106 and 107 shall be effective on January 1, 1971, and section 203 shall become effective beginning the first pay period following thirty day after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. DORN

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

The Clerk read as follows:

Amendment offered by Mr. DORN: Strike out all after the enacting clause of S. 59 and insert in lieu thereof the provisions of H.R. 9048, as passed.

The amendment was agreed to.

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

A similar House bill (H.R. 9048) was laid on the table.

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2120) to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes, as amended.

The Clerk read as follows:

S. 2120

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 "Federal Railroad Safety Authorization Act of 1973".

SEC. 2. Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended to read as follows:

"Sec. 212. Authorization for appropriations.

"There is authorized to be appropriated to carry out the provisions of this title not to exceed $19,440,000 for the fiscal year ending June 30, 1974.".

SEC. 3. Section 303 of the Hazardous Materials Transportation Control Act of 1970 (49 U.S.C. 1762) is amended to read as follows:

"Sec. 303. Authorization for appropriations.

There is authorized to be appropriated to carry out the provisions of this title not to exceed $1,200,000 for the fiscal year ending June 30, 1974.".

SEC. 4. The Secretary of Transportation shall, within ninety days after the date of enactment of this Act, submit a report to the Congress which contains a complete evaluation of all programs conducted under the Hazardous Materials Transportation Control Act of 1970, and on proposed revised handling procedures and feasbility of alternative routing in order to avoid population centers.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr Speaker, this legislation is simply a 1-year extension of the authorization for appropriations for programs within the Federal Railroad Safety Act of 1970 and the Hazardous Materials Control Act of 1970.

The authorization for both programs terminated on June 30 of this year. The Department of Transportation waited until June 6th, to request an extension of these programs. They sent their request up here accompanied with proposals for extensive changes in the 1970 act.

Our Subcommittee on Transportation has been deeply involved in considering Amtrak legislation and the Northeast rail crisis. Our full committee considered this bill on June 20 and passed it by voice vote with one amendment.

This amendment would require the Secretary of Transportation to report within 90 days on programs underway in the Hazardous Materials Control Act. Our subcommittee hopes to have hearings on these programs later in this session.

The administration asked for an open-ended authorization—but budgeted $13.7 million for the programs in this act. Under the original act, the programs under the Federal Railroad Safety Act have received $21 million a year since 1970, and $1 million a year for hazardous materials control.

The Senate bill contains an authorization of $19,440,000 for Federal railroad safety. This is the $13,750,000 the administration had budgeted, plus $5,690,000 we have added to include these items:

For matching grants $1,500,000 for States who will supply inspectors under this program; $100,000 for an experimental inspection of freight cars; $2 million for track inspection equipment; and $2,090,000 for 95 additional inspectors.

We have given the hazardous materials control program $200,000 more than the $1 million annual authorization they received in the past because we feel they need at least 15 new employees for investigations and scientific work.

The total authorization in this bill for both programs is $20,640,000—or $1,360,000 less than last year.

Let me stress to my colleagues that 1,935 persons died in railroad-related accidents last year. We must accelerate our safety efforts. Last year, we had 7,371 train accidents, costing more than $100 million in property damage. And more than 18,273 were injured in railroad-related accidents, two-thirds of whom were railroad employees.

Let me say also that our committee is

not satisfied with the progress that has been made since Congress passed the Federal Railroad Safety Act of 1970. The Federal Railroad Administration has promulgated only one safety standard under this act.

We need more personnel in the Office of Railroad Safety, and we have told the department that we expect them to use the funds available in this bill to have additional personnel. A good example of the current situation is that the Federal Railroad Administration has only six inspectors for hazardous materials—despite a large increase over the past 3 years in the transportation of hazardous materials. It has no inspectors for bridges and tunnels, and last year, four train derailments were directly attributable to defects in bridges and tunnels—some more than 75 years old.

I urge adoption of this legislation, and I assure my colleagues that our committee plans to look very closely at the administration's proposals for changes in the existing law.

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

Mr. Speaker, 3 years ago Congress placed the responsibility for determining what was required to improve railway safety and authority to enforce those requirements with the Federal Railway Administration. Congress also gave authority to look into the problems connected with the transportation of hazardous materials to that same office. The authorizations for appropriations were set at $21 million per year for a 3-year period. Those authorizations are now expiring, or rather have expired as of the first of July.

The bill sent to Congress by the administration did not reach here until well into June. It asked for open-end authorization. It also recommended amendments of various kinds to safety acts now in effect and the repeal of certain acts considered to be obsolete by those administering the program. Undoubtedly some of these changes are justified but they must be looked into and not run through the mill on faith alone. In view of the fact that the committee is extremely busy with the pressing problems of the northeast railroads and Amtrak, there was no possibility that this legislation could receive proper attention for some time. Because of this the committee brings to the House H.R. 8813 which extends the authorization for the program for 1 fiscal year at the same level as present authorizations.

Some progress has been made in the first 3 years of the program. Track standards are in effect. Proposed standards for rolling stock are being considered. Employee qualification rules are also in the works. At the same time railroad safety could be described as unsatisfactory.

The same might be said for the transportation of hazardous materials. Efforts are being made to minimize the dangers, but several explosions and fires in the last 3 years show clearly that more needs to be done. Because of this the bill does contain one substantive provision. It requires a report within 90 days of all proposals submitted to DOT for revising handling procedures for hazardous materials. It also requires a report on the possibilities of routing hazardous materials to avoid population centers.

It is the intention of the committee to look into these safety programs very fully later on when, hopefully, the difficult problems of the northeast railroads finances have been solved.

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

Mr. HARVEY. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. How much of this $1 million would be devoted or dedicated to the committee for the purpose of which the gentleman speaks?

Mr. HARVEY. I do not believe there is any dedicated to our committee itself; I will say to my friend, the gentleman from Iowa, that I express it that way because our committee has the oversight function of the Federal Railway Administration, and we felt we would like to before extending that authorization, call that Administration up and go into it at greater length, go into some of these explosions that have taken place. I am satisfied that they have been doing their best, and they have promulgated some regulations in that regard. We would like to be even closer to them in that respect.

Mr. GROSS. Let us take the Railway Safety Act—I believe that is the way it is set forth—how much has been expended on that subject prior to this authorization?

Mr. HARVEY. They have had an authorization of $21 million a year for the last 3 years. That would be $63 million.

Mr. GROSS. Sixty-three million dollars?

Mr. HARVEY. Yes. I cannot tell the gentleman from Iowa how much has been appropriated by the Committee on Appropriations, but I would guess it would be nearly that full amount.

Mr. GROSS. This year it is again $21 million?

Mr. HARVEY. The railway safety program this year is $19.4 million.

Mr. GROSS. Nineteen point four million dollars?

Mr. HARVEY. That is correct.

Mr. GROSS. How much has been expended on the Railway Hazardous Materials Transportation Act, or whatever its specific title, prior to this time?

Mr. HARVEY. It is my understanding and the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS) can correct me if I am wrong, that $21 million per year was authorized for Federal railroad safety and $1 million per year for hazardous materials. This year there is $1.2 million authorized for the hazardous materials transportation program. So that the total this year would be $20.6 million, which is still $1.4 million less than the $22 million total authorization for both programs over the last 3 years.

Mr. GROSS. So despite the 5-year expenditure on this subject, we are still appropriating at the rate of $20 million on these two studies, which are related studies, I am sure.

Mr. HARVEY. I will say to my friend, the gentleman from Iowa, that this was a 3-year program. It is true that despite the 3-year program we are still continuing with it for the fourth year. But I would say to my friend, the gentleman from Iowa, that this is a very complicated subject. If anyone does not believe it, he need only sit in on some of the hearings.

Mr. GROSS. I hesitate to ask the gentleman as to what is complicated about it. I just do not know. What is complicated about a study of this kind?

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, I would say to the gentleman from Iowa that this is an enforcement of the laws that are on the books. I will say to my distinguished friend, the gentleman from Iowa (Mr. GROSS) that there are rules to be enforced, and in the $1 million for the transportation of hazardous materials there are inspectors, they have men who are traveling around, men who are putting some or all of these things into effect right now. We are requesting that we not transfer these hazardous materials through heavily populated areas, and there are, of course, a good many of these areas. I am sure the gentleman from Iowa knows that we did have a very severe explosion in California in which a considerable number of people were injured. We think that this rule should be enforced, not only for that city, but for many other cities. We have had complaints from Alabama and many other States.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further so that I may ask a question of the Chairman, is it not obvious that hazardous materials, whatsoever they may be, should not be shipped through cities where there is any other route?

Mr. STAGGERS. We do not say there is anything mysterious or complicated about it. In fact, that is what they should be doing now. That is part of their job. What we are saying is that they need more inspectors and they need more men to enforce the laws that we already have on the books.

Mr. GROSS. Do we not have a Justice Department to enforce the laws?

Mr. STAGGERS. The Justice Department I do not believe has had very much expertise in railroading. These are men who have had the expertise and who have spent their lifetime in this kind of work.

Mr. GROSS. After the expenditure of some $60 million and 3 years—I may have misspoken myself when I said 5 years—there ought to be now some people trained and this bill cut down. Obviously it ought not to cost $60-some million for employees to administer the law. We are going to have to cut expenses in this Government, and on the basis of this bill, this seems to be unrealistic from the standpoint of total expenditures.

Mr. STAGGERS. I think the gentleman just does not quite understand the bill, because this is Federal railroad safety, and certainly something that has been carried for a long time. It is like State policemen on the highway enforcing the laws that these States have, like the Federal Government. Certainly there is an agency, set up in 1970, for this purpose.

Mr. GROSS. I really do not see any all-embracing correlation between highway safety and railroad safety, but perhaps there is.

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

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

Mr. MILLER. As I understand, for each of 3 years $21 million has been spent, some $63 million in total, and also as I see by the bill, the gentleman is indicating that there would be a complete evaluation of all programs conducted under the Hazardous Materials Transportation Control Act. Could the gentleman tell us what has been accomplished for that $63 million?

Mr. HARVEY. I can say this to the gentleman, that the Railroad Safety Administration is an office, not a study, in the first place. It is an office charged with the administration of certain standards. I can say to the gentleman that one standard that I know that has been promulgated is the track standard, and this is being enforced at the present time. I know that they are also in the process of promulgating standards to go further with regard to the shipment of hazardous materials. I do not know the exact number of personnel involved, but I do know that there are as many as 48 persons involved in the Office of Hazardous Materials, as I read in the appendix here in the report itself.

Mr. MILLER. Do we have any record that would indicate that we have had less accidents with hazardous materials?

Mr. HARVEY. I do not have any such record, no.

Mr. MILLER. That seems to be the end result of the legislation?

Mr. HARVEY. I would say to the gentleman that I do not think that in a 3-year period of time we are going to end railroad accidents by authorizing $63 million or $633 million. We are talking about the transportation of very dangerous substances. Just look at the explosion that took place recently out in California. They still do not know the cause of that explosion.

Mr. MILLER. That is the point of my question. I know that we would not be able to stop all of the accidents, but by the same token I am just looking for some reduction in accidents due to the expenditure that has been made over the past 3 years of some $63 million.

Mr. HARVEY. I will say that I should like to think that is going to happen eventually, but I can remember back 20 years ago when I served as Secretary of a highway safety council. All I know is that we were striving at that time to cut automobile deaths on the highways and in the factories. If we look at the statistics today, they have gone up during that period of time, despite the millions and millions of dollars that have been spent. Accidents just do not happen; they are caused, and we keep working to try to eliminate them. I doubt that we are going to eliminate these completely. Thus far we have not been shown that this office is not doing its job. We need this much to continue it.

Our committee, as soon as we get in the next few months the Northeast railroad situation resolved, is going to go into hearings on this subject.

Mr. MILLER. I thank the gentleman.

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

Mr. HARVEY. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, as far as the Northeast railroads, what is the position on them in the committee?

Mr. HARVEY. I do not believe we have had hearings on them as far as this extension.

Mr. SYMMS. It was pointed out the railroads had an interest in the safety of the railroads.

Mr. HARVEY. I do not think there is any question but what the railroads are interested in safety just as any employer is because it is dollars and cents to them, certainly it is, but nevertheless we are talking about not only the safety of the railroads here but also the safety of the public generally. The U.S. Government and the railroad administration has an interest in it also.

Mr. SYMMS. I thank the gentleman for yielding but I wonder if maybe it was not thought the railroads had the most to gain from having a safe operation without Federal intervention.

Mr. HARVEY. That may be the gentleman's conclusion but certainly it is not mine. I think an awful lot is to be gained by having a safe operation of our railroads and I want to go on record in that respect because I believe it is absolutely necessary, and I believe our subcommittee has a duty once we get through this to get into that question and find out what happened in California and other places because that affects not only the railroads but also the surrounding communities and our entire transportation system.

Mr. PRICE of Illinois. Mr. Speaker, I urge favorable consideration of the Railroad Safety and Hazardous Materials Control Amendments of 1973. This bill authorizes $19.4 million for railroad safety programs and $1.2 million for hazardous materials transportation programs. Also, a provision requires the Department of Transportation to report on its efforts to reduce hazards.

The need for such legislation is evident when we consider such disasters as the one which shook East St. Louis, Ill., last year. On January 22, 1972, a ruptured railroad tank car containing 30,000 gallons of propylene, a liquid petroleum gas, exploded as it was being transferred in a railroad yard and was the cause of extensive damage to a 16-square block area. Oven 200 persons were injured and about 100 families were left homeless. Damage was widespread as over 1,000 buildings suffered property losses at an estimated cost of $7.5 million.

East St. Louis is a major railroad hub. Moreover, as an urban community, the risks associated with the transportation of hazardous materials are increased.

In light of the disaster that hit the city, the programs authorized by both the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Control Act of 1970 are of vital importance.

It is my belief, Mr. Speaker, that Congress should provide adequate funds for these important programs. Our responsibility to our railroad workers, the general public, and our general economic well-being compels favorable consideration of this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS), that the House suspend the rules and pass the bill S. 2120, as amended.

The question was taken.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 409, nays 7, not voting 17, as follows:

[Roll No. 346]

YEAS—409

Abzug	Clawson, Del	Giaimo
Adams	Clay	Gibbons
Addabbo	Cleveland	Gilman
Alexander	Cochran	Ginn
Anderson, Calif.	Cohen	Goldwater
	Collier	Gonzalez
Anderson, Ill.	Collins, Ill.	Goodling
Andrews, N.C.	Conable	Grasso
Andrews, N. Dak.	Conlan	Gray
	Conte	Green, Oreg.
Annunzio	Conyers	Green, Pa.
Archer	Corman	Griffiths
Arends	Cotter	Grover
Armstrong	Coughlin	Gubser
Ashley	Cronin	Gude
Aspin	Culver	Gunter
Badillo	Daniel, Dan	Guyer
Bafalis	Daniel, Robert W., Jr.	Haley
Baker		Hamilton
Barrett	Daniels, Dominick V.	Hammer-schmidt
Beard		
Bell	Davis, Ga.	Hanley
Bennett	Davis, S.C.	Hanrahan
Bergland	Davis, Wis.	Hansen, Idaho
Bevill	de la Garza	Hansen, Wash.
Biaggi	Delaney	Harrington
Biester	Dellenback	Harsha
Bingham	Dellums	Harvey
Blackburn	Denholm	Hastings
Blatnik	Dennis	Hawkins
Boggs	Dent	Hays
Boland	Derwinski	Hechler, W. Va.
Bolling	Devine	Heckler, Mass.
Bowen	Dickinson	Heinz
Brademas	Dingell	Helstoski
Brasco	Donohue	Henderson
Bray	Dorn	Hicks
Breaux	Drinan	Hillis
Breckinridge	Duncan	Hinshaw
Brinkley	du Pont	Hogan
Brooks	Eckhardt	Holifield
Broomfield	Edwards, Ala.	Holt
Brotzman	Edwards, Calif.	Holtzman
Brown, Calif.	Eilberg	Horton
Brown, Mich.	Erlenborn	Hosmer
Brown, Ohio	Esch	Howard
Broyhill, N.C.	Eshleman	Huber
Broyhill, Va.	Evans, Colo.	Hudnut
Buchanan	Evins, Tenn.	Hungate
Burgener	Fascell	Hunt
Burke, Calif.	Findley	Hutchinson
Burke, Fla.	Fish	Ichord
Burke, Mass.	Flood	Jarman
Burleson, Tex.	Flowers	Johnson, Calif.
Burlison, Mo.	Flynt	Johnson, Colo.
Burton	Foley	Johnson, Pa.
Butler	Ford, Gerald R.	Jones, Ala.
Byron	Ford, William D.	Jones, N.C.
Camp		Jones, Okla.
Carey, N.Y.	Forsythe	Jones, Tenn.
Carney, Ohio	Fountain	Jordan
Carter	Fraser	Karth
Casey, Tex.	Frelinghuysen	Kastenmeier
Cederberg	Frenzel	Kazen
Chamberlain	Frey	Keating
Chappell	Froehlich	Ketchum
Clancy	Fulton	Kluczynski
Clark	Fuqua	Koch
Clausen, Don H.	Gaydos	Kuykendall
	Gettys	Kyros

Landrum	Patten	Stanton,
Latta	Pepper	J. William
Leggett	Perkins	Stanton,
Lehman	Pettis	James V.
Lent	Peyser	Stark
Litton	Pickle	Steed
Long, La.	Pike	Steele
Long, Md.	Poage	Steelman
Lott	Podell	Steiger, Ariz.
Lujan	Powell, Ohio	Steiger, Wis.
McClory	Preyer	Stephens
McCloskey	Price, Ill.	Stratton
McCollister	Price, Tex.	Stubblefield
McCormack	Pritchard	Stuckey
McDade	Quie	Studds
McEwen	Quillen	Sullivan
McFall	Railsback	Symington
McKay	Randall	Taylor, Mo.
McKinney	Rangel	Taylor, N.C.
McSpadden	Rarick	Teague, Calif.
Macdonald	Rees	Thompson, N.J.
Madden	Regula	Thomson, Wis.
Madigan	Reid	Thone
Mahon	Reuss	Thornton
Mailliard	Rhodes	Tiernan
Mallary	Riegle	Towell, Nev.
Mann	Rinaldo	Treen
Martin, Nebr.	Roberts	Udall
Martin, N.C.	Robinson, Va.	Ullman
Mathias, Calif.	Robison, N.Y.	Van Deerlin
Mathis, Ga.	Rodino	Vander Jagt
Matsunaga	Roe	Vanik
Mayne	Rogers	Veysey
Mazzoli	Roncalio, Wyo.	Vigorito
Meeds	Roncallo, N.Y.	Waggonner
Melcher	Rooney, N.Y.	Waldie
Metcalfe	Rooney, Pa.	Walsh
Mezvinsky	Rose	Wampler
Michel	Rosenthal	Ware
Milford	Rostenkowski	Whalen
Miller	Roush	White
Mills, Ark.	Rousselot	Whitehurst
Minish	Roy	Whitten
Mink	Roybal	Widnall
Minshall, Ohio	Runnels	Wiggins
Mitchell, Md.	Ruppe	Williams
Mitchell, N.Y.	Ruth	Wilson, Bob
Mizell	Ryan	Wilson,
Moakley	St Germain	Charles H.,
Mollohan	Sandman	Calif.
Montgomery	Sarasin	Wilson,
Moorhead,	Sarbanes	Charles, Tex.
Calif.	Satterfield	Winn
Moorhead, Pa.	Saylor	Wolff
Morgan	Schneebeli	Wright
Moss	Schroeder	Wyatt
Murphy, Ill.	Sebelius	Wydler
Murphy, N.Y.	Seiberling	Wylie
Myers	Shipley	Wyman
Natcher	Shoup	Yates
Nedzi	Shriver	Yatron
Nelsen	Shuster	Young, Alaska
Nichols	Sikes	Young, Fla.
Nix	Sisk	Young, Ga.
Obey	Skubitz	Young, Ill.
O'Brien	Slack	Young, S.C.
O'Hara	Smith, Iowa	Young, Tex.
Owens	Smith, N.Y.	Zablocki
Parris	Snyder	Zion
Passman	Spence	Zwach
Patman	Staggers	

NAYS—7

Abdnor	Crane	Symms
Ashbrook	Gross	
Collins, Tex.	Scherle	

NOT VOTING—17

Chisholm	Hanna	Mosher
Danielson	Hébert	O'Neill
Diggs	Kemp	Stokes
Downing	King	Talcott
Dulski	Landgrebe	Teague, Tex.
Fisher	Maraziti	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Landgrebe.
Mr. Teague of Texas with Mr. Maraziti.
Mr. Hébert with Mr. Mosher.
Mr. Fisher with Mr. Talcott.
Mrs. Chisholm with Mr. Danielson.
Mr. Kemp with Mr. King.
Mr. Hanna with Mr. Stokes.
Mr. Dulski with Mr. Diggs.

Mr. CLANCY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8813) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

NATIONAL COMMISSION ON PRODUCTIVITY AND WORK QUALITY

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1752) prescribing the objectives and functions of the National Commission on Productivity and Work Quality.

The Clerk read as follows:

S. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the United States to promote increased productivity and to improve the morale and quality of work of the American worker, for the purpose of providing goods and services at low cost to American consumers, improving the competitive position of the United States in the international economy, and facilitating a more satisfying work experience for American workers.

(b) The President's National Commission on Productivity shall hereafter be referred to as the National Commission on Productivity and Work Quality (hereinafter referred to as the "Commission"). The Commission shall carry out the objectives and exercise the functions hereinafter prescribed.

(c) The objectives of the Commission shall be to help increase the productivity of the American economy and to help improve the morale and quality of work of the American worker.

(d) To achieve the objectives of subsection (c), the Commission shall have the following primary functions:

(1) To encourage and assist in the organization and work of labor-management committees which may also include public members, on a plant, community, regional, and industry basis. Such committees may be specifically designed to facilitate labor-management cooperation to increase productivity or to help improve the morale and quality of work of the American worker.

(2) To conduct such research as is directly necessary to achieve each of the objectives set forth in subsection (c) when such research cannot appropriately be accomplished by other Government agencies or private organizations.

(3) To publicize, disseminate, and otherwise promote material and ideas relating to its objectives.

(e) In addition to its functions under subsection (d) the Commission shall—

(1) advise the President and the Congress with respect to Government policy affecting productivity and the quality of work;

(2) coordinate and promote Government research and technical assistance efforts relating to productivity; and

(3) provide technical and consulting assistance.

(f) In pursuing its objectives under subsection (c), and in carrying out its functions under subsections (d) and (e), the Commission shall concentrate its efforts on those areas where such efforts are likely to make the most substantial impact on—

(A) the morale and quality of work of the American worker;

(B) the international competitive position of the United States;

(C) the efficiency of government; or

(D) the cost of those goods and services which are generally considered to fulfill the most basic needs of Americans.

(g) (1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives and functions of the Commission under this section.

(2) The Executive Director of the Commission, with the approval of the Chairman of the Commission, is authorized (A) to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this section, and (B) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(3) The Commission may accept gifts or bequests, either for carrying out specific programs which it deems desirable for its general activities.

(h) In carrying out its activities under this section, the Commission shall consult with the Council of Economic Advisers.

(i) The Commission shall transmit to the President and to the Congress, not later than March 1 of each year, a report covering its activities under this section during the preceding calendar year. The Commission shall also, not later than January 15, 1974, and January 15 of each year thereafter during the life of the Commission, submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking and Currency of the House of Representatives a report describing in detail the program to be carried out by the Commission under this section during the next fiscal year. Such reports shall include an explanation of how the Commission's program has complied or will comply, as the case may be, with the provisions of subsection (f).

(j) There are hereby authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the purposes of this section during the period ending June 30, 1974.

The SPEAKER. Is a second demanded?

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

PARLIAMENTARY INQUIRY

Mr. SCHERLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHERLE. Is the gentleman from New Jersey opposed to the bill?

Mr. WIDNALL. No, I am not opposed to the bill.

Mr. SCHERLE. Then, Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER. The gentleman from Texas will be recognized for 20 minutes, and the gentleman from Iowa will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, this bill will extend the National Commission on Productivity and also authorizes an appropriation of $5 million for fiscal year 1974. In fiscal year 1973, $2.5 million was budgeted and appropriated. The increase of $2.5 million for this fiscal year is to permit the Commission to move

from a predominantly planning and analysis stage to an action stage so that its work will have some practical effect.

Few will question the need for improvement of this Nation's productivity. During the period of 1965 to 1970, our industrial productivity increased at a slower rate than that of any other free world nation—2.1 percent per year compared to 14.2 percent per year for Japan. Obviously, if this Nation is to make improvements in its international trade position and to beat inflation in its domestic markets, we must make a major commitment to productivity improvement. The Commission will help achieve these results.

Its basic role is to focus attention on the need to improve productivity growth and to generate recommendations for action among labor, industry, government, and the public. The Commission is directed to organize labor management committees, conduct research designed to bring about productivity and improve working conditions, and to encourage the use of its findings and work product. The legislation requires the Commission to concentrate its efforts in those areas which will likely have significant impact on the international competitive position of the United States, decreasing the cost of consumer goods, improving working conditions and worker morale, and increasing efficiency in government.

In addition to prescribing the objectives of the Commission and setting priorities for its functions, the legislation requires a detailed accounting to the Congress of its activities each year, so that the Congress can decide on a yearly basis whether the work of the Commission justifies its continued existence.

Mr. Speaker, I yield 5 minutes to the gentleman form New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Speaker, I rise in support of S. 1752. As the chairman has explained, this is a very simple bill but it has profound implications. As I reflect on a variety of matters which have come before the Banking and Currency Committee, the Joint Economic Committee, and others, relating to the problems of inflation, our balance of trade and related matters, I recall one of the repeated admonitions. The sagest of the spokesmen on all these subjects have usually concluded by reminding us that the ultimate solution to these problems depended in the long run on our ability to increase productivity, or stated differently, on improving our competitive posture in world markets.

This Nation is blessed with some magnificent resources and I doubt that there is a Member here who would deny that the high standard of living we enjoy is the result of our productive ingenuity. But the facts are that we have been slipping relative to other nations of the world, nations which compete in the markets both here and abroad. We cannot continue to slide. The reason for the National Commission on Productivity and Work Quality is to reverse that situation.

Mr. Speaker, I do not think we can afford to underestimate the importance of this Commission and its goals. If this bill is subject to criticism, it must be because it does not propose to do more. After all, the maintenance of our standard of living is important to every American and perhaps to the entire free world. I cannot believe that members of our committee would question the expenditure of $5 million for this.

I want to point out that the budget for fiscal 1974 proposes a variety of research programs all of which are worthwhile but many do not contemplate the broad benefits of this proposal.

If I read the budget proposal correctly, it projected $772 million for energy research, $680 million to find the causes and cures of heart disease and cancer, $749 million for improving our transportation system. The smallest item in the table I looked at on page 253 of the Special Budget Analysis is $41 million to improve crime prevention and control. Against this kind of background, I have no doubts about the need for the $5 million authorized in this bill.

I know that some have raised questions about the Commission's accomplishments. There are two points to made in this regard. First is the fact that this Commisison is only a little more than a year old. It takes time to get organized, to outline a program and to get going. A very distinguished group of 31 Commission members from labor, management, universities, and Government, have been appointed and have been attending the Commission meetings. They are making progress. Your committee has reviewed achievements to date and on the basis of that review we are recommending this bill.

Second, I call your attention to the fact that this is only a 1-year extension. We are interested in what the Commission is doing and intend to review that activity at least once a year.

This bill deserves your support.

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

Mr. WIDNALL. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, if I am not mistaken, my recollection is that Dr. Dunlop, who is the head of the Cost of Living Council, is also Chairman of this Commission, is he not?

Mr. WIDNALL. That is correct.

Mr. CRANE. And wearing those dual hats, I note on the one hand he has the concern for holding down increases in costs, and on the other hand, if I am not mistaken, the funding level for this particular commission under consideration now is a doubling of the funding level of last year, is that not correct?

Mr. WIDNALL. That is correct.

Mr. CRANE. It has gone from $2½ million to $5 million. Will that increase come before Dr. Dunlop, wearing his hat in charge of the Cost of Living Council, to see if it is within the general guidelines they are applying to other increasing costs?

Mr. WIDNALL. I cannot answer that question.

Mr. CRANE. I thank the gentleman for yielding to me.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

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

Mr. J. WILLIAM STANTON. Mr. Speaker, I rise in support of this legislation. I had some questions in regard to this legislation before our committee, but the questions have been answered to my satisfaction.

Mr. Speaker, we are considering today a bill S. 1752 which will affect every American. The National Commission on Productivity's job is to promote productivity in the U.S. economy. Productivity is the wellspring of our American prosperity; productivity creates real wage increases for American workers, and increases in our standard of living.

In recent years, however, our rate of productivity improvement slowed down, and it was with this in mind that the President established this Commission in 1970 and Congress gave it a mandate in 1971. It was established to take a long run view of productivity—to start in motion an effort toward higher productivity.

The Commission has engaged in useful activities. In addition to general investigations into productivity in the whole economy, the Commission has been deeply involved in productivity improvement of various segments of the economy, especially those which most directly affect the American consumer: food, health, and public services. Improvements in the productivity performances of these segments of the economy can have a direct effect on the prices we pay for the goods and services which they produce.

A major barometer by which Americans judge the performance of the economy is the level of prices they pay for their food. The National Commission on Productivity last year conducted a survey of the opportunities for and barriers to productivity improvement in this industry. Many of the findings of this study, if implemented, could alleviate the inflationary pressures which are building up in it. For example, a potential annual savings of $300 million could be realized if standard carton and package sizes were used in the food industry. Standardization offers large industry-wide savings but is not pursued—because no one firm benefits from the expense and trouble of taking the lead—and joint action is cautious because of possible antitrust implications. The Commission suggested that clearing up of antitrust regulations would alleviate the climate of uncertainty that inhibits useful productivity improvements in the food industry.

In the area of public services, the Commission is addressing itself to the problem of getting more performance out of each tax dollar. The American public is becoming increasingly resistant, and rightfully so, to the seemingly endless string of tax hikes, especially at the State and local level. If productivity can be improved, then the quality and quantity of these services can be increased without increasing taxes. The potential for such improvement is great.

A study done for the Commission on productivity differences between cities in solid waste collection, for example, found differences in tax rates of over 100 percent.

One city surveyed collected 334 tons per man in 1971; a city of approximately the same size and only 30 miles away collected 908 tons per man in 1971—a 300 percent difference. The city with the lower productivity could learn a great deal from its neighbor—but had not learned a thing. The Commission has established a task force of leading experts in the field, many of whom actually run solid waste management agencies, to assemble the "best practices" and will soon disseminate this information in various forms. If such practices are followed by local governments, then the taxpayer will receive better services for his tax dollar. And they have similar work underway in law enforcement.

These are just a few examples of activities of the National Commission on Productivity which could directly affect the pocketbooks of all American consumers. In the long run, support for this bill, and for the Commission may be among the most important steps we could take to improve the consumer's well-being.

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

Mr. Speaker, Members of the House, this is one of the most ridiculous proposals I think that has ever come to the floor of this House at this particular time. The U.S. Government once again is going to make an attempt to control the economy as it has in phase I, phase II, phase III and a half, and perhaps later this week, phase IV.

Mr. Speaker, I have never seen a time in my life, when we were not geared to a wartime emergency, where the economy of this country was in worse shape. I can understand the various wars; I can understand controls; I can understand ceilings and I can understand a lot of other things, but whenever the Federal Government becomes involved in the economy of our country, we seem to have a general laxity as to what the end result is going to be.

In this particular proposal, on page 3, line 15, they talk about "the morale and quality of work of the American worker."

I do not believe there is any problem whatsoever so far as the ability of the American worker is concerned. However, he must be totally frustrated, particularly with the competition we have overseas.

Under (B), on line 17, there is "the international competitive position of the United States."

That is about as poor as it could be. We are selling all our capital, all the jobs, all our competitive propositions and jobs overseas at the present time.

Next is "the efficiency of Government." I believe we have expressed our sentiments on that before.

This particular piece of legislation is supposed to cost $5 million. I believe we would be further ahead to put that money back in the general fund, to save it for some constructive purpose, to vote down this bill, and take the ceilings and controls off all the various products we have in the country, and let the United States flow free as a competitive Nation. That would be doing everybody a favor.

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

Mr. SCHERLE. I yield to my colleague from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I should like to ask the gentleman from Iowa if he is aware that we have in Pennsylvania cherries hanging on the trees, not being processed, thanks to Government planners of the economy, and chickens in Texas being drowned, and this particular measure is more of that kind of planning. Would the gentleman agree with me that, Heaven knows, we do not need the Government in this?

Mr. SCHERLE. There is no question in my mind. With the controls we have at the present time the retailer cannot obtain the necessary commodities for resale. The wholesaler's supply is dried up, as the pipeline shrinks every day. The producer has no incentive to produce any more because of cost. There is no reason for him to stay in business.

We are in a really sad situation in this country. It is primarily because the Government wants to set some plan, some problem, other than that the free economy should prevail.

Mr. SYMMS. Mr. Speaker, will the gentleman yield further so that I may direct a question to one of the members of the committee?

Mr. SCHERLE. I yield to the gentleman.

Mr. SYMMS. If I may have the attention of the chairman of the committee, I ask if this Commission on Productivity is supposed to in any way set more wage and price controls or set levels of productivity? If so, where have Government planners helped on productivity to date?

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

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

Mr. PATMAN. This Commission is not qualified under this law to set any wage or price controls or any other controls; none.

Mr. SYMMS. Just what kind of recommendations does the committee expect? Where have the Government planners helped the economy?

Mr. PATMAN. It is only studies and suggestions to increase American productivity. That is all there is.

Mr. SYMMS. I thank the gentleman. When I see what the economic planners of the Government have done to our economy I can only say thank the good Lord we do not get all the Government we pay for.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman from Iowa yield?

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

Mr. TEAGUE of California. I understood the gentleman to say he is against controls. Does this extend to soil banks and programs of that sort, which control the production of agriculture and pay farmers for not producing?

Mr. SCHERLE. I favor the free enterprise system, but I believe we ought to maintain it so long as we pay the people in the gentleman's district for the citrus fruit.

Mr. TEAGUE of California. We do not do that.

Mr. SCHERLE. I did not think the gentleman wanted that.

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

Mr. SCHERLE. I yield to my colleague from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I asked for this time in order that I might ask the chairman of the committee to give us a brief report on what this Commission has done during the past year. I do not recall that report ever came to our office.

Can the gentleman, the chairman of the committee, give me a brief report on this?

Mr. PATMAN. Mr. Speaker, I have yielded as much time as I can yield.

Mr. GOODLING. Mr. Speaker, I asked for this time in order that I might question the chairman of the committee.

The SPEAKER. The gentleman from Texas and the gentleman from Iowa have control of the time.

Mr. GOODLING. Mr. Speaker, did not the gentleman from Iowa yield to me?

The SPEAKER. The gentleman from Iowa may yield if he wishes.

Mr. GOODLING. The gentleman did yield to me, Mr. Speaker.

Mr. Speaker, I will ask the gentleman from Texas (Mr. PATMAN), the chairman of the committee, if he can give us a brief report of what this Commission has done during the past year.

Mr. PATMAN. Mr. Speaker, I would not wish to read all of this, but I have before me the statement on productivity workshop——

Mr. GOODLING. I will ask the gentleman to give us just the highlights.

Mr. PATMAN. Mr. Speaker, this is the statement on Productivity Workshop for State and Local Government Officials National Commission on Productivity, Wingspread-Racine, Wis. That is in July 1973.

Then we have the Productivity Conference on May 23, 1972, held in Chicago, attended by the University of Chicago, Northwestern University, University of Illinois, Loyola University of Chicago, Illinois Institute of Technology, and the U.S. Department of Labor, with the following theme: "Improving the Competitive Position of American Goods and Services."

The next one we have is "Productivity Bargaining: The British and American Experience," prepared for the National Commission on Productivity.

Then we have "The Challenge of Productivity Diversity, Improving Local Government Productivity Measurement and Evaluation." That is part I. Then we have part II.

Then we have another study. The Commission has done lots of planning, and I have here what they are planning to do in 1974.

Mr. GOODLING. Mr. Speaker, I think the chairman of the committee has given us the information. It has not been a very productive committee, I believe.

Mr. PATMAN. Well, Mr. Speaker, it is the first one. They could not do much in 1 year.

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

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

Mr. HUBER. Mr. Speaker, I would

like to address a question to the gentleman concerning the problem of productivities.

I wonder if the gentleman is aware of an organization called the Young Presidents Organization? Has the gentleman heard of that organization?

Mr. SCHERLE. Vaguely.

Mr. HUBER. Mr. Speaker, this organization is composed of approximately 2,000 members in the United States gathered together for the purpose of their organization. They have to retire from this organization in their 49th year. It is a young, aggressive group of people which was founded about 20 years ago. I had the pleasure of serving with that organization for about 18 years. If there is anything the Young Presidents Organization is concerned about in the United States, it is productivity.

Every year this organization conducts a presidents' university and the key men at that university talk about nothing but productivity and the way we can improve our businesses and the way we can improve the morale of our employees.

Mr. Speaker, all of this information is available at no cost to the U.S. Government, and I am sure the Young Presidents Organization would be delighted to participate in any kind of an organization to improve productivity, and it would not cost a penny.

These are experts. These are men who have been running their businesses. These are men who are citizens, men who are sick and tired of taxes, men who are sick and tired of restrictions on our working ability.

These are men who want to turn their attention to some profit-making organizations that will result in increased productivity.

I would suggest that if we want to do something intelligent in regard to productivity, we should contact the Young Presidents Organization, and it would not cost one penny. We would get the finest talent available in the United States.

Mr. SCHERLE. Mr. Speaker, I thank the gentleman for a very fine statement.

He has presented the argument as far as this bill is concerned, and I am sure, however, that his recommendation would be defeated.

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

Mr. SCHERLE. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I would simply like to direct a question to my good friend, the gentleman from Michigan (Mr. HUBER) who has just commented on the Young Presidents Organization.

I will ask the gentleman from Michigan if he is confident and truly believes that young presidents who are managing their own private companies independently under the free enterprise system honestly know more about productivity than government officials.

Mr. HUBER. In response to that question, let me say there is no question about it, Congressman, and, as a matter of fact, I think most of our employees, including the floor sweepers, know more about it than the Government people.

Mr. CRANE. I thank the gentleman from Michigan.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I objected to this bill and I was the only one who really addressed himself adversely to the bill during the brief committee hearing we had on this bill.

The reason why was because I read the report this Commission sent us and I could not believe that they have spent almost $2.5 million this year and produced the report that they gave us.

At least the House ought to hold up consideration until enough of the Members can get that report and read it. Then, after they have read that report, if they honestly believe we ought to go on record as extending the life of this Commission and adding a bill of $5 million to this Commission's expense account, then I am willing to abide by that verdict.

But in the absence of that, once again I rise in opposition to this bill. I think the House would do well just to postpone increasing the amount of commitment to this Commission. The net result of its first year's activity as reflected in its report for the first year clearly indicates that the Commission does not have the right to continue in action.

Mr. ANNUNZIO. Will the gentleman yield?

Mr. GONZALEZ. I will be glad to yield.

Mr. ANNUNZIO. I thank the gentleman from Texas for yielding.

You will recall that during the hearings on this bill when we were presented by Dr. Dunlop with this report from his Commission, I, too, objected to the report, because I felt in a way he was insulting the intelligence of the members of the committee with some of the suggestions he made in his report and the manner in which they were going to increase the productivity and morale of workers in this country. So I am happy to associate my remarks with the gentleman from Texas.

Mr. WIDNALL. Will the gentleman yield to me?

Mr. GONZALEZ. I will be delighted to yield to the gentleman.

Mr. WIDNALL. I would just like to read into the record the names of some of the members of this National Commission on Productivity and especially for the benefit of the gentleman who spoke on behalf of the young presidents running the entire thing:

NATIONAL COMMISSION ON PRODUCTIVITY

MEMBERS

Business

Stephen D. Bechtel, Jr., President, Bechtel Corporation;

Berkeley Burrell, President, National Business League;

Edward W. Carter, Chairman of the Board, Broadway-Hale Stores, Inc.;

Archie K. Davis, President, Chamber of Commerce of U.S.;

M. Peter Venema, Chairman of the Board, Universal Oil Product Company;

R. Heath Larry, Vice Chairman of the Board, United States Steel Corporation;

James M. Roche, Member of the Board, General Motors Corporation;

Walter B. Wriston, Chairman, First National City Bank.

Government

Honorable Roy Ash, Director, Office of Management & Budget;

Honorable Peter J. Brennan, Secretary of Labor;

Honorable Frederick Dent, Secretary of Commerce;

John T. Dunlop, Director, Cost of Living Council;

Virginia Knauer, Special Assistant to the President for Consumer Affairs;

Honorable George P. Shultz, Secretary of The Treasury;

Honorable Herbert Stein, Chairman, Council of Economic Advisers.

Labor

I. W. Abel, President, United Steelworkers of America;

C. L. Dennis, President, Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees;

Frank Fitzsimmons, President, International Brotherhood of Teamsters;

Paul Hall, President, Seafarers' International Union of North America;

Lane Kirkland, Secretary-Treasurer, American Federation of Labor and Congress of Industrial Organizations;

John H. Lyons, President, International Association of Bridge, Structural and Ornamental Iron Workers;

George Meany, President, American Federation of Labor and Congress of Industrial Organizations;

Leonard Woodcock, President, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America.

Public

Honorable Beverly Briley, Mayor of Nashville, (City and County);

William T. Coleman, Jr., Dilworth, Paxson, Kalish, Levy and Coleman;

William Kuhfuss, President, American Farm Bureau;

Edward H. Levi, President, University of Chicago;

Arjay Miller, Dean, Graduate School of Business, Stanford University;

Honorable Arch A. Moore, Governor of West Virginia;

John Scott, Master of the National Grange;

W. Allen Wallis, Chancellor, University of Rochester.

I would also like to include the accomplishments of the National Commission on Productivity and the authority and funding history.

The material is as follows:

NATIONAL COMMISSION ON PRODUCTIVITY

ACCOMPLISHMENTS

1. Food Study—The NCOP completed a survey of opportunities for and barriers to productivity in the food industry.

2. As a result of the Food Study the Commission is sponsoring a project to determine the feasibility of transporting fresh fruits and vegetables from the West Coast to the East in "unit trains."

3. As a result of the Food Study the Food Advisory Committee of the Cost of Living Council established a Productivity Subcommittee for which the NCOP is providing staff assistance.

4. The Commission is promoting the establishment of a pilot Food Service Productivity Development Center in New York City to discover if such institutes can be used to promote productivity in this industry.

5. The NCOP co-sponsored a 2-week tour by 15 businessmen and workers of Japanese companies to observe the methods they employ to increase productivity.

6. A Conference on Measuring Productivity in the Construction Industry was held by the NCOP. It gathered experts representing construction industry management and labor as well as university professors and

government employees with expertise in this area.

7. The Commission sponsored a Conference on an Agenda for Economic Research on Productivity. It brought together leading economists to appraise the state of knowledge about productivity economics, gaps in information and priorities in research.

8. The NCOP created productivity assessment teams in St. Petersburg, Florida and Nashville, Tennessee to ascertain the ability of these cities to respond to priority problem areas through productivity improvement programs, in an effort to provide a model for other cities.

9. The NCOP has established a resource task force to develop specific measures and to make recommendations for productivity improvement in law enforcement.

10. A resource task force has been established to develop measures and make recommendations for productivity improvement in the area of solid waste disposal.

11. The NCOP is supporting a productivity bargaining demonstration project in Nassau County, New York, in cooperation with the Labor Department, Civil Service Commission and Ford Foundation.

The project will attempt to demonstrate the feasibiilty of productivity bargaining in the public sector.

12. The Commission has developed a public education campaign consisting of public service advertising under the auspices of the Advertising Council and a continuing series of brochures and other publications, all designed to increase the public's awareness of the importance of productivity.

NATIONAL COMMISSION ON PRODUCTIVITY: AUTHORITY AND FUNDING HISTORY

FISCAL YEAR 1971

Authority: Established by Presidential Statement of June 17, 1970.

Funding: No funding provided.

FISCAL YEAR 1972

Authority: P.L. 92-210, Section 4, Economic Stabilization Act Amendments of 1971—December 22, 1971—Provided authority thru April 30, 1973.

Funding: $800,000, Council of Economic Advisers FY 1972 Appropriation; $2.5 million, Second Supplemental Appropriations Act of 1972 available from June 1972 thru April 30, 1973.

FISCAL YEAR 1973

Authority: P.L. 93-34, provided temporary extension of authority thru June 30, 1973.

Funding: $120,000—transfer from Cost of Living Council, May and June 1973 operation.

FISCAL YEAR 1974

Authority: S. 1752 has passed Senate; House action pending, provides extension thru June 30, 1974.

Funding: Commission's Fiscal Year 1973 Supplemental Appropriations Request providing funding thru June 30, 1974, is now being considered by Congress.

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

Mr. GONZALEZ. Will the chairman yield me 2 additional minutes?

Mr. PATMAN. I yield 2 additional minutes to the gentleman from Texas.

Mr. GONZALEZ. May I say to the distinguished minority leader of the committee I have no quarrel with the quality of the membership. In fact, you have a very distinguished chairman, as has been brought out. What I am saying is, regardless of its composition, the commission's activities thus far do not merit or warrant continued assistance under these conditions, much less an additional $5 million added to the $2.4 million it has already spent.

I repeat, if the Members of this House will just bother to get that report and read it, then I think there will be no need to argue the point any longer.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield further?

Mr. GONZALEZ. I will be delighted to yield further to the gentleman from New Jersey.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POAGE) and ask unanimous consent that the gentleman may speak out of order.

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

There was no objection.

POSTPONEMENT OF FURTHER CONSIDERATION OF H.R. 8860, AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

Mr. POAGE. Mr. Speaker, I think that I should announce to the Members of the House that we are getting so far into the evening, and there will probably be some more time taken here, that it would be foolish to proceed with further discussion of the agricultural bill this evening. Therefore, I do want to announce now, so that the Members may take advantage of any information that I may have, so that they may make their plans accordingly, that we will not proceed further with the agricultural bill this evening.

I do understand that we are scheduled to proceed immediately after the completion of the War Powers Act. I cannot tell the Members whether that will be tomorrow night or Thursday night, or whether that will be next September, but whenever we are finished with the War Powers Act we will continue our war on the farm bill. I appreciate all of the Members who have stayed around here so faithfully all day long. I appreciate the fact that the Members have done this. I hope that they will stay around for another 3 or 4 days, because there are those who believe it should take a long time. I am sure that when we get through we will all be ready to harvest a big crop.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman from Texas yielding me these 2 minutes, so that I might attempt to speak to the Members of the House.

I do not believe that there is anyone in this House who would accuse me of being one of the last bigtime spenders. I suspect that my voting record with respect to budgetary considerations is as rigid and as stringent as that of anyone on the floor of this House. So I do not stand here in the well of the House today in order to say what my opinion is of unproductive activities, but I do stand in the well of this House today to defend the activities of the President's National Commission on Productivity.

The Commission has done work that has never been done before in regard to comparing the services of local governments. They have done studies showing that a certain number of garbagemen, for example, in a given community of a given size, collect a certain amount of garbage, whereas in another community of the same size far more men are used, and the men work longer hours, and draw more income.

They have done an excellent study showing the efficiency of different police departments in various parts of the country, showing that in one area with a given number of policemen they perform a far more efficient service in many respects than in comparable other areas of the country.

Mr. Speaker, this commission is performing a service that no other government agency is performing, and that no private agency is performing.

Mr. Speaker, I would urge the Members of this House to please let us not act hastily here in terminating the existence of an activity that is proving fruitful to every taxpayer in this country. I for one, Mr. Speaker, will vote to continue the life of this Commission because I think it is helpful, and not just to the private sector, but to the public sector as well; it has been very beneficial.

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

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

Mr. BROWN of Michigan. Mr. Speaker, I would ask the gentleman from Georgia if it is not also true that the Commission is studying the relative input of civilian activities within various industries such as the transportation industry, for instance, so that that type of activity in other sections of our country can be compared with the situation in the District, and thus provide possibly improved service?

Mr. BLACKBURN. I would reply to the gentleman from Michigan that certainly the Commission is performing activities relating to transportation, particularly in the rail and truck industries, activities that are not being performed by those industries themselves. We need the benefit of these types of studies, so I urge again the Members to vote for this commission.

Mr. PATMAN. Mr. Speaker, I reserve the balance of my time.

Mr. SCHERLE. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The Chair will state that the gentleman from Iowa has 9 minutes remaining.

Mr. SCHERLE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill. This bill is all right and ought to be passed by the Members of the House. There has been a lot of publicity about production in the United States and the need to improve production. The gentleman from Iowa earlier pointed out that there are some areas of concern which ought to be taken into account and need attention by this Commission. As a matter of fact, today as we consider this legislation the National Commission on Productivity is holding a 3-day conference, meeting at this time to draft a national policy and enact a program for State and local government productivity improvement. The gentleman from New

Jersey (Mr. WIDNALL) referred to some of the Commission members. The Commission has excellent personnel and is made up of people who are concerned and ought to be concerned with productivity in the United States.

One of the members, in addition to Dr. Dunlop who has already been mentioned, is our former distinguished colleague in this House, the Governor of West Virginia, Gov. Arch Moore. Participants also include Gov. Patrick J. Lucey of Wisconsin, Gov. James E. Holshauser of North Carolina, Mayor John V. Lindsay of New York, Mayor Beverly Briley of Nashville, Gen. William Westmoreland, representing South Carolina, and many prominent legislators.

Labor will be represented by Abraham Weiss of the Teamsters Union, Walter Lambert of the International Association of Fire Fighters, Donald Wasserman of the American Federation of State, County, and Municipal Employees and Henry Wilson of the Laborers International Union, AFL–CIO. I think that this Commission could provide another step in improving the productivity which our Government should deliver to its customers, the citizens of the United States.

There has been a lot said about the money spent by this Committee. It has only been in existence for 1 year. They are just now getting underway; they are just now starting to perform a service; and I think it would be a poor time to in effect pull the rug out from under this Commission at this time when they are meeting for a 3-day conference at Wingspread, Wis. It is expected that the Commission can and will make significant progress in this highly important area of productivity among the citizens of the United States, and I think the Commission ought to be given the opportunity to try to prove its worth for at least an additional 1 year.

I would urge the Members of this House to support the Committee on Banking and Currency and approve this bill.

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

Mr. WYLIE. I yield to the gentleman from Illinois.

Mr. CRANE. I should like to ask the gentleman from Ohio a question in light of the comments made by the gentleman from Georgia earlier. I think we all wholeheartedly approve of the idea of increasing productivity of the Government. On the other hand, it is my understanding that this Commission's responsibilities go beyond the evaluating of the productivity of officials in government service.

Mr. WYLIE. Only insofar as it is related to government service and government functions. I suppose in an ancillary way, or incidentally, it will get into private-sector production, but the real thrust and purpose of this bill is to determine the areas in which government productivity can be improved. That is the specific purpose as provided for in the bill.

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

Mr. WYLIE. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I do want to point out to the Members of the House that this Commission has done yeoman work with regard to the transportation industry. They have brought together leaders in the railroads and the unions, as well as the shippers, and they have improved the delivery systems for vegetables from the markets in the West and the Midwest into the markets of the Northeast to a far greater degree of efficiency than existed prior to the existence of this Commission. So really when we are talking about a trillion-dollar economy, the amount of money asked by this Commission to improve proficiency and delivery in services is infinitesimal to the benefit we are going to derive from it.

I thank the gentleman for yielding.

Mr. WYLIE. I thank the gentleman for his comment, but I think, in answer again to the question of the gentleman from Illinois, that it is the responsibility of this Government to deliver to its customers as I said a little earlier, the citizens of the United States, efficiency in production; to improve services at minimum expense to the taxpayer. This is the real purpose and the real substance of this bill.

Again, I urge the Members of the House to support the bill.

Mr. SCHERLE. Mr. Speaker, I yield my remaining time to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, the marvel is that this bill ever showed up on the floor of the House. If this Commission has been instrumental in solving any of the problems of rail transportation, especially the transportation of grain in the Middle West, there is no evidence of it so far as I know. We are still laboring under and being belabored by a shortage of boxcars.

What does this bill provide for? Let us take the first page—and some of it is restated on the third page apparently because those who drafted it did not have anything else to put in the bill so they repeated part of it. But it says: "for the purpose of providing goods and services at low cost to American consumers."

Now, that is a fascinating promise: "for the purpose of providing goods and services at low cost to American consumers." That implies that this Commission is going to lick inflation, because I know of no way low-cost goods can be provided American consumers as long as inflation continues to chew away at the sinews of this country.

It also says: "improving the competitive position of the United States in the international economy."

How many hundreds of millions of dollars do the Members suppose have been and are now being expended through other programs for this purpose?

And the bill goes on to say: "and facilitating a more satisfying work experience for American workers."

Is this Commission going to be a wet nurse for all the unsatisfied workers in this country?

There is nothing modest about the gentleman from Texas, as he has demonstrated again this afternoon, when he asks $5 million for this kind of boondoggle. I do not care whether it is the President of the U.S. Chamber of Commerce or who it may be, we have no business spending this kind of money for this purpose at this time.

We have heard about increased productivity, but if I remember correctly it was reported in the last few days that productivity in this country dropped, despite the expenditure of $2.5 million on this Commission in the past year. Productivity went down and not up. Will we get a further down-curve in productivity in this country with the expenditure of this $5 million?

If we are going to spend this kind of money for the purposes stated in the bill, how about spending some of it on greater productivity from the taxpayers?

Mr. Speaker, this bill ought to be defeated out of hand.

Mr. PATMAN. Mr. Speaker, the President of the United States asked for consideration and passage of this bill. The Committee on Banking and Currency and the leadership of the House of Representatives through a gesture of cooperation by a Democratic House and a Democratic Banking and Currency Committee carried out the wishes of the President. The only disappointment the members of the Banking and Currency Committee have is the failure of the President to get the full and adequate support of the members of his own party in the House of Representatives.

The SPEAKER. The question is on the motion offered by the gentleman from Texas, (Mr. PATMAN) that the House suspend the rules and pass the bill S. 1752.

The question was taken.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were yeas 174, nays 239, not voting 20, as follows:

[Roll No. 347]

YEAS—174

Abdnor	Clay	Gibbons
Anderson, Ill.	Cleveland	Goldwater
Andrews, N.C.	Cochran	Gray
Arends	Cohen	Gubser
Armstrong	Collier	Gude
Ashley	Conable	Guyer
Aspin	Conte	Hanrahan
Barrett	Corman	Hansen, Idaho
Bell	Cotter	Harrington
Bergland	Coughlin	Harvey
Biester	Cronin	Hawkins
Bingham	Daniels,	Heckler, Mass.
Blackburn	Dominick V.	Heinz
Boggs	Dellenback	Hillis
Boland	Denholm	Hogan
Bolling	Dent	Horton
Brasco	Derwinski	Hosmer
Breckinridge	Diggs	Johnson, Calif.
Broomfield	Dingell	Johnson, Pa.
Brotzman	Donohue	Karth
Brown, Calif.	Dulski	Keating
Brown, Mich.	du Pont	Latta
Brown, Ohio	Edwards, Ala.	Leggett
Broyhill, N.C.	Fish	Lent
Buchanan	Flood	Long, Md.
Burgener	Foley	Lujan
Burke, Calif.	Ford, Gerald R.	McClory
Burke, Mass.	Forsythe	McDade
Burton	Fraser	McFall
Butler	Frelinghuysen	McKinney
Carey, N.Y.	Frenzel	Madigan
Carter	Froehlich	Mailliard
Cederberg	Fulton	Mallary
Chamberlain	Gaydos	Martin, N.C.

Meeds	Reuss	Sullivan
Michel	Rhodes	Teague, Calif.
Milford	Riegle	Thomson, Wis.
Mills, Ark.	Rinaldo	Tiernan
Mitchell, Md.	Robison, N.Y.	Treen
Mitchell, N.Y.	Rodino	Udall
Mizell	Roncallo, N.Y.	Ullman
Moakley	Rooney, Pa.	Vander Jagt
Moorhead, Pa.	Rousselot	Veysey
Morgan	Ruppe	Vigorito
Mosher	Ruth	Waldie
Murphy, N.Y.	St Germain	Ware
Nix	Sarasin	Whalen
O'Brien	Sarbanes	Widnall
Patman	Saylor	Williams
Patten	Sebelius	Wright
Pepper	Shriver	Wyatt
Perkins	Shuster	Wydler
Pettis	Smith, N.Y.	Wylie
Preyer	Stanton,	Wyman
Quillen	J. William	Yatron
Randall	Stark	Young, Alaska
Rees	Steele	Young, Ga.
Regula	Steelman	Young, Ill.
Reid	Steiger, Wis.	

NAYS—239

Abzug	Ginn	Murphy, Ill.
Adams	Gonzalez	Myers
Addabbo	Goodling	Natcher
Alexander	Grasso	Nedzi
Anderson, Calif.	Green, Oreg.	Nelsen
	Green, Pa.	Nichols
Andrews, N. Dak.	Griffiths	Obey
	Gross	O'Hara
Annunzio	Grover	Owens
Archer	Gunter	Parris
Ashbrook	Haley	Passman
Badillo	Hamilton	Peyser
Bafalis	Hammer-schmidt	Pickle
Baker		Pike
Beard	Hanley	Poage
Bennett	Hansen, Wash.	Powell, Ohio
Bevill	Harsha	Price, Ill.
Biaggi	Hastings	Price, Tex.
Blatnik	Hays	Pritchard
Bowen	Hechler, W. Va.	Quie
Brademas	Heistoski	Railsback
Bray	Henderson	Rangel
Breaux	Hicks	Rarick
Brinkley	Hinshaw	Roberts
Brooks	Holifield	Robinson, Va.
Broyhill, Va.	Holt	Roe
Burke, Fla.	Holtzman	Rogers
Burleson, Tex.	Howard	Roncalio, Wyo.
Burlison, Mo.	Huber	Rose
Byron	Hudnut	Rosenthal
Camp	Hungate	Rostenkowski
Carney, Ohio	Hunt	Roush
Casey, Tex.	Hutchinson	Roy
Chappell	Ichord	Roybal
Clancy	Jarman	Runnels
Clark	Johnson, Colo.	Ryan
Clawson, Del	Jones, Ala.	Sandman
Collins, Ill.	Jones, N.C.	Satterfield
Collins, Tex.	Jones, Okla.	Scherle
Conlan	Jones, Tenn.	Schneebeli
Conyers	Jordan	Schroeder
Crane	Kastenmeier	Seiberling
Culver	Kazen	Shipley
Daniel, Dan	Ketchum	Shoup
Daniel, Robert W., Jr.	Kluczynski	Sikes
	Koch	Sisk
Davis, Ga.	Kyros	Slack
Davis, S.C.	Lehman	Smith, Iowa
Davis, Wis.	Litton	Snyder
de la Garza	Long, La.	Spence
Delaney	Lott	Staggers
Dellums	McCloskey	Stanton,
Dennis	McCollister	James V.
Devine	McCormack	Steed
Dickinson	McEwen	Steiger, Ariz.
Dorn	McKay	Stephens
Drinan	McSpadden	Stratton
Duncan	Macdonald	Stubblefield
Eckhardt	Madden	Stuckey
Edwards, Calif.	Mahon	Studds
Eilberg	Mann	Symington
Erlenborn	Martin, Nebr.	Symms
Esch	Mathias, Calif.	Taylor, Mo.
Eshleman	Mathis, Ga.	Taylor, N.C.
Evans, Colo.	Matsunaga	Teague, Tex.
Evins, Tenn.	Mayne	Thompson, N.J.
Fascell	Mazzoli	Thone
Findley	Melcher	Thornton
Flowers	Mezvinsky	Towell, Nev.
Flynt	Miller	Van Deerlin
Ford, William D.	Minish	Vanik
	Mink	Waggonner
Fountain	Minshall, Ohio	Walsh
Frey	Mollohan	Wampler
Fuqua	Montgomery	White
Gettys	Moorhead, Calif.	
Giaimo		
Gilman	Moss	
Whitehurst	Wilson, Charles, Tex.	Young, Tex.
Whitten		Zablocki
Wiggins	Winn	Zion
Wilson, Bob	Wolff	Zwach
Wilson, Charles H., Calif.	Yates	
	Young, Fla.	
	Young, S.C.	

NOT VOTING—20

Chisholm	Hébert	Metcalfe
Clausen, Don H.	Kemp	O'Neill
	King	Podell
Danielson	Kuykendall	Rooney, N.Y.
Downing	Landgrebe	Skubitz
Fisher	Landrum	Stokes
Hanna	Maraziti	Talcott

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. King.
Mr. Hébert with Mr. Kemp.
Mr. Talcott with Mr. Kuykendall.
Mr. Rooney of New York with Mr. Landgrebe.
Mr. Danielson with Mr. Maraziti.
Mrs. Chisholm with Mr. Hanna.
Mr. Teague of Texas with Mr. Sandman.
Mr. Fisher with Mr. Don H. Clausen.
Mr. Downing with Mr. Skubitz.
Mr. Stokes with Mr. Podell.
Mr. Landrum with Mr. Metcalfe.

Mrs. COLLINS of Illinois, Messrs. WILLIAM D. FORD, SEIBERLING, TAYLOR of North Carolina, MELCHER, ECKHARDT, JAMES V. STANTON, RANGEL, and CULVER changed their votes from "yea" to "nay."

Mr. HILLIS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just considered, S. 1752.

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

There was no objection.

PETROLEUM INDUSTRY DIVORCEMENT ACT OF 1973

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

Mr. BLACKBURN. Mr. Speaker, our country today faces the greatest, most serious energy crisis in its history. This crisis demonstrates itself to the average consumer in the oil supplies needed to power our economy. Our people are urgently demanding to know what circumstances caused this crisis—is it real or imagined? And most importantly, what action can we take now—immediately—to put the public mind at rest that free markets and competition exist in an industry so vital to our national interests.

It will be many weeks before all of these questions are answered through investigations now underway. But, almost daily, new facts are coming to light which indicate that the major oil producers, the power backbone of the American economy, bear a major share of the blame for not exercising better foresight in anticipation and avoiding the current shortages.

In recent years, this industry has become increasingly dominated by a relatively few—some 20—enormously wealthy and large corporations. Such concentration in few companies could create a temptation to seek a monopolistic domination of a large segment of the American economy.

A report on the petroleum industry released by the Federal Trade Commission on July 6, 1973, charges that America's largest companies in petroleum are developing monopolistic trends through possibly illegal combinations, agreements and predatory business practices, by artificial curtailments of crude oil production and refining, and by limiting imports of oil. The major producers are charged with eliminating the competition of smaller independent companies by driving them out of business and by refusal to transport products of independent producers through jointly-owned big company pipelines. The FTC report concludes such practices have cost the American consumer millions of dollars in artificially increased gasoline prices in recent months.

These facts make it imperative that we take positive and major action now—action that will permanently avoid the possibility of practices that have contributed to our national oil crisis.

Therefore, Mr. Speaker, I am now introducing a bill to encourage more competition in the three major branches of the petroleum industry; production, refining, and marketing. This legislation will prohibit any business or corporation from engaging in more than one branch of the industry.

The purpose of this legislation is to protect commerce among the several States in petroleum and its products from the burdens, the harmful effects, and monopolistic tendencies which result when oil companies engage in more than one branch of the petroleum industry.

One of the key provisions is to prevent any person from exercising actual or legal power or influence over the activities of other persons who are engaged in a different branch of the industry. This, hopefully, will reduce the vertical integration of these major companies, which has been a major cause for the lack of competition in this industry.

This bill has resulted from studies of governmental investigations of the petroleum industry, antitrust actions taken against major oil companies over the years, and reports on the industry from various sources, public and private, both domestic and international.

It appears that only immediate and forthright action—new legislation enacted by the Congress of the United States, can restore the industry to the competitive condition that is the cornerstone of American business.

Of all these studies and investigations made of the industry over the years, the most timely, thorough, and exhaustive one is that which was just completed by the staff of the Federal Trade Commission on July 2, 1973. This study was

launched September 14, 1971, when the regulatory agency was deeply concerned with the activities of the major oil companies.

The Commission's original instructions told its staff to—

. . . investigate the acts and practices of firms engaged in the production or refining of crude oil or the distribution of petroleum products to determine the effects of vertical integration, joint ownership and operating arrangements on the structure, conduct and performance of the petroleum industry, and whether such firms are engaged in unfair methods of competition or unfair acts or practices which are in violation of Section 5 of the Federal Trade Commission Act.

The Commission's staff has performed magnificently in completing this work. The staff report of the FTC will undoubtedly be recognized as the most authoritative work on the inner workings of the oil industry which has been produced in many years.

For the first time, reasonably accurate and objective statistics on how much oil we have, how much we use, and what the prospects are for the future—figures the industry itself has closely guarded, company by company—are available to the American people. The facts revealed by this report on current practices of the oil industry, the methods used by the major companies to stifle competition, the massive degree of control the 20 major companies already have over the industry—reinforce the necessity of enacting immediate legislation if reasonable competition is to be restored to this major element of our economy.

It details the brutal truth about past efforts to regulate the industry. For instance, the Federal Trade Commission, for more than 50 years, has been continuously examining the marketing practices of the gasoline industry in response to thousands of complaints from Congress, State and local officials, as well as the general public. Over 300 formal investigations have been docketed during those years, ranging from charges of price fixing to illegal contracts and conspiracies. But the 18 or 20 major oil companies showed a strange reluctance to disclose their business practices to their own Government. They fought the efforts of the FTC staff to obtain information on their operations, even when subpenas were issued. They used delaying tactics in the courts. Their actions raised the question—what activities do they desire to hide—was there a widespread violation of the antitrust laws?

Despite this praiseworthy effort by the FTC, the trend toward further concentration of power in the industry to fewer and bigger companies continues to grow. Many have thought the FTC approach was ineffective, being on a case-by-case basis—bringing antitrust suits against individual companies in piecemeal fashion.

An even more frightening aspect of this situation, so far as our future is concerned, is that 20 of these giant companies together own and control 94 percent of our proven oil reserves.

The FTC report reveals an identical condition of economic concentration in the refining branch of the industry. There are 129 refining companies in the United States. Twenty of these same great corporations who control our crude oil supplies, also own and control more than 86 percent of our crude oil and gasoline refining capacity. Given the possibility that these 20 firms can sell or withhold from the market 86 percent of our need for refined products means that the entire American industrial economy could be placed at the mercy of the manipulations of 20 oil companies.

The FTC report says of this:

A comparison of firm rankings in refining and production yields some interesting results. While there are some minor deviations, three of the top four refiners are among the top four crude producers and the top eight refiners are also the top eight crude producers. Further, 16 of the top 20 refiners are among the top 16 crude producers. Hence, independent monopsonistic purchasing power conducive to downward pressure on crude prices is virtually absent.

The FTC report describes the gasoline marketing branch of the oil industry as the "most competitive" area, principally because the independent stations can operate in competition against the major branded retail outlets with less capital investment. Here the top 20 companies make "only" 79 percent of all gasoline sales in the country, representing 6 percent less control than they have in production and refining.

Another facet of the industry that is subject to much manipulation are the pipelines. Because of high construction costs, most of our vast, complex interstate network of pipelines that carry 75 percent of the Nation's fuel to market is owned by those same 20 big oil companies, either individually or in partnership with other oil firms.

Despite the fact that pipelines are under Federal interstate commerce regulations, it is comparatively easy to bar use of these facilities to small independent refiners by technical excuses. Court cases and hundreds of FTC complaints indicate such exclusionary practices do take place.

A factor in this complex oil area is that the capital required for building huge facilities for crude oil production, construction of refineries, operation of pipelines and marketing, is so huge as to virtually prohibit new companies from entering the industry in competition with the great oil companies.

And finally, there are the actions of the State and Federal governments themselves which have lessened competition within the industry, such as embargos on the import of oil, thus limiting the domestic supply of crude from effective foreign competition. The oil depletion tax allowance has worked in various ways to put the independent refiner at a disadvantage when competing with a combination producer-refiner.

In summary, the FTC study has found that the industry operates much like a cartel with 15 to 20 integrated firms being the beneficiaries of much Federal and State policy. Through embargoes and tax policies, the Federal and State governments with the force of law do for the major companies that which would be illegal for the companies to do themselves.

The major firms successfully seek to consolidate market power by various exclusionary tactics. These firms attempt to limit the supply of crude available to independent refiners. They likewise control the amount of refined products available to independent wholesalers and retailers. The major producers maintain their dominance through control of pipelines, exchange agreements, processing agreements, and price protection coupled with price wars. An elaborate network of devices to deny independent companies access to products has been erected. The resulting system endangers existing independents, makes new entry difficult or impossible, and yields serious economic losses to American consumers.

Thus, in the words of the FTC report:

There can be little doubt that the independent sector of the petroleum industry, especially at the marketing level, has suffered most as a result of the present gasoline shortage.

As of May 30, 1973, 1,400 gasoline stations had closed this year due to the lack of gasoline and oil. All but a few of these were independents.

As I have indicated, in the past the independent marketers have obtained gasoline from the major firms by diligent efforts. In the light of the present shortage we have shifted from a buyers to a sellers market and thus it has become even harder for the independents to fill their retail pumps. While the 20 major oil companies in control of the industry have been selling gasoline to the independents, they have been actually selling a much greater portion of their refined products to other major firms. In 1971, in different areas of the country they sold over 10 percent of their refined gasoline to other majors, but only 4 percent to independent marketers. The data clearly indicates the 20 largest firms have dealt only nominally with independent marketers.

Next to the independent marketing companies, the people hardest hit by the present gasoline shortage have been the nonproducing refiners in the industry. Although gasoline consumption has increased 60 percent over the past 15 years, there has not been one new entrant into the refining business of any size since 1950. There has not been one new refinery built in this country in 12 years despite this increased demand for gasoline. Even those independent refineries already in business have been operating at less than capacity since February of this year. The reason: their inability to get crude oil from the major companies who control the industry. Despite the national outcry about the gasoline shortage, with service stations closing down and motorists unable to get fuel, the major companies have found ways not to supply independent refiners with supplies of crude oil. The same producers have not significantly taken steps to increase their own refining capacity.

Only within recent months have three of the major companies announced plans for the construction and expansion of additional refining capacity—with estimates it will take 3 more years before they can go into production.

My question is: Why have these major

companies, experts in their field, waited so long to respond to the gasoline shortage which they claim to have seen coming as far back as 5 years ago? Evidence gathered by the Federal Trade Commission staff raises serious questions as to the validity of big oil's reasons for our present inadequate refining capacity in the country. Could it be that these major oil companies saw the shortage coming and let it happen so they might better manipulate prices of fuel around the needs of the American public?

The transition from a buyers market with aggressive competition between oil producers and refiners to sell their products on the market marks a radical change in a major segment of the American economy. Concentration of the great bulk of production, refining, distribution, and sales into a relative handful of companies present an opportunity for collusion which may be greater than the normal business executive would be capable of resisting. A market as staggering in size as that for refined petroleum products, including gasoline, heating oil, and other petroleum distillates used in the consumer as well as business markets is certainly large enough to permit active forces of competition between suppliers to exist. The economies of scale can certainly be achieved in the petroleum industry without the concentration of power which now presents itself.

If it is true that these companies have manipulated supplies to create this shortage, and much of the Federal Trade Commission's findings indicate just that, then immediate action by this Congress to take steps becomes imperative.

Most of the experts agree that lack of refining capacity is the heart of our present fuel crisis, and that finding ways to increase such capacity by the entry of new companies is one of the greater complexities of the energy crisis. There are so-called "barriers to entry" created by the Federal Government as well as the major oil companies.

The present high profits in refinery operations should attract new companies, but the principal barrier to this is the high capital costs. A refinery large enough to achieve maximum scale economies in the production of gasoline costs approximately $250 million, according to FTC, and the number of firms able to borrow that amount of money is relatively small. A potential invester in a new refinery cannot help but be discouraged by the fear that adequate resources of crude may not be available to justify the construction of a very expensive refinery. The knowledge that 94 percent of the proven oil reserves are controlled by existing competitors would make even the most optimistic investor reluctant to enter the business of refining crude oil.

The domination of the crude reserves by a few companies makes it nearly impossible for a new independent refiner to be assured of a continued, uninterrupted supply of crude oil. By dominating the crude reserves, the major companies actually control the actions of the independent companies by determining just how much crude oil the independents will be allowed to refine.

At present, the independent refiners are bearing the brunt of the oil shortage, because the major producers fail to supply them with crude.

The existence of Government-imposed import quotas poses a barrier to construction of new refining capacity in several ways. A Government quota, which may be generous today, is always subject to curtailment at the whim of Government. A $250 million investment in a refinery, if dependent upon foreign imports under quotas established by Government regulation, could well be jeopardized by a restriction in such quotas without recourse by the refiner.

These and many other complex factors have discouraged entry of new firms into the refinery branch of the industy.

The purpose of all that I have discussed is to focus the attention of the Congress upon the lack of the operation of a competitive market in the oil industry. In my own opinion, the most serious impediment to genuine competition lies in the concentration of resources in a relatively few companies, each of which constitutes a vertical monopoly controlling petroleum products from the time of their extraction from the ground up to and including the sale at the retail gasoline pump. Active competition in the industry will exist only when the vertical integration of operations will be prohibited as a matter of law.

The bill which I am submitting to my colleagues will achieve a divorcement of the production phase of the industry from the refining and distribution phases and further require a divorcement of the retail phase of the industry from all other phases. I recognize that many of my friends in the petroleum industry will feel that my proposal is punitive or a harassment to their industry. Nothing could be further from the facts.

The American public will accept shortages and price increases in their necessities so long as they recognize that such conditions are brought about by market influences regulated by competition between strong and viable competitors. The American public will not accept such shortages or price increases if they suspect that such conditions are brought about by monopolistic practices.

I am proposing that the production, including the exploration for petroleum products should be separated entirely from the other phases of the petroleum industry so that it will be the explorer who will enjoy the benefit of the oil depletion allowance.

To fail to separate the producer from the refiner is to permit a cash flow advantage created by the oil depletion allowance to the combination producer-refiner which does not exist for the independent refiner.

I can, and do, defend the special tax oil depletion tax treatment for the explorer who sometimes must risk all and gain nothing if his efforts should fail. It is the oil depletion allowance which, in my opinion, creates a powerful incentive for new exploration and we should do nothing to discourage exploration for new oil resources both within and without the boundaries of the United States.

I would urge my colleagues and chairmen of the proper committees to begin early hearings into the feasibility of enacting the bill, or a bill designed to achieve the same results at an early date. I am sure that divestiture of prohibited combinations of interests can be achieved in an orderly manner without undue hardship upon any person or any company. Any discomfort which may follow as a result of the enactment of the bill which I am proposing today will be more than offset by the reassurance which will follow to the American public that their best interests as taxpayers and consumers are being served through a genuinely competitive petroleum industry.

THE NATIONAL RIVER ACADEMY CASTS OFF

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

Mr. ALEXANDER. Mr. Speaker, the waterways industry has wisely recognized the need for establishing formalized education to train personnel to supply its manpower requirements. Today's riverman must be highly educated and highly skilled in order to insure the safe and efficient operation of the costly and sophisticated equipment that moves today's cargo on our navigable rivers. Last Sunday, July 14, 1973, Mid-South magazine featured the National River Academy. I commend this article to my colleagues:

THE RIVER IS THEIR CLASSROOM

(By James G. Andrews, Jr.)

Like an oversized salmon swimming to spawn, the towboat Sarah Elizabeth rammed its way up river, shoving a huge block of barges before it.

The diesel engines groaned at the load, their combined 5,750 horsepower producing a speed of only about six miles an hour against the Mississippi current.

In the air-conditioned pilot house, Jay "Booty" Goodman of Verona, Ill.—captain of the Sarah Elizabeth—sat at the wheel. A cigaret was in one hand, a cup of coffee in front of him and charts of the river to one side.

"They really ought to call these things 'pushboats,'" he said, smiling. "Towboats aren't designed to tow anything, just to push stuff."

He had been through a lot of charts, coffee and cigarets in 25 years on the river, but all of that was still ahead of the young man beside him.

Bruce Lundgren, who is 23, was obviously a newcomer to the river, despite his appropriately faded dungarees and blue chambray shirt. His face was not yet baked a deep tan by the sun, his hands still uncalloused by ropes and ratchets, his flat stomach not yet happily swollen by the ample offerings of the towboat cooks.

And he watched each move and listened to each word of the veteran river pilot with eager enthusiasm.

"Skippering a towboat's a big responsibility, sure enough," Booty Goodman said almost casually, his gaze fixed on the rushing, muddy river. "This boat alone is worth about a million-and-a-half-dollars. Each of the 16 regular barges we're pushing probably cost around $80,000. The seagoing barge out there cost $150,000 or so. And they are all loaded with steel and lumber and fertilizer and chemicals, worth a lot more.

"So what you have to do is keep from running them into a bridge or a boat or another barge and sinking them."

So far that morning, Bruce Lundgren's responsibilities had been somewhat less dramatic. All he had commanded was a mop—cleaning up the rotted corn that covered the bottom of one of several empty barges in the Sarah Elizabeth's tow.

It had been dirty work. Deckhand's work. And that morning Bruce was a deckhand—bottom level of the towboat hierarchy.

But the deckhand work was merely the first step in a program of study and training he is undergoing as a cadet at the National River Academy in Helena, Ark. It is a program designed to put Bruce and his fellow cadets into the pilot houses of towboats like the Sarah Elizabeth—first as apprentices, then, soon after, as full-fledged pilots and masters.

Not long ago, Bruce was steering himself along a totally different course in life. An English major at Millsaps College in Jackson, Miss., near his home in Clinton, he was preparing to become a teacher. He had logged three years of college before he became growingly aware that the demand for teachers was not what it used to be.

"The college struggle was becoming pretty tiresome, besides, so one day when my brother-in-law mentioned this new cadet program at the National River Academy, I decided to write."

The outdoor life appealed to young Lundgren. Life Scout as a teenager, he had "done a lot of small boating" on the Mississippi. And the material he received from the academy guaranteed a job in two years, promptly upon graduation. So he abandoned ship at Millsaps and signed on as a member of the academy's second cadet class.

"The dean at Millsaps tried to talk me out of leaving, since I was so close to my degree, but I didn't want to waste another year. And the way I figure it, when I graduate I'll be making as much money as a professor at a small college."

Actually, the academy's graduates will start off at about $10,000 a year as apprentices, according to the school's executive secretary, Mrs. Elizabeth Ashcraft.

"That's really for just six months' work, though, since the usual schedule on the river is 30 days on, then 30 days off," she says. "A pilot can earn up to $20,000 or $25,000 a year. And everyone can make more money by 'tripping,' or working extra trips during off-time. One pilot I know made $36,000 last year."

The pay is surpassed by demand for pilots, as an incentive to cadets like Lundgren.

"There is an attrition rate of something like 700 pilots a year," Mrs. Ashchaft says. "Some retire. Some go into management. Some die. The field is wide open."

Not only must replacements be found for all these pilots, still more must be recruited to handle the rapidly mounting amount of traffic on the country's inland waterways, according to Pierre R. Becker, the retired Navy captain who is superintendent of the National River Academy.

"In 1969, the growth rate of trade on the inland waterways was projected at 400 percent over the next 10 years," he says. "Now, with the import-export negotiations we are having with China and Russia, that figure should be even higher."

The academy, about 10 miles south of Helena, is the only one in the world training river pilots, Becker says, although a number of other maritime institutions have long been in operation. First opened in 1970, the Helena school offered training for deckhands, tankermen, engineers and the like, before starting its first cadet class last fall.

The master plan for the school includes six buildings, on its 50-acre campus, but only one has been completed thus far. Slated to be a social activities building eventually, it now serves as class building, administration building, dormitory, cafeteria, and workshop.

While landlocked by cotton fields, the school is not far from the river, and it exudes that flavor by virtue of the mile markers, buoys and lights flanking the double driveway. The theme is carried out inside, as well, where nautical terms are omnipresent. The kitchen is "the galley," dorm rooms are "state rooms," and anyone who enters the front door has come "on board."

The official name of the school is on a shingle hanging out front—"The National River Academy of the United States of America." The title is misleading, since the academy receives no federal financial aid. Funding is provided to a great extent through the dues of a host of members of the board of directors, including "owners or operators of inland river vessels; firms, corporations or persons connected with the industry; and individuals or nonprofit organizations interested in the industry," as the academy's newsletter puts it.

In return for their support, member companies which previously had to depend upon pilots ascending slowly through the ranks, can stake their claim on the academy's young pilots-to-be.

"Our curriculum is a practical one," says Mrs. Ashcraft. "Instead of world history, we teach river history. And the English our cadets study is the language used in the Federal Communications Commission codes or the Coast Guard 'Rules of the Road.' We don't seek out the top scholars for our program. Those who are vocationally oriented actually make the best pilots."

Average age of the cadets is about 20, Mr. Becker says, although one member of the second class is a 35-year-old Notre Dame graduate who was a former deckhand. Such experience is helpful, but not necessary.

The classes have been small so far, 13 cadets in the first class, 14 in the second. Each pays $1,000 tuition a year for a two-year program, equally divided between classroom study and towboat experience. While on the river, cadets receive regular wages, however all but $100 of their deckhand's pay, for example, goes to the school, to help defray expenses. That leaves the cadets less than $25 a week to show for 84-hour weeks consisting of constant 6-hour-on, 6-hour-off shifts.

"The entire program lasts 22 months, and it is set up so that the cadets go back and forth from the academy to the boats in each phase, instead of learning everything at the school first," says Supt. Becker. "That way they learn about being a deckhand for two months, then they are a deckhand for two months; then they learn about engineering, then they are an engineer, and so on, through mates and tankermen, till they go into apprentice steering."

The classes are staggered so that one is on land while the other is on the river, conserving space and faculty personnel.

"Finding qualified teachers is a problem," says Mrs. Ashcraft. "It seems like anyone who knows the river finds it hard to instruct, and anyone who can instruct doesn't know the river."

Of top priority at the present is a million-dollar teaching aid which is Becker's pet project—a "simulator" similar to those used by airlines. From it, cadets would operate a full-scale pilot house while watching models of docks and bridges on big closed-circuit television screens.

Another aid has been the presence of droves of veteran towboat skippers attending week-long sessions at the academy to earn licenses which will be required by federal law beginning this fall. Most of the old hands have been happy to share their knowledge of the river with the cadets in after-hours bull sessions, Becker says.

"They realize these young men aren't after their jobs. There are going to be a lot more jobs than men, and they know it."

So men like Memphis' Oliver Eschbach, 50 years old and with a patch over an eye lost to cataract trouble 10 years ago, pass along tales of the river and tricks of the trade.

"I went on the river in 1952," he says. "I was a farmer, and I only planned to stay on long enough to make enough money to buy some farm equipment. But I became a pilot in the wheelhouse in 1956, and I never made it back to the farm.

"You learn a lot about the river in 20 years. You learn it's a lot more than just going straight down the river. Just because a river is wide doesn't mean you can go close to a bank and stay off the bank. And you learn you might travel a mile before you can stop a tow. You watch your flags to check the wind, and you always point empty barges into the wind. You can watch the surface to check on the depth—another vessel that has passed recently will shake up shallow water over a sand bar, and water moving over a bar into deep water is choppy."

These insights are continued when the cadets go onto the river and serve under skippers like Booty Goodman.

"This cadet program is fine, and it should have been started 20 years ago," Goodman says. "But, of course, experience will still be the major factor. Cadets will have to learn by being on it, getting to know it by heart—like when you get up in the middle of the night in your home and go to the bathroom without turning on the lights. That well."

Cadets can also benefit from the experiences, good and bad, of fellow crewmen like James Vance, 27-year-old Osceola, Ark., deckhand on the Sarah Elizabeth.

"I fell off a barge one night and damn near got killed," Vance told Bruce Lundgren, shortly after the cadet came on board. "It was nothing but stupidity on my part. I was up on the head barge, and the shadows from the searchlight looked like part of the barge. I had a flashlight but didn't use it, and I stepped right off into the river.

"I went under two barges and got banged up pretty bad, but the captain saw me fall and cut the engine, and that kept me from getting chewed up by the propeller. It happened so fast, I didn't have time to think about it till I was back on board and the cook had given me a cup of coffee and the maid had wrapped me in a blanket. Then I just sat there and cried like a baby!"

Safety is a major problem cadets must face as pilots. Steel and nylon cables can cut men in half, when they snap. Fires can destroy lives and valuable cargoes. Heavy machinery can kill and maim. And crew members must also be protected from each other at times, cooped up for days on end in the limited confines of a towboat.

"We have TV and magazines on board," says Booty Goodman. "But there isn't really a lot to keep the men occupied, when they're off-duty. It's the same for us. Last year, my partner and I once counted all the grain barges we met from New Orleans to St. Louis, while we were taking turns standing our watches at the wheel, just for something to do. There were 822 grain barges, by the way, on 48 boats."

The worst aspect of life on the river is the time away from home, according to skippers like Goodman and Eschbach.

"If you could just carry your family with you on board, I'd be happy to sail forever," says Goodman, the father of two teenagers.

"My youngest son actually gets sick when I have to go catch a boat," says Eschbach, who has four children, aged 6 to 16.

"That's one reason I don't 'trip' any during my off-days—that, and the extra strain involved. This would be a great job for a young, single man, living with his parents and saving his money. But me, I just make a bare living and that's all, the cost of living what it is today. I could make a lot more tripping, but it wouldn't be worth it."

Cadet Lundgren, married but childless, does not look upon a pilot's career as a long-term proposition, particularly when a family comes along.

"I'd like to do it a few years, then go into

management," he says. "I figure I have an advantage in that respect, since I've been to college."

Others, cadets and captains alike, are not so ambitious.

"I want to get my license and be a river pilot for years and years," says cadet Sewell Hembree, 27-year-old ex-Navy man from Clarksville, Tenn. "I've been on the water ever since I got out of school, and I love it, miss it and get homesick for it. I'd never want to be a desk jockey.

"I don't have enough education for management," says Oliver Eschbach. "I had four sisters and five brothers, and I only went through grade school, before I had to quit and get to work."

Meanwhile, other river men like James Vance are going to be forced to take the old-fashioned route to a captain's post and any subsequent management position, if they are ever to attain them.

"I would really like to go through the cadet program," Vance says. "But I'm just not financially able to do it. I've got two kids and a third on the way, so I can't start pouring money out, with none coming in."

By different approaches, then, Vance and Lundgren might one day wind up sharing the controls in a pilot house. There is plenty of room for both.

"Very soon, I'm going to be putting out 40 men a year with second-class pilot's licenses," says the National River Academy's Pierre Becker. "Of course, by that time, something like 1,000 new pilots will be needed annually, in all probability.

"As to where the remaining 960 are going to come from—well, that's going to be our problem."

PROPOSED AMENDMENT TO RESTORE THE BALANCE OF OUR CONSTITUTIONAL SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Mrs. GREEN) is recognized for 30 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, the subject of Watergate has become an almost total preoccupation. Not only in news stories but in private conversations this is the subject of endless analysis and speculation. Also, it has infected almost all consideration of legislation. Yet, our laws do not seem to provide an easily available means to resolve the problems. As I see it, Watergate is not an incident in isolation. It is not merely a series of crimes, calling for exposure and punishment. It is a dramatic warning to us to reexamine our instruments of Government.

To impeach or not to impeach is a question more and more people are pondering. Yet the impeachment process is so traumatic as to be virtually inoperative. It would tear apart the political and social fabric of our society. The impeachment process is tied to the words of the Constitution in article 2, section 4 of "treason, bribery, or other high crimes and misdemeanors." The serious nature of these acts produces an aura mitigating against use of the procedures set forth in all but the most serious cases.

The sanction prescribed by the Constitution of "disqualification to hold and enjoy any office of honor, trust, or profit under the United States"—article 1, section 3—is certainly not one which is applicable in all instances.

As I see it, the process of impeachment does not establish an adequate remedy for all questions of abuse of powers. The only precedent was in the period from 1866 to 1868 by the formal impeachment proceedings against President Andrew Johnson. That impeachment process stretched over a period of 18 months.

It seems to me the ineffectiveness of this check on the Executive requires us to explore alternatives. In parliamentary systems—the Government falls when there is a vote of no confidence. I suggest a modified parliamentary procedure.

We need, I believe a mechanism by which the electorate may bring about a change in Executive leadership, but, to make this change effective within our political structure, it must include the Vice President as well as the President—and it might be for other reasons than "treason, high crimes and misdemeanors." Let us try to find a process that will not tear asunder the political and social fabric of our society.

Today, I am proposing an amendment to the Constitution whose objective is to define three areas in which the Congress may act to mandate new elections, if the Congress, by a two-thirds vote, determines: First, that the President has failed or refuses to execute the laws passed by the Congress, or second, that he has exceeded the powers vested in his office, or third, that the President has willfully permitted the rights of U.S. citizens to be trespassed upon in violation of the Constitution and the laws of the United States.

The three substantive provisions are so defined that the Congress may not for mere dissatisfaction with the exercise or Executive privilege, or because of forceful aggressive advocacy of his constitutional powers, cause a special Presidential election. It is required that the President, by an affirmative act or omission, has failed to execute the powers vested in his office by the Constitution and the laws of the United States. It is not the intent to destroy the Presidential exercise of his powers but to place a check on willful excesses.

The provisions of the amendment are to delineate a legal standard for congressional action. The exacting procedures for impeachment are inadequate when the Government must drift on while its credibility drops precipitously. As the probability of wrongdoing increases to a consensus of two-thirds of the Congress, a corresponding governing crisis erodes our democratic system.

The time period must be kept as short as possible to restore the Executive to its constitutional position for effective Government. Therefore this constitutional amendment provides that, if Congress votes for new elections, they must be held within 90 days. The incumbent President and Vice President could first go to their party and ask for a vote of confidence and they would be eligible to be renominated as candidates of their respective political party for reelection. True democratic strength lies in the responsiveness to the will of the electorate. Interminable delay only prolongs any confidence and governing problems. In the interim, the political unity of the Nation and its confidence in the President to effectively serve and carry out his duties remains, in the minds of a great many Americans, in doubt.

I suggest this amendment not for our present dilemma—which it obviously could not affect—but for future Watergates or future Vietnams.

The future gives no assurances that another Watergate or another Vietnam will not occur. Our duty is to insure that future generations will not suffer the same disabilities that face us in 1973.

We presently have no choice between the extreme option of impeachment or the other extreme of maintaining in office for as long as 3 years an administration whose stature and ability to govern has been gravely impaired. We should seek to strengthen our system of checks and balances and our theory of Presidential responsibility to the electorate, and not to replace it. We should seek to restore the balance of our constitutional system, not to destroy it. I invite your consideration of the bill to strengthen our democratic form of government envisioned by the Constitution of the United States.

Mr. FOUNTAIN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am delighted to yield to my friend from North Carolina.

Mr. FOUNTAIN. I wish to commend the distinguished gentlewoman from Oregon for the very thought-provoking contribution she has made to the subject matter she has discussed.

Further, I agree with the view of the gentlewoman from Oregon that the impeachment procedure provided under article ii, section 4 of the Constitution is a most extreme step and one which is virtually impossible to use with respect to the Presidency under 20th century conditions.

I, too, have been giving consideration to this problem. It is interesting that we have been thinking along the same lines, with some of the same reasoning. I have been considering proposing to the House legislation which would deal with the problem the gentlewoman has discussed. However, because any such proposal would be a substantial change in the system to which our people have been accustomed since our form of government was established, I decided it might be more desirable to request the House to establish a select committee to review and study all meaningful recommendations that have been made by Members of Congress, and others, to deal with the problems arising because of our constitutional imperfections concerning Presidential tenure. Such a select committee would be empowered to make an exhaustive study of the subject, including the taking of testimony from our Nation's leading experts in this area.

Some proposals worthy of serious consideration which have been submitted to the Congress would range from establishing one 6-year term for the Presidency, to providing for the termination of Presidential tenure in less than one full 4-year term of office.

We need to give attention to the possible future need of calling a special election for the offices of President and Vice

President, not only in situations involving the willful abuse of executive authority, but also when there is a demonstrable loss of public confidence in our Executive leadership. In any of these cases, a constitutional amendment would be required.

Again I commend the gentlewoman for spotlighting this overall problem by means of a special order. Perhaps between our two, and other approaches, the Congress can make a decision as to how it might best accomplish the purpose which both she and I have in mind.

Mrs. GREEN of Oregon. I thank my colleague very much. I really am today inviting consideration and reexamination of our instruments of government. I am suggesting this as a starting place for discussion.

I am not wedded to all of the particulars in the bill.

I also agree with my colleague regarding impeachment. I today certainly would not vote for impeachment. I believe it would tear apart our society in a manner that would be disastrous.

I believe a vote of confidence might be quite a different thing. As the gentleman said, this is the constitutional amendment procedure. It is not suggested and not designed to take care of the present situation.

But it is hopefully designed to give some encouragement to some constructive thought so that future generations will not face the same crises that we are facing.

Mr. FOUNTAIN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Speaker, I quite agree with what the gentlewoman has just said and I am delighted that she, and hopefully others, are giving consideration to the subject matter of her special order.

Mr. ARCHER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, not having had a chance to examine the details of the recommendations, I am certainly not qualified to go into them in depth, but I think that this moment should not pass without my stating that I have very serious reservations with regard to this concept, one which would, in effect, take one-half of the parliamentary process and not the entire parliamentary process.

I think that could be fraught with great mischief, and I think it is something that should be very, very seriously considered before we undertake it.

Mrs. GREEN of Oregon. Mr. Speaker, I would certainly agree that it must be very carefully considered. I am suggesting that it is incumbent upon us to find alternatives to the present situation.

ASSISTANCE TO SOUTH VIETNAMESE CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, the foreign aid bill, which the Foreign Affairs Committee completed earlier today, contains a section providing assistance to South Vietnamese children. This provision, which I offered and which the committee approved unanimously, earmarks $5 million. Ten percent of this would be used to facilitate adoption of these children. The remainder of the $5 million woud be used to establish, expand, and improve day care centers, orphanages, hostels, school feeding programs and health and welfare programs, as well as fund training related to these programs. The vehicles for disbursing this aid would be private voluntary agencies and international organizations. Special consideration would be given to children fathered by American citizens. As I indicated in my comments to the committee, I think that this type of aid is a particularly appropriate national undertaking in behalf of the thousands of war-disadvantaged Vietnamese children.

While I was preparing this provision for inclusion in the bill, an article on the subject of Vietnam children by Chester L. Cooper appeared in the New York Times. I know of no more eloquent expression of the need for this assistance than Mr. Cooper's commentary. Therefore, I take this opportunity to bring it to the attention of my colleagues.

THE SURPLUS CHILDREN OF SOUTH VIETNAM

(By Chester L. Cooper)

The terrace of Saigon's Hotel Continentale is one of the few constants in the capital's kaleidoscopic physical and human landscape. In the late afternoon and on into the evening, the good and the evil sit cheek by jowl sipping and nibbling, buying and selling, drinking and brooding. The players change, but the cast is always the same—foreign soldiers, local hustlers, expatriate Frenchmen, world-weary newsmen. Along the side and rear walls are the prostitutes—male, female and indeterminate. And shuffling around from table to table are the beggars and the pushers. The mood music is a melange of turned-up rock, flatulent Honda, occasional siren.

Two "regulars" recently provided a leitmotif. Big Bob and Little Babe met each afternoon after Big Bob finished pushing papers or driving a truck or doing whatever he did at MAC–V, the Pentagon East. At about 5:30, khaki shirt stained and black face streaked with the sweat of the hot afternoon, he would lumber up to the terrace, look sternly at the score or so of street kids running and shrieking after any soft-looking touch, and shout: "Where's my date?" And then out of the crowd would emerge Little Babe. Barefoot, scruffy, scrawny, 7-going-on-30.

"Hi, Little Babe!" and a hug. A scream of joy and skinny arms embracing enormous thighs.

Across the terrace they went, and into the dank men's room rich with the aroma of decades of urine. Bob would scrub 24 hours' accumulation of street grime from Babe's face and hands and run his comb through her matted hair. Hand in hand, they went back to the terrace and to their table in the shade. And then, to the music of her giggles and his belly-laughs, Little Babe had her ice cream, cookies and milk and Big Bob his beer. A peck on the cheek and Babe would be off to her home, the street, and Bob disappeared into the crowded square—until 5:30 tomorrow.

Big Bob has long since returned to the States—hopefully, to a houseful of giggling little girls. Little Babe? Who knows?

Babe has at least a hundred thousand counterparts in Saigon and Hue and Danang. There are probably 50,000 Babes, courtesy of three million G.I.'s who passed through during the last decade. Some, the lucky ones, are in the few Vietnamese orphanages; most, like Babe, live on the streets. They provide an unbroken link with the wretched progeny of the French Foreign Legion and the Japanese Imperial Army. Together with the orphaned, the abandoned and the lost they comprise a pathetic legacy of the American struggle to provide the Vietnamese with free choice and a miserable souvenir of peace with honor.

Voluntary agencies have been doing what they can in South Vietnam. And thousands of compassionate Big Bobs have brought a moment of laughter to thousands of miserable youngsters. But the voluntary agencies, as well meaning and effective as they are, are not adequate for the job—and the Big Bobs have all gone home.

In North Vietnam the problem must be quite different in both scale and kind. Even under the fury of bombing, the Hanoi Government probably had some minimal organized arrangements for coping with lost, strayed, orphaned or abandoned youngsters. At least, visitors do not report them drifting around the streets of Hanoi or Haiphong. And, of course, during the last decade or so, the North has been spared the thousands of offspring of Vietnamese women and foreign troops. But surely, there must be a problem of substantial dimensions; a country as poor as North Vietnam cannot experience years of war without being overwhelmed by maimed, fatherless, sick, frightened and homeless children.

Highly motivated American officials, at this very moment, are wrestling with the problem of programs and modalities for postwar assistance to both North and South Vietnam. Perhaps the sordid terrace of the Hotel Continentale can help us get our priorities straight. Little Babe comes first—the bridges and the roads and the rail lines of North and South Vietnam will, sooner or later, one way or another, be rebuilt.

What we must do, if we are serious about a "lasting peace," is to concentrate on the Vietnamese people rather than on the Vietnamese things.

Schools, mental health clinics, pediatric services, vocational training centers, orphanages, teacher training, foster-parent programs, remedial education are but a few of the objectives of a five-year, children-oriented aid effort. The program, of course, should be wholly Vietnamese in character, not American. We have learned, or we should have learned, that we cannot and, indeed, should not, try to export our own standards and values.

The most expeditious way of accomplishing the task of salvaging a generation of young Vietnamese would be to turn over the major part of our aid directly to UNICEF, which is already operating in South Vietnam.

TESTIMONY IN FAVOR OF SUPERPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN) is recognized for 5 minutes.

Mr. TREEN. Mr. Speaker, I recently had the opportunity to testify before the House Commitee on Interior and Insular Affairs in support of H.R. 7501. As a sponsor of this bill, which would facilitate construction of deepwater port facilities, I am vitally interested in the passage of this legislation.

Mr. Speaker, it is estimated that by the year 1985 the United States will be importing 15-million barrels of crude oil a day. When one considers that the Alas-

kan pipeline, running at full capacity, will only carry 2-million barrels daily, I think the importance of the superport can be recognized, especially when it is pointed out that the proposed Louisiana Offshore Oil Port alone would import 4 million barrels of crude oil a day.

I am determined to do all that I can to see that the United States will meet its energy needs in the years to come. But although I am a sponsor of legislation authorizing a trans-Alaska oil and gas pipeline, I have yet to see any suggestions from responsible sources as to how we are to meet our energy needs in the immediate future without increasing the importation of crude oil. In my judgment it is far sounder to move ahead with the development of offshore deepwater facilities than to depend upon an increased number of discharges from small tankers at our existing ports. The evidence strongly indicates that chances of harmful oil spills are less with the former than with the latter.

Mr. Speaker, since one of the proposed superport sites is located in my congressional district, in the parish of Lafourche, I can assure you that I would not sponsor any bill that did not provide for all of the environmental protection any reasonable person could request. My district includes thousands of people who depend upon the estuarine areas for their livelihood. I thus take second place to no one in my zeal to see that the environment in my district is not destroyed and that its economic interests are not adversely affected.

The environmental safeguards in H.R. 7501 are spelled out clearly. Further, this legislation merely sets up the framework which would permit the licensing of the construction of deepwater ports. it does not mandate the licensing of any port.

Mr. Speaker, I am satisfied that my State of Louisiana has taken and will continue to take all reasonable steps to insure adequate study, consideration, evaluation and public debate of the environmental impact questions. And I know that I will continue to give very careful and sincere consideration to any reports or studies with regard to the environmental impact of the proposed deep water oil import facility in my district. However, given the seriousness and urgency of the energy problem confronting this Nation, I feel that it is essential that legislation be enacted by the U.S. Congress which would permit those States interested in the development of such facilities to proceed with their plans.

For the benefit of my colleagues, I am attaching a copy of my testimony, in favor of a superport, to the House Committee on Interior and Insular Affairs.

STATEMENT OF THE HONORABLE DAVID C. TREEN

Mr. TREEN. Thank you, Mr. Chairman. I appreciate the opportunity to come before the Committee. And in view of the fact that we are going into session at 11:00, and I know you want to see this film by Shell Oil, which will take about twenty minutes, I will be briefer than I had intended to be. And I know you will welcome that.

I am interested in the development of a superport for many reasons. One of the primary reasons is that my Congressional District in Louisiana is located on the coast, and off that coast is one of the sites that has been considered one of those most ideally suited for a deepwater facility, and particularly, a deepwater oil import facility. My remarks, therefore, will be directed strictly to that type of facility and not a superport in the sense of a port that would handle other types of commodities.

This site off the cost of Louisiana is about 21 miles off the mouth of Bayou Lafourche and it is located in 100 to 120 feet of water. This site has been studied by the Corps of Engineers, as I think this Committee knows, and found (as I just mentioned) to be ideally suited for the location of a superport. And, I might add, this site has also been evaluated by industry. You have, for example, had testimony from LOOP, Inc. and their president, and some officials of LOOP are here today. They have looked at this site and have moved ahead. In fact, they have already budgeted $3½ million for the Bayou Lafourche site and they have already spent a great deal of that money in the preliminary plans for this facility. This facility would ultimately involve five single point moorings and would bring the oil in by pipeline submerged beneath the floor of the Gulf of Mexico to a tank farm located in the parish of Lafourche. The oil then would move up by pipeline to the town of St. James near the Mississippi River. From thence, it would serve the refineries throughout the Mississippi Valley, as far north as Michigan, by means of the Capline pipeline which starts at St. James, Louisiana.

Now, I have co-sponsored H.R. 7501, the bill which this Committee is considering. It offers, in my opinion, the best approach to the superport question. This may be somewhat embarrassing, my being a member of the Merchant Marine and Fisheries Committee, to come before you and say I think the bill in this Committee is a better approach than that before the Merchant Marine and Fisheries Committee; but I do indeed. It is well thought out; it is comprehensive. I think it offers the best opportunity for early action.

My purpose here is really not to get into a lot of technical details and discuss the oil needs of this country. We have been over that time and again, and I certainly hope that the oil needs of the country have been well recognized by now. My purpose firstly, is to come here and assure this Committee, and to assure the Congress, that this facility which LOOP, an acronym for Louisiana Offshore Oil Port, Inc., proposes to build is a facility that is much desired by the people of south Louisiana, and to indicate that there is no appreciable opposition to this. In fact, I know of no opposition whatsoever, but I use the term appreciable because, of course, there may be some that I do not know of.

And, secondly, to urge this Committee to act with all dispatch.

First of all, with respect to the desire for the superport, the enthusiasm for this facility is very high throughout the 3rd Congressional District. In fact, Congressional candidates in the last election campaigned on the basis of hoping to move this project along and to bring the port to Louisiana's 3rd District. It was universally recognized as something that would help not only the district I represent but the entire state of Louisiana as well. As a result, it is greatly desired. I know this because of my travels through the district in which I meet with persons of all economic interests; and I know it from the fact that I have received absolutely no expression of opposition. Although I have been fairly prominent in pushing this project. I have not received one letter, not one communication of any kind from any person anywhere in Louisiana in opposition to the project.

The reasons for the support for this facilitiy are many. There is, of course, the obvious economic impact which would be very favorable to Louisiana. Equally important, however, and I believe this is the reason that there is a lack of opposition to the deepwater facility, the experience that we in Louisiana have had with offshore structures. For 26 years we have had offshore drilling platforms. You have seen ads by various of the major oil companies indicating how well the fishing industry gets along with the oil industry and how compatible those two are. That is not just public relations talk. It is a fact. I know that from my own experience.

We have had experience with hundreds of offshore platforms similar to the kind that would be built by LOOP under its proposal.

With respect to offshore pipelines buried underneath the floor of the Gulf, our Gulf is laced with these pipelines. Tank farms, another part of this proposed facility, is something we have had extensive experience with, without any difficulty. And then, of course, onshore pipelines, thousands of miles of onshore pipelines in Louisiana that have not caused any problem.

Let me further emphasize that the fishing industry of Louisiana, and particularly, the fishing industry of the Third District, is extremely important in terms of the number of people employed and its economic impact, and extremely important to me politically. And, I have sponsored legislation before the Merchant Marine and Fisheries Committee to strengthen the fishing industry. So I would not be here telling you that the oil and fishing industries were compatible if it were not true. The fishing industry, I think, would be the one to offer the greatest potential for opposition. But the fishing industry is not opposed to this project in any way. And I would not take this stand if I were not sure of that position.

The statistics on fishing catch in the Gulf serve to illustrate this point. While the catch elsewhere, on the Pacific and Atlantic Coasts, has been stable, and in some instances declined, in the Gulf it has been up over the past few years.

An illustration of how the fishing industry and the oil industry work together and how compatible they are in the fact that in Morgan City, one of the towns in the Third District along the coast of Louisiana, there is a festival every year which is a joint petroleum and shrimp festival, and it illustrates very well, I believe, the compatibility of these two industries.

So the desire, the enthusiasm is there, and of course the need is there.

LOOP, as I have indicated, has already gone to tremendous expense. They have leased land for the tank farm. The LOOP facility, incidentally, when it is completed, would bring in an excess of four million barrels of crude oil a day out of a total of approximately fifteen million barrels a day that we expect to have to import for the year 1985. So that is a sizable percentage.

I think that Sea Dock off the coast of Texas and LOOP off the coast of Louisiana, those two facilities alone, would provide the import facilities for approximately half of the nation's crude needs.

And, as has been pointed out in testimony before the Committee on Merchant Marine and Fisheries, of which I am a member, many other decisions of the petroleum industry are being held up pending this decision. The expansion of refineries, the construction of new refineries, these things are really being delayed to a large extent because we do not know the fate of this particular legislation.

And I think it is amazing, when you consider that there are approximately 100 of these all over the world already in operation (many in Japan and in other places in the world), that we have not moved faster on this issue.

Some of you may be interested in knowing that we are subsidizing, through our Ship Subsidy Program, ten tankers in the 200,000

to 265,000 ton range, which cannot use any existing port in the United States. We are subsidizing them through our Maritime Subsidy Program.

So, in conclusion, I strongly urge that we treat this matter as an emergency. I do not think it is necessary to get hung up, and I hope we will not, on this question of what agency will be the licensing agency. It does not make any particular difference to me, although I do think the Interior Department has a lot of expertise because of its familiarity with offshore oil operations. But H.R. 7501, as this Committee knows, provides for consultation with all other agencies in Section 104.

Section 104(b) requires that the Secretary of the Interior consult with all interested and affected Federal agencies. In Section 104 (c) the bill provides that the application with the Secretary shall constitute an application for all Federal authorizations required for construction and operation. And, later on in that section it is provided that the license will not issue until the Secretary has been notified by such agencies that the application meets the requirements of the laws which they administer. And then, of course, it provides for joint hearings and provides in Section 105(c) that any interested person may require a hearing. So it seems to me all we are talking about is a "window" agency, the Department of Interior, to issue the license, but all other agencies can have their impact. And, as I interpret this bill, it virtually gives veto power by any agency with respect to the issuance of a license.

So I hope that we will not get hung up and have this legislation delayed because of competition among agencies for the licensing authority. At least the Administration is in harmony, from everything I can tell, on this bill and on the provision that the Secretary of Interior be the licensing authority.

So again, I urge speed. I think that the date has long since passed that we should have moved along with licensing authority.

Thank you, Mr. Chairman. With that, I will be pleased to answer any questions, but I know you want to get to this film before we go into session. Someone may also call a quorum shortly.

PANAMA CANAL MODERNIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, two of the most potentially important subjects that will come before the Congress in the near future are the continued sovereign control of the U.S. Canal Zone and the Panama Canal. These are challenging questions because their ramifications are inexhaustible and they have not been clarified in the mass news media as they should have been.

Early in the present session my distinguished and scholarly colleague from Pennsylvania (Mr. FLOOD), one of the Nation's leading authorities on Isthmian Canal policy questions, introduced H.R. 1517 to provide for the major increase of capacity and the operational improvements of the existing Panama Canal.

Though the historical background of the canal subject is vast, when reduced to its essentials it is relatively simple. Because hearings on Panama Canal operations before the Committee on Merchant Marine and Fisheries are scheduled to start today, I have introduced a bill which is identical with H.R. 1517. I wish to summarize some of the main features in the history of the canal subject.

In 1939, the Congress, without adequate consideration, authorized the increase of capacity of the existing canal by the construction of a third set of larger locks at a cost not to exceed $277 million, primarily as a defense measure.

Construction was started in 1940 but was suspended in May 1942 because of more urgent war needs for materials, shipping and manpower, after an expenditure of $76,357,405, largely on huge lock site excavations at Gatun and Miraflores, a railroad-vehicular bridge across the Miraflores Lock and a road bed for relocating the Panama Railroad at Gatun, all of which work can be utilized. It was fortunate, indeed, that no excavation was started at Pedro Miguel.

As the resulting World War II experience there was developed in the Panama Canal organization a proposal for the future canal known as the Terminal Lake-Third Locks Plan, which calls for the elimination of a bottleneck Pedro Miguel Locks, the consolidation of all Pacific Locks in three lifts at Agua Dulce south of Miraflores to correspond with the arrangement at Gatun, and the creation of a summit terminal lake at the Pacific end of the canal. This plan won the approval of President Franklin D. Roosevelt as a post war project and the support of important maritime interests.

The great principle underlying the plan is the provision of an expansion chamber for traffic at the south end of Gaillard Cut as there is at the north end of cut.

The present maximum lake level of 87 feet, would be raised by 5 feet to a maximum of 92 feet, which would increase the operating range of the lake level from 5 to 10 feet, thereby doubling the reserve water supply for use during the dry season.

A total of $95,000,000 was expended on the enlargement of Gaillard Cut from 300 to 500 feet, which was completed on August 15, 1970. Added to the money already expended on the third locks project, the total so far invested toward the canal's major modernization is more than $171,000,000.

As pointed out in its 1973 Memorial to the Congress by the Committee for Continued U.S. Control of the Panama Canal—CONGRESSIONAL RECORD, volume 119, May 31, 1973, pages H4210–12—the outstanding advantages of the terminal lake plan are that it enables the maximum utilization of all work so far accomplished on our great tropical waterway, including that on the suspended third locks projects. It can be constructed under existing treaty provisions and does not require the negotiation of a new treaty, which are paramount considerations—CONGRESSIONAL RECORD, volume 84, part 9, July 24, 1939, page 9834 and volume 119, June 6, 1973, pages E3780–82—It preserves the existing fresh water barrier between the oceans, thereby protecting the Atlantic from infestation by poisonous Pacific sea snakes, the crown of thorns starfish, and other marine biological hazards.

It can be constructed at relatively low cost with every assurance of success and without the danger of disastrous slides.

It safeguards and increases the economy of Panama. It proves the best operational canal practicable achieved at the least cost, and without diplomatic involvement.

In contrast with the simple, logical, and historically based terminal lake-third locks plan, the strenuously propagandized "hardy perennial" known as the sea level project as recommended in the 1970 report under Public Law 88–609, as amended, to be constructed in Panama about 10 miles west of the existing canal at an initially estimated cost of $2,880,000, would involve a huge idemnity to Panama for a new treaty and the cost of a right-of-way, both of which would have added to the cost of construction. Engineers, navigators, and other canal experts who have studied the subject have expressed the view that such a canal would be far less satisfactory operationally than the canal it would replace. Moreover, it would open a Pandora's box of troubles.

What is needed at Panama is the best canal for the transit of vessels and such canal would be realized under the terminal lake-third locks plan, which is the proposal to be authorized under both H.R. 1517 and the bill I am introducing today.

For the sake of emphasis, I would add that when the question of increased transit facilities is considered from all significant angles, the evidence is conclusive that the major modernization of the existing canal under the time-tested terminal lake-third locks plan offers the best operational, the most economical, the most logical and the most practicable solution of the interoceanic canal question ever formulated.

COMMENCEMENT: WALLENPAUPACK AREA HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MCDADE) is recognized for 10 minutes.

Mr. MCDADE. Mr. Speaker, each year at commencement time we have the opportunity to go to some of the schools of the Nation, to see a new generation leaving high school or college. Each year we discover anew the remarkable consistency with which our American schools graduate such fine and perceptive young people, well prepared to move into the mainstream of American life where they will make their contribution to all that has made this such an outstanding Nation.

I had the occasion to address the graduates at the commencement exercises at Wallenpaupack Area High School in Hawley, Pa. It was a refreshing opportunity to meet with Joseph Ruane, the high school principal, with Betty Schmidt, the assistant principal, with Rod Adams, guidance counselor, and with many other members of the faculty. Their dedication to their work, and their concern for the young people they teach was manifest and outstanding. Mr. Robert Fisher, superintendent and his assistant Mr. James McJunkin can be

proud of the work of these dedicated men and women.

But for me, the highlight of the evening was the opportunity to hear the two addresses by Michael Rugala, valedictorian, and Ned Gumble, salutatorian, who addressed themselves in their remarks to the question of progress or survival. I believe my colleagues here in the Congress will be interested in the thinking of these two fine young men, and I am appending them herewith, as well as their introduction by Brian Johnson, class president.

COMMENCEMENT WELCOME BY BRIAN JOHNSON, CLASS PRESIDENT

Good Evening. The class of 1973 would like to welcome all of you here to our commencement exercises. We would also like to thank Mr. McDade for coming here tonight to deliver the commencement address. Through our high school years we have received much help from our parents, our teachers, our counselors, the board of education, and the administration; they deserve our deepest gratitude. Several members of the faculty have given their special assistance as our class advisers: Mrs. Day, Mr. Drobnicki, Mr. Finney, Mr. Kennedy, Mr. Noone, Miss Stash, and Mrs. Wenkosky. We thank you for your guidance.

INTRODUCTION

For those of us whose formal education ends here and for us who will be attending college, tonight marks the beginning of a new and more responsible life, one in which we must make meaningful decisions. Many of us have already decided what we are doing after high school, but have we really given it much thought? Now we must think in terms of mankind, for our decisions will help the progress of man and hopefully help save our society. Mike Rugala and Ned Gumble will consider this dilemma of Progress or Survival.

PROGRESS OR SURVIVAL—PART I

(By Michael Rugala, Valedictorian)

Progress is one of those undefinable terms that is used by everyone yet is understood by only a few. Whether it is a necessary evil of civilization or a boon to mankind, the role it plays in our lives today is very important.

Many of us students consider going to colleg as one step of progress, yet many young people question this idea. Is it necessary to go to college? To have progress just for the sake of progress is just as useless as going to college just for the sake of obtaining college credits. A high school senior must decide whether college is right for him. He must make decisions within a space of the next few months, decisions that will shape his entire life.

Our ever increasing yearning for progress and wealth has seemed to make college a necessity, but too many young people are finding themselves in college and are not knowing why. Trade school can be the answer for many. A person skilled with his hands is in great demand today. But a trade school is for a person who know what he is going to do. It does not fill the void of indecision as other solutions might.

As many young people struggle to decide the direction of their futures, some have already come to a decision. These are the graduates who go to work directly out of high school. They don't continue their formal education, but their work might well provide the experience that will help them succeed in life.

Maturity is as important a factor in college life as it is in everyday life. We must mature enough to see and to face the problems of college as well as those of society.

Many students, when faced with the problem of going away from home, just can't cope with that step. Perhaps the youth of today should wait a few years to arrive at that extra maturity and to develop their personal outlook on life. Many colleges now consider such a postponement, thereby allowing a freshman student to wait a year before entering school. As many a college graduate will verify, the first year is the most difficult one of adjustment, both of thinking and of living. A year's wait might then give a college freshman that extra maturity and that fresh look at the world to give him a healthy start in his college work.

The Armed Forces can also fill that void in a person's life just when he might be floundering most, often during those first crucial years out of high school. The service can keep such a person out of trouble at the same time that it helps him find himself. Here the pay is getting better, the benefits are growing, and, even more important, an enlistee has the opportunity to receive college credits or learn a skill. Thus the Armed Forces can give a young person enough time to reflect on what he really wants to do. It can help him find himself while he is learning.

As this evening's graduation finally arrives, the question of college, trade school, work or service becomes a reality for us. Our problems ahead are many-faceted, but each of us must face them according to our own decisions. However, the greater part of our solution will involve our ability to change. The ability to be dynamic and to conform to the times is an asset we all need, whether to succeed in school or in work. For today many young people find their chosen professions overcrowded. The field of engineering will serve as a good example. When there was a cut-back at NASA, many engineers were laid off. Now it was no longer just a question of success but of survival. These men had to retrain themselves in order to live. As we grow into maturity and insight, we will learn the importance of adjustment to change.

Whether our progress-oriented society is leading to a college-oriented society, or whether we young people will decide upon other alternatives, we should keep in mind the familiar words, "the times they are a-changing." As we tonight enter these changing times, our only hope for survival might just be our ability to face these changes with a willingness to change.

PROGRESS OR SURVIVAL—PART 2

(By Ned Gumble, Salutatorian)

Ever since the establishment of our nation, progress has played a decisive role. In fact, those who first discovered America were functioning under this very concept; whether it was by means of colonizing for commercial or for purely religious purposes, they were seeking a better life. Thus, it is important to connect these two ideas—progress and a better life—and at the same time to question them. Since we have been rapidly progressing for such a long period of time, can we conclude that life is or should be getting better?

First of all, let us define progress. We can presume that progress means advancement and improvement. It is important to stress the *and* here, since advancement should always be considered in terms of improvement. In other words, what we label as an advancement—a step for the future—should be considered a benefit in all aspects, not just the sacrifice of one thing for the advancement of another. Thus progress should mean making headway.

Now to consider "the better life." What one person calls the better life is more than likely quite different from another's views, but if compared they are probably similar in certain general aspects. Everyone would probably agree that a few ingredients for this better and more abundant life would contain such things as love, understanding, stability, security, happiness, and—last in order on most people's lists, but usually number one in importance—material possessions. In short, the key to "the more abundant life" is through peace of mind—knowing that one is able to live rather than merely exist and knowing that the things needed for this life are attainable, not just at present but also in years to come.

Obviously we are concerned with the separate meanings of these two concepts—progress and the better life. Living in a nation that places its progress above everything else, how can we not be associated with progress, how can we not be searching for the best and most abundant life possible? But as graduating seniors, we are more concerned with these words in terms of each other. Actually we're a little more than concerned—we are questioning progress in terms of the life resulting from such a progressive society. By no means are we rebuking progress; think of the innumerable advances we have made in the fields of science, industry, and medicine in the past century. But should we, as graduates, not question some of the effects of such a progressive era in terms of our future and our so-called better life? To better understand our viewpoint, everyone should put himself in our situation. We presently live a life relatively untouched by many of the responsibilities of society—taxes, home payments, insurance policies, and many other complications of adulthood. However, we are not so out of touch that we don't feel and wonder about many of these complications. We are about to be literally hurled into a society and into a life style on which we have had little influence. Is it not natural for us to question this progressive society? If the whole idea behind the constant progress of this nation is to lead to a better and more abundant life for its citizens, we are a little in doubt. We see a society that is continually advancing and making headway, supposedly for man's benefit, but where are we headed?

We see the United States as a nation booming with industry—factories, plants, mills—but we also see many of the costs: polluted rivers, unclean air, a dwindling wilderness, a diminishing of wildlife—a steady drain on all our resources. We are seeing a once beautiful America being transformed into a demented wasteland. We see a quickly changing environment; man is adapting, but much of nature doesn't have this ability and is having trouble surviving. Our once stable environment, one of the most important factors contributing to the better life, is being sacrificed for the progress of society and towards a so-called better life. Isn't this a bit ironical?

We also see the type of man resulting from this progressive society—a materialistic and self-centered person who views things in terms of his personal benefit, not caring about the consequences, a progressive nearsightedness that is extremely detrimental. This hypocritical individual easily rationalizes many of the problems of the times by saying, "It doesn't affect me. Why should I be concerned?" He just exists as a conformist lost in the crowd, passing responsibility on to the next person, and rationalizing, "It's always been that way; there's no need for change." This so-called progressive man looks at our totally unstable economy as something out of his hands. He sees Watergate, for instance, as just another newspaper article that doesn't directly affect him. He seems to look at things in terms of his own future only, caring little what happens after he is gone.

It is easy enough for us to question many of the effects of progress, but since we will have to choose our place in this society, we must look for answers. A typical ending for

this speech would suggest that the future lies in our hands, for we will be the leaders of the future, but we do not entirely agree with this idea—we believe the future lies in the hands of everyone today. All men must learn that it isn't man's God-given birthright, a deserved recognition of his excellence as a human being, to grab the phenomenal plenty of all around him. Only the acceptance of a totally new code of values can bring man into equilibrium with his environment and thus result in the better life for all men.

Long ago, when progress was slow, man could adapt unconsciously, but such ease of adaption is no longer possible. We have reached the turning point at which man must conquer this excessive change due to progress or he will vanish—the point where from being the unconscious puppet of the evolution of progress he becomes either its victim or its master.

PAY RAISE FOR MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, there is a great deal of talk these days about a pay raise for Members of Congress. I oppose such a pay raise now, and I believe the Congress should stiffen its back and reject an increase in salary.

I feel Members of Congress earn every penny they are paid and more. There has been only one pay raise during the 9 years I have served in Congress. A 12-hour-plus work day is more the rule than the exception for Members of Congress, and the responsibilities are as great as positions in private industry which pay two or three times as much. In addition, good government requires that positions in Government pay well enough to attract the very best people to full-time public service. Every citizen should consider and realize the need for good pay in Government positions.

But, Mr. Speaker, this is not the time for a congressional pay raise, particularly one as large as we have heard discussed. We are all aware of the inflationary pressures which are now operating on our national economy. Citizens in every corner of the country are being asked to exercise restraint in pay raises and price increases. Members of Congress, then, must set a good example and provide strong leadership to the rest of the Nation by displaying a deep sense of fiscal responsibility.

I have stated here before that of all the problems besetting our economy, uncontrolled Federal spending leads the field of culprits. Because of this inflationery impact, Federal spending affects every citizen every time he or she picks up a paycheck and every time he or she goes to the supermarket or tries to balance the family budget at the end of the month.

Not only must the Congress work to hold the line on Federal spending throughout the Government, but we must also resist the temptation to fatten our own paychecks when our economy is under attack on so many fronts. If the backbone of the country, the working men and women, can make sacrifices to make ends meet when the cost of living continues to climb, then so can people in Government. And we cannot forget that it is the workingman's tax dollars which would be used for a congressional pay raise.

Mr. Speaker, the time is just not right for a pay raise. I urge my colleagues in the House to join me in opposing an increase in salary for Members of Congress.

SUBCOMMITTEE REFUSES HEARINGS ON ABORTION ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, since January when I introduced my constitutional amendment to overturn the U.S. Supreme Court decision on abortion, I and others have been pressing the Subcommittee on Civil Rights and Constitutional Rights. The subcommittee has refused to hold hearings on this vitally important issue.

The Nation can be reassured, however, that this subcommittee is going forward holding hearings on other vitally important issues. For example, on July 16, the Subcommittee on Civil Rights and Constitutional Rights began hearings on a bill to prevent the unauthorized use of the character "Woodsy Owl."

Perhaps to some this matter is more important than a constitutional amendment designed to save human lives. To me and to the majority of the American people, it is not.

Because this subcommittee has refused to hold hearings on my constitutional amendment, I have filed a discharge petition at the desk.

Mr. Speaker, I urge my colleagues to sign it.

CAPTIVE NATIONS WEEK, JULY 15–21

The SPEAKER por tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the 15th annual observance of Captive Nations Week takes place this year on July 15 through 21. Since 1959 the third week in July has been set aside by an act of Congress in order that the American people may devote themselves anew to the just aspiration of all peoples for national independence and human liberty.

It is certainly fitting that we in the free world, who have enjoyed for centuries the priceless rights of democracy, do all that we can to give hope and support to those capitive nations which aspire to national independence. By so doing, we not only reaffirm our dedication to the noble principles of self-government established by our Founding Fathers, but we also give tangible evidence to the captive peoples of our relentless opposition to oppression.

Millions of Americans who trace their origin to the captive nations, and to other lands, join each year during this special week to express their hope and their support for policies which will free the captive nations.

The atrocities perpetrated against the captive peoples who fell prey to Russian postwar colonialism were indeed a horrendous international crime, a crime against humanity which will remain a blight on human history. Terrorism, mass deportations, and comprehensive subjugation were the instruments by which entire nations of Eastern Europe were forced to submit to superimposed political structures directed from Moscow. As a budding ideology, communism at one time appealed to many equalitarian idealists throughout the world by promising rapid development to impoverished nations. However, this ideology was soon disrobed, shocking the world with its naked brutality and injustice, and with the criminal methods employed by Soviet leaders to establish and insure continued Soviet domination of the captive nations. The inhumane and abominable methods by which the Soviet Union has militarily suppressed subsequent rebellions by these courageous victims against Communist tyrannies has further underlined the despicable nature of communism.

We, to whom individual freedom is immeasurably precious, can appreciate the despair that these captive peoples have experienced in having their personal and national freedom torn from them. However, in spite of the abject despair in which they must continue to endure their subjugation, despite the indoctrination in which they are continually enveloped, a great number of these people continue to resist in spirt and in action and refuse to accept their enslavement as irrevocable. The Soviet Union will never succeed in stifling the undercurrent of national and cultural consciousness of those they hold in bondage. Blessed with rich and unique cultural and national heritages, these people refuse to relinquish their identification with their past personal and national independence, they refuse to terminate their hopes for future liberation.

We are entering a potentially dangerous period in our relations with the Communist bloc countries, and at the European Security Conference, now convening in Helsinki, we must stand firm. Already, members of the Baltic delegation to the Conference have been intimidated, harassed, and arrested.

Some 3.2 million NATO troops face over 4 million Warsaw Pact troops and as the question of a reduction in force levels is discussed, the United States must be extremely cautious and strongly oppose any action that will imperil our security. Soviet promises and assurances must, under no circumstances, be accepted at face value.

Freedom is denied to millions of people in the captive nations and we owe it to them, as well as to ourselves, to protect freedom where it exists and give voice to the aspirations of all mankind for liberty and justice.

In my own city of Chicago, under the capable and energetic leadership of Chairman Viktors Viksnins, the Captive Nations Week Observance Committee is

coordinating the annual parade, memorial ceremony, and reception. I am honored to serve as one the grand parade marshals.

On July 21, 1973, the 15th year observance will start with a memorial ceremony at the "Freedom Flame" in the Civic Center Plaza. The bearer of our Captive Nations Flame of Freedom will be Mr. Charles Adkins, the Olympic boxing champion of 1952, who so gallantly won the gold medal from the Russians.

The Captive Nations observance in Chicago will feature a parade by members of the national groups, wearing their native costumes, joined by city officials, Chicago civic and business leaders, and members of our Armed Forces. A reception will follow the parade in the Windsor Room of the Pick-Congress Hotel.

Mr. Speaker, each year our outstanding mayor of Chicago, Hon. Richard J. Daley, proclaims Captive Nations Week for the city of Chicago. At this point in the RECORD I would like to include the mayor's 1973 Captive Nations Week Proclamation, as well as Illinois House of Representatives Resolution No. 344 which recognizes the 14th anniversary of Captive Nations Week:

OFFICE OF THE MAYOR, CITY OF CHICAGO—PROCLAMATION

Whereas, in accordance with Congressional enactment, Captive Nations Week will be observed during the period of July 15 through July 21; and

Whereas, under auspices of the Captive Nations Friends Committee the annual parade will be held on State Street, beginning at noon on July 21; and

Whereas, many people of nations made captive by the imperialistic policies of Communism are linked by bonds of family relationships to citizens of this community; and

Whereas, it is appropriate for all freedom-loving people to demonstrate to the populations of the captive nations support for their just aspirations for liberty and national independence; and

Whereas, it is commendable in every way that citizens of the United States, in appreciation of their constitutional guarantees of freedom should extend sympathy and hope of liberation to those whose rights have been constricted by Communist aggression:

Now, therefore, I Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim the period of July 15 through July 21, A. D. 1973, to be Captive Nations Week in Chicago and urge general participation in the special events arranged for this time.

Dated this 6th July, A.D. 1973.

RICHARD J. DALEY, *Mayor.*

STATE OF ILLINOIS—HOUSE RESOLUTION No. 344

Whereas, No less than twenty-six nations have been denied the right of self government by the forces of communism through direct and indirect aggression; and

Whereas, Since 1918 the national independence of Lithuania, Latvia, Estonia, Hungary, Poland, Bielarus, Rumania, Ukraine, Slovakia, Serbia, Czechoslovakia, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, North Korea, North Viet Nam, Georgia, Albania, Tibet, Cossackia, Slovenia Turkestan Croatia Idel-Ural and other nations has been subjugated by the forces of world communism; and

Whereas In 1959 President Dwight D. Eisenhower and the Congress of the United States, in order to bring to the attention of the free world the plight of these nations, designated the third week in July as Captive Nations Week, and

Whereas, 1973 is the 14th Anniversary of Captive Nations Week, whose observance will be marked with a series of special events, including a parade in the City of Chicago; therefore, be it

Resolved, by the House of Representatives of the Seventy-eighth General Assembly of the State of Illinois, That we support the aims and aspirations of the people of these captive nations; that we commend the Captive Nations Committee for its valiant efforts in behalf of the restoration of freedom and democracy in these communist dominated countries; and that a copy of this resolution be forwarded to Mr. Viktors Vikšnins, Chairman of the Captive Nations Committee.

Adopted by the House of Representatives on May 24, 1973.

W. ROBERT BLAIR,
Speaker of the House.
FREDERIC B. SELEKE,
Clerk of the House.

CONGRESSMAN DANIELS URGES RESPECT FOR LIFE INTRODUCED "RIGHT TO LIFE" AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, on January 22, 1973, the Supreme Court for all intents and purposes nullified existing State laws dealing with abortion. Seven weeks later I introduced House Joint Resolution 423, "guaranteeing the right to life to the unborn, the ill, the aged, and incapacitated" as a proposed constitutional amendment.

Mr. Speaker, at a time when so many people in this Nation speak of love and lament the loss of life in Asia or in Bangladesh I am at a loss to understand why they can stand by so calmly while more than 1 million fetuses are put to death each year. If we are to acquiesce in this killing of the unborn who is to say that this philosophy will not be extended to the elderly, the ill, or the handicapped. A nation that permits men to play God seems to be begging for divine judgment, a retribution that cannot be long postponed. I am alarmed by the attitude of the proabortionists and the similarity between their attitude and that of scientists in Hitler's Germany who embraced the philosophy that what is useful is good. Older persons will recall that Germany's liquidation of the unfit led ultimately to the horrors of Buchenwald, Auschwitz, and Dachau and the attempt to eliminate a whole ethno-religious group in the name of racial superiority. It was only a few years from the murder of mental patients at the Sonnenstein Psychiatric Hospital in 1939 to the time when murder was raised to a level unknown in modern times.

Mr. Speaker, we must revere God's gift of life and not permit mere mortals to decide who shall live and who shall not. I am alarmed at the proposition that in this last third of the 20th century we are regressing toward the dark past, even if that regression is done in the name of science.

Mr. Speaker, I urge all Members of this House to support House Joint Resolution 423, which I ask to be inserted in the CONGRESSIONAL RECORD at this point:

H.J. RES. 423

Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Neither the United States nor any State shall deprive any human being, from the moment of conception, of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws.

"SEC. 2. Neither the United States nor any State shall deprive any human being of life on account of illness, age, or incapacity.

"SEC. 3. Congress and the several States shall have the power to enforce this article by appropriate legislation."

GAS SURVEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, a survey conducted by the American Public Gas Association which I am publicly releasing today reveals that some municipalities will be forced to pay as much as 30-percent more for propane gas this winter compared to last year.

According to the survey, a third of the municipal gas companies responding to the survey had been refused propane or experienced a 300-percent hike from their suppliers. The other third have experienced price increases ranging from 20 to 200 percent.

As many of my colleagues may know, the American Public Gas Association is an industry group of publicly owned gas utilities throughout the United States.

This American Public Gas Association survey demonstrates once again that the major oil companies are the chief beneficiaries of the so-called shortage by charging the continually rising prices and reaping windfall profits.

Some communities who responded to this survey do not know what price they will be paying during the coming winter for propane gas. These municipal gas systems are located mostly in the South and Midwest and generally having difficulty finding suppliers. All but one city are experiencing large price increases.

According to the survey, both major oil companies and independents are restricting supplies of propane gas and all the suppliers are raising prices.

Among the major companies named in the survey who are limiting supplies and raising prices Exxon, Phillips, and Union Oil.

One municipality in the South responded to the survey by saying that they are "presently unable to procure

propane from major oil companies," and are "forced to buy through brokers and accept restrictive terms." This municipality paid 9.2 cents per gallon last winter for propane and expects to pay at least 22.5 cents per gallon this winter.

In addition to rapidly rising prices and restricted supply as indicated in the American Public Gas Association survey major oil companies have continued to increase their exports of propane. Thus far in 1973, propane exports have risen 35 percent. According to statistics provided to me by the Bureau of the Census. This continuation and growth of exports during a shortage is another sign of the major oil companies thumbing their noses at hapless consumers and Government officials. Thus far in 1973 a total of 1.7 million barrels of propane exports had been shipped overseas. This 1.7 million barrels in exports is significant compared to total consumption. In 1972, throughout the Midwest, only 33 million barrels of propane were consumed. Obviously, the big oil interests are more concerned with their foreign customers than in selling propane to millions of Midwestern farmers who desperately need the product.

Mr. Speaker, I am today renewing my call for a limit on exports of propane gas. It is simply insane to export large amounts of propane while farmers and other users are running short.

As many of my colleagues know, I introduced legislation in the House which would halt all gasoline, fuel oil, and propane gas exports during the current shortage.

INTERSTATE ENVIRONMENT COMPACT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. THORNTON) is recognized for 5 minutes.

Mr. THORNTON. Mr. Speaker, on June 27, I introduced, for myself and my three able colleagues from Arkansas, H.R. 9013, the Interstate Environment Compact Act. The bill is identical to S. 9, introduced in that body by the distinguished senior Senator from Arkansas, Senator McCLELLAN, and passed on June 22, 1973.

The Senate bill has, of course, been transmitted to the House and referred to the Committee on the Judiciary. The main reason for the introduction of the companion bill is to express support for the measure and to emphasize the hope that the proposed act will received expeditious and favorable consideration in committee and on the floor.

In the pioneer legislation that has been passed in the last few years to protect and improve the quality of our environment, such as the Environmental Improvement Act of 1970, the Federal Water Pollution Control Act of 1965, the Clean Air Act, and the Solid Waste Disposal Act of 1965, the States have been assigned important responsibilities. It has been specifically recognized that if we are to have an effective environmental protection program, cooperation and coordination of efforts among the States are essential.

Section 103(b) of the Federal Water Pollution Control Act and section 102(c) of the Clean Air Act, for example, in identical language provide that:

The Secretary shall encourage cooperative activity by the States for the prevention and control of (water and air) pollution; encourage enactment of improved and, so far as is practicable, uniform State laws relating to the prevention and control of (water and air) pollution; and encourage compacts between States for the prevention and control of (water and air) pollution.

Indeed, these sections go on to give the consent of Congress to two or more States to negotiate and enter into agreements or compacts. They provide, however, that no such agreement or compact shall be binding unless and until it has been approved by the Congress.

The purpose of the act is to give advance congressional consent for any two or more States to enter into the Interstate Environment Compact set forth in section 1 of the bill. Under the provisions of the compact, in turn, signatories are empowered to enter into supplementary agreements relating to specified interstate environmental problems such as air pollution, water pollution, solid waste disposal, land use, coastal zone management, energy production, and transmission, and related activities requiring joint cooperative activities by two or more States.

It provides, in other words, a means for the States to carry out the responsibilities imposed upon them by Federal environmental legislation.

The act has already received wide support. In fact several States, including Georgia, Arkansas, Mississippi, Louisiana, Maryland, North Carolina, Tennessee, New Jersey, and Florida have prospectively adopted the compact and legislation has been introduced in New York, Texas, West Virginia, Michigan, Virginia, South Carolina, and Oklahoma.

Mr. Speaker, I commend the bill to my colleagues and hope that the House will give the bill favorable consideration.

Following is a section-by-section analysis of the bill:

SECTION 1

Section 1 contains the text of the compact, which is divided into articles.

Article 1. Findings, purposes, and reservations of power

Article 1.01 states that environmental pollution problems are not affected by State boundaries and that there is a need to provide means for cooperative binding State arrangements for combating pollution.

Article 1.02 states the purposes of signatory states are to promote intergovernmental cooperation in dealing with environmental problems.

Article 1.03 points out that the compact can have no effect on the constitutional authority of the Federal Government nor on the laws of which the United States to the extent that they have vested responsibilities, rights, powers, or duties in its agencies or instrumentalities.

Article 1.04 states that the compact will not affect State constitutions. Neither will it affect other state powers except as expressly provided.

Article 2. Short title, definitions, purposes, and limitations

Article 2.01 cites the compact as the Interstate Environment Compact.

Article 2.02 defines the terms used in the compact.

Article 3. Intergovernmental cooperation

Article 3.01 authorizes agreements between signatories and the Federal Government and its agencies.

Article 4. Supplementary agreements

Article 4.01 authorizes signatories to enter into agreements to control interstate environmental problems provided the agreements are not inconsistent with applicable Federal law.

Articles 4.02, 4.03, 4.04, and 4.05 recognize other binding intergovernmental arrangements presently in existence and to be formed in the future.

Article 4.06 contains the authority for signatories to enter into supplementary agreements to combat environmental problems.

Article 4.07 specifies the methods of entering into supplementary agreements by action of the chief executives and the legislative bodies of the signatories. Also set forth is the right of the legislative body of a signatory and of the Congress to set aside or modify the agreements.

Article 4.08 authorizes signatories to enter into special supplementary agreements with foreign nations, provided that such agreements must be consented to by Congress before they become effective.

Article 4.09 provides that the power and authority of signatories is in no way affected by the compact except as specifically set out in a supplementary agreement.

Article 4.10 points out that signatories may need to enact additional legislation to accomplish the purposes of the compact and agreements entered into under the compact.

Article 4.11 establishes the amending procedure for supplementary agreements.

Article 4.12 provides that any citizen may sue to enforce the provisions of the compact and confers jurisdiction upon the Federal district courts to entertain such actions without regard to the amount in controversy or the citizenship of the parties.

Article 4.13 provides for public hearings as a part of the decision-making process of agencies created under the compact or a supplementary agreement.

Artcile 4.14 provides for public disclosure of financial and professional interests of agency members.

Article 5. Construction, amendment, and effective date

Article 5.01 provides that the compact and supplementary agreements will not affect the environmental protection laws of the jurisdiction nor affect its right to enact new laws not inconsistent with supplementary agreement obligations to another State.

Article 5.02 provides that the language of the compact and of supplementary agreements entered into under the compact is severable and that the compact and agreements entered into thereunder shall remain valid wherever possible, notwithstanding the invalidity of any portion therof.

Article 5.03 provides that the compact may only be amended by action of the Congress of the United States.

Article 5.04 establishes the date the compact becomes binding on a State as the date the State enacts it into law.

Article 5.05 sets forth the procedure for withdrawal from the compact. Withdrawal is accomplished by passage of a legislative act withdrawing from the compact, notice to all signatories, and the lapse of 1 year's time after notice.

SECTION 2. RESERVATION OF CONGRESSIONAL RIGHT TO AMEND

This section specifically provides that Congress has plenary power to withdraw or condition its consent to the compact.

SECTION 3. EFFECTS OF FEDERAL ENVIRONMENTAL LAWS

This section reiterates that neither this act nor supplementary agreements entered into under the first section shall establish interstate environmental pollution standards in violation of any Federal law.

SECTION 4. NOTICE OF SUPPLEMENTAL AGREEMENT NEGOTIATIONS

This section provides that notice must be given to the President and the Congress of the United States of the commencement of negotiations by signatories concerning supplementary agreements. The President is encouraged to send a representative or representatives to attend and render assistance to the negotiations.

SECTION 5, FILING OF SUPPLEMENTARY AGREEMENTS, CONGRESSIONAL DISAPPROVAL

This section requires that certified copies of supplementary agreements or amendments thereto must be filed with the President and the presiding officers of the Senate and the House of Representatives. The section also provides the procedure for Congressional disapproval of agreements and sets forth details for committee discharge and debate on a resolution of disapproval.

SECTION 6. ENABLING LEGISLATION

This section states the intent that States versions of the compact, whether enacted prior or subsequent to the date of passage of this act, shall be valid. It also provides that immaterial variances in language shall be disregarded.

SECTION 7. SHORT TITLE

This section cites the act as "The Interstate Environment Compact Act of 1973".

FINANCING SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognizd for 5 minutes.

Mr. SEIBERLING. Mr. Speaker, last month, for the third time in 3 years, Congress increased social security benefits. These social security increases promise to become an annual exercise as long as the present, severe inflationary trend continues. I do not question their need. On the contrary, I strongly support them. We cannot allow millions of retired Americans living on fixed incomes to become fixed in poverty.

But, recognizing the necessity of insuring that social security benefits keep pace with the cost of living, we must also recognize that a retired person's benefits are a working person's burden. And every time benefits are increased, the worker's burden grows.

Since 1963 the social security payroll tax burden on a worker earning $10,000 a year has increased 236 percent. The payroll tax has been stretched almost to the breaking point as a source of revenue to pay for social security benefits. By its very nature as a flat-rate tax, insensitive to the individual taxpayer's ability to pay, it is inequitable and unfair. And as Congress adds to its burden year by year, increment by increment, its drain on the worker's paycheck grows and the strain on his budget increases.

Members of Congress might well consider how many straws can be safely added to the average taxpayer's back. We simply cannot go on increasing social security benefits without giving any thought at all to the way these increases are financed.

Reform of the social security payroll tax is long overdue. In a period of steady inflation, when benefit increases can be anticipated to occur on an almost annual basis, such reform is vital.

Before Congress votes another increase in social security benefits, it must overhaul social security finances. Reliance on the payroll tax as the sole source of social security revenues must end. At least part of the social security finance burden must be shifted to general revenues, which are raised through the more progressive and relatively equitable corporate and personal income taxes. The payroll tax itself must be made more sensitive to ability to pay, and the burden of that tax on workers who are considered too poor to pay income taxes must be lifted.

In May I introduced legislation that would make a start toward real social security finance reform. I hope it will receive serious consideration when the Ways and Means Committee resumes its deliberations on tax reform later this year. In the meantime, I hope all of us will remember that the social security benefits coin has another side, and we cannot continue to ignore it.

INSULT TO COAL MINERS

Mr. HECHLER of West Virginia. Mr. Speaker, the Associated Press has just carried on the news ticker a story by Robert A. Dobkin, which reads as follows:

WASHINGTON.—The Interior Department has quietly named as Acting Director of the New Mine Safety Agency an official once reprimanded for accepting favors from the coal industry.

Department officials confirmed today the appointment of Donald P. Schlick, saying it was approved without public announcement last Friday by Interior Secretary Rogers C. B. Morton.

Schlick, Deputy Director of the Bureau of Mines for Health and Safety since 1971, has been under fire from the United Mine Workers Union and several coal-State Congressmen over alleged conflict of interest charges.

Earlier this year, Undersecretary of the Interior John Whittaker officially reprimanded Schlick for accepting free air transportation in violation of Department policy from the FMC Corp., a firm holding Government research contracts and whose mines are regulated by the Bureau. Any further violations, Whittaker said, would bring dismissal.

The UMW has since accused Schlick, a mining engineer who joined the Bureau in 1960, of accepting favors from other coal firms.

Schlick was not available for comment, but Assistant Secretary Stephen Wakefield said a Department investigation "showed there was no factual basis to support further disciplinary action."

In a reorganization of the Interior Department announced May 7, all safety functions of the Bureau of Mines were transferred to the New Mining Enforcement and Safety administration.

One reason for the change was long-standing conflict of interest charges involving the Mines Bureau Enforcement of Safety Regulations—criticized by coal miners as too lax and by the coal companies as too tough.

The sneak appointment of Donald P. Schlick as Acting Director of the new Mine Enforcement and Safety Administration is an outrageous insult to every coal miner in the Nation. Although Mr. Schlick is a fellow-West Virginian, I must say that his record in the Bureau of Mines has been oriented heavily toward puffy public relations, conflict of interest, acceptance of free plane rides and other favors from firms he is supposed to regulate, and failure to act aggressively to protect the individual coal miner.

The preamble to the Federal Coal Mine Health and Safety Act of 1969 states:

Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the coal miner.

Mr. Schlick through his activities has shown his disregard of that principle, and he does not deserve to be confirmed as the permanent director in charge of mine safety.

As a matter of fact this is a very good time to transfer the authority over mine safety from the industry-oriented Department of the Interior to the employee-oriented Department of Labor, as recommended by my bill, H.R. 3800, and legislation sponsored in the Senate by a number of Senators with the chief sponsor Senator HARRISON WILLIAMS of New Jersey. Then we could get a new director who shares the confidence of both the coal miners and other segments of the coal industry.

Mr. Speaker, I would also like to append a series of articles in the Louisville Courier Journal which bear on the activities of Mr. Schlick:

FEWER MINERS WORK UNDERGROUND BUT MORE ARE GETTING HURT

(By Ward Sinclair)

WASHINGTON.—Almost like a phonograph needle stuck on a mournful, broken record, the debate continues over whether the country's underground coal mines are getting any safer.

And as in times past, the health and safety of coal miners are blooming afresh as a political issue. They are safer or they are not, depending on the voices one hears and the statistics one reads.

On Labor Day, R. Sargent Shriver, the Democratic vice-presidential nominee, was in West Virginia, blasting the Nixon administration for entrusting mine-safety enforcement to "political hacks."

Right on Shriver's heels into Appalachia went Donald P. Schlick, a supposedly nonpolitical official of the U.S. Bureau of Mines who is the administration's most irrepressible evangel of "good news" in mine safety.

Schlick is deputy bureau director for health and safety. A favorite of Republican politicians at the Department of Interior, he has risen quickly in the bureau hierarchy and has shown a remarkable knack for making himself known in government and industry as a man of action.

For months, Schlick has darted about the country, singing the bureau's praises (and, not coincidentally, his own), telling how "the mining industry is a safer and more healthful place to work." Local newspapers from city to city have duly recorded his effervescence, although he refuses to be interviewed in Washington by coal-region reporters.

Three days after Shriver had issued his blast, Schlick showed up in Pikeville, Ky., to again sing a hymn to the bureau's enforcement activities and to try to molify coal operators who were incensed by a bureau listing that showed safety conditions in small Kentucky mines to be unfavorable.

But he had another purpose—to again tell how much safer the mines are now and "to set the record straight" about the bureau's record. He indicated the Pikeville visit was the start of a two-month national tour he plans as a one-man truth squad.

The only statistic Schlick and other bureau officials cite as proof of success in enforcing the 1969 law is the statistic that reflects a decline in the number of coal-mine

fatalities. The rate of deaths per-million man-hours worked also is dropping.

Between 1970 and 1971 there was a 29 per cent decline in fatalities. The 1972 mark so far is lower than last year—111 fatalities as of Sept. 2, compared with 138 during the same period in 1971.

The reason Schlick maintains, is strict enforcement by the bureau, an expanded inspection force and a tough attitude that means closure of more mines until safety irregularities are corrected.

There are, however, other statistics—not publicized by Schlick or the bureau—that throw quite another light in his claims.

A weekly report by bureau director Elburt F. Osborn, obtained from congressional sources, shows for example that in 1972 Schlick's office has issued about 7,000 more violation notices than it did during the same period in 1971.

But 5,000 more extensions of time were given than in 1971, meaning that coal operators were being allowed more time to correct unsafe conditions than before. Most of the violations involved mandatory health and safety standards set by law.

By the same token, almost 50 per cent fewer withdrawal orders were issued to the operators, meaning orders requiring closeure of a mine until an irregularity is corrected. In 1971, 3,299 had been issued; in 1972, only 1,875 were issued.

Such a decrease in withdrawals might indicate less flagrantly unsafe conditions in the mines. But it might not, considering the fact that 7,000 more violations were found over-all this year than were found the year before.

Unfortunately, death is only one of the occurrences that befall coal miners. Far more of them are injured than are killed, and other statistics in the bureau's files—also unpublicized—tend to sharply challenge Schlick's assertions of improvements.

Despite the declining number of men working underground, the rate of non-fatal injuries continues to run high. In 1971, in fact, the rate of non-fatals per million man-hours was at a 12-year high. Non-fatal strip-mine accidents rose for the third straight year.

In 1960, there were 190,000 men working in the coal industry. That year there were 12,227 deaths and injuries reported. By the end of 1971, the work force had dropped to 142,000 men, a drop of nearly one-fourth. But deaths and injuries in 1971 amounted to 11,560, a decline of about 5 percent.

A special compilation reflecting on the Kentucky experience, drawn up by the bureau, shows a similar situation. Fewer men are working underground, but more of them are being injured than before.

Last year, 8.6 percent of Kentucky's 19,200 underground miners were killed or injured. In the strip mines, 6.2 per cent of the work force was killed or hurt.

In 1960, there were 26,545 underground miners in the state. But only 6.4 per cent of them were killed or injured, which was 2.2 per cent less than last year. In strip mines, in 1960, 4.7 per cent of the workers suffered death or injury.

The injury increase during the past decade tends to coincide with greater mechanization in the mines, and an emphasis on production that has helped make the state the country's leading coal producer.

But at the same time, the percentage of workers killed or injured in 1970 and 1971—the years following passage of the tough new law Schlick is charged with enforcing—has increased rather than decreased, as Congress intended when it passed the law.

The accompanying table provides statistics of Kentucky coal-mine facilities and non-fatal accidents, indicating the per cent of the work force killed or injured.

KENTUCKY COAL-MINE INJURY DATA

UNDERGROUND MINES

Year	Workers	Fatals	Non-fatals	Total	Percent of men hurt or killed
1930	56,614	189	7,025	7,214	12.7
1940	52,502	135	5,264	5,399	10.3
1950	70,626	82	4,119	4,201	5.9
1960	26,545	59	1,638	1,697	6.4
1965	21,510	39	1,412	1,451	6.8
1970	19,671	82	1,530	1,612	8.2
1971	19,200	37	1,620	1,657	8.6

STRIP AND AUGER MINES

1930	186	----------	9	9	4.8
1940	203	1	19	20	9.9
1950	3,032	3	148	151	5.0
1960	3,179	2	148	150	4.7
1965	3,216	2	197	199	6.2
1970	6,244	6	353	359	5.8
1971	6,100	6	370	376	6.2

[From the Louisville Courier-Journal, Jan. 28, 1973]

THE INTREPID MR. SCHLICK

If the U.S. Bureau of Mines had a "Through Rain, Snow or Gloom of Night Award" for perseverance in the line of duty, it would have to go to Deputy Director Donald Schlick. Overcoming all obstacles—bureau rules, internal precedent and elemental morality—he recently pulled off a California trip that looked like a junket and smelled like a conflict of interest.

Undeterred by the fact that for a year and a half the bureau had seen no overwhelming need to look into a problem-plagued mining research contract with a California firm, Mr. Schlick bravely scheduled a fact-finding trip which just happened to put him in town for the Super Bowl. Since the same firm also had bureau-regulated mines in Wyoming, Mr. Schlick took the occasion to hitch a free ride in a company plane to see the operations—courageously ignoring the fact that if this didn't put him in the firm's debt it would certainly look that way to everyone else.

As *Courier-Journal* staff writer Ward Sinclair observed in detailing this intriguing saga, both the Secretary of the Interior and the director of the Bureau make it a policy to pay their own travel expenses—on the theory that taking favors from people you're supposed to regulate is a questionable way to save the government money. Even so, Director Elburt Osborn's reaction had the same "Is that so?" quality he has adopted when asked why Mr. Schlick won't talk to reporters looking for more than press releases. It's a shame Mr. Schlick's itinerary was filed with the director beforehand; if it hadn't been, Dr. Osborn could have pleaded something more acceptable, like ignorance of the whole affair.

The Western trip by Mr. Schlick and some other bureau officials was a triumph of audacity. It rivals Mr. Schlick's recent assertions that coal mining now is as safe as driving a car on a highway, and that black lung disease no longer is a real problem for miners. In no case is the intrepid deputy director letting facts stand in his way.

UNITED STATES PROBES MINE OFFICIALS' TRIP WEST ON PLANE OF COMPANY THEY INSPECTED

(By Ward Sinclair)

WASHINGTON.—The Department of Interior has begun an investigation of three Bureau of Mines officials' travels in the Far West on an airplane provided by a company whose activities they had gone to inspect this month.

The group, headed by Donald P. Schlick, deputy director of the bureau, traveled on the corporate airplane in apparent violation of Interior Department ethical-conduct regulations.

Schlick and his two companions also took advantage of the trip, most of which was financed at public expense, to arrange their schedule so they could attend the Super Bowl in Los Angeles on Jan. 14.

Their activities in the West were disclosed in The Courier-Journal last week. Schlick, the No. 2 man in the bureau, has refused to discuss the matter with the newspaper.

The departmental investigation came to light yesterday when Schlick's boss, bureau director Elburt F. Osborn, issued a one-sentence statement in response to a series of questions sent to him by The Courier-Journal.

A request had been made to review travel expense vouchers turned in by Schlick and his two aides and other related questions were directed toward Osborn. Through a press spokesman yesterday, he replied:

"We can provide no vouchers or other information concerning this case while the case is under investigation by the department."

Ethical-conduct regulations at Interior, the parent agency of the bureau, prohibit an employe from accepting "any gift, gratuity, favor, entertainment, loan or any other thing of monetary value" from anyone doing business with the department or whose interests are affected by departmental actions.

WORK INSPECTED

The plane ride—presumably a "thing of monetary value"—was provided to Schlick and his companions by the Food Machinery Corp. (FMC), a company that has a $5.9 million research contract with the bureau and whose underground mining operations are regulated by the bureau.

Schlick had gone to California with Jack Crawford, assistant bureau director for coal mine health and safety, and John Greenhalgh, an electrical specialist, to check on progress of the FMC research project and to inspect an FMC trona mine in Wyoming.

While on the West Coast they checked into other research activities being carried out for the bureau by other firms, then flew from northern California to the Los Angeles area by commercial plane to see the Super Bowl.

One day after the professional football championship, the FMC plane was waiting for them at Los Angeles airport to fly them to Green River, Wyo., where they toured the FMC mine where trona—a natural soda in used in industrial processes—is mined.

The following day, Jan. 16, the FMC plane carried the three men from Wyoming to Denver, Colo., where they boarded a commercial jet for the return flight to Washington. FMC spokesmen confirmed to this newspaper that the company plane transported the three.

OSBORN WAS ADVISED

Schlick's activities were outlined in detail in a memorandum prepared in advance of his trip, advising Osborn of his plans. The itinerary left a blank space for the Sunday on which the Super Bowl was played.

An FMC public relations man in California, Fred Rosewater, told The Courier-Journal that his company had nothing to do with obtaining football game tickets for the bureau entourage.

A fourth bureau official, Ross Wayment, flew to California with the group but returned home early because of illness. Questioned by a reporter, Wayment said his companions had paid for their own tickets and their own transportation to the game from northern California. He did not attend the game.

FMC's Rosewater insisted that the company plane happened to be in Los Angeles at the time the Schlick party was there and, since the plane was going to Wyoming anyway, "they more or less hitch-hiked with us."

However, Schlick's itinerary, which was dated Jan. 8—a week before he got his free

ride—suggested that the FMC plane's presence in Los Angeles was more than a coincidence.

The travel plan indicated that arrangements for catching the plane at Los Angeles would be made by Schlick three days beforehand, when he was scheduled to visit FMC offices at Menlo Park, Calif.

BUREAU OF MINES FIRES WHEELER, NAMES SCHLICK

(By Ward Sinclair)

WASHINGTON.—The U.S. Bureau of Mines dropped the other shoe yesterday and made official the expected firing of its No. 2 man, Henry P. Wheeler Jr., deputy director of Health and Safety.

More of a surprise, however, in an unexpected announcement by Bureau Director Elburt F. Osborn was that Donald P. Schlick, a fast-rising young engineer, will get Wheeler's job on an acting basis.

Schlick, 38, is widely believed at the bureau to be the hand-picked choice of Edward D. Failor, a former Republican Party fund-raiser and campaign operative who is Osborn's assistant.

Only last Thursday the bureau had announced that Schlick had been named assistant director for coal mine health and safety at the bureau, putting him in charge of all coal-mine inspection activities. He had held the job on an acting basis since March.

Since Failor joined the bureau in January and Schlick was given more authority last spring, a small-sized power struggle has swirled around Wheeler, with increasingly frequent indications in recent months that Wheeler was being bypassed on major policy and administrative decisions.

Late last month Osborn informed Wheeler that he was to be replaced, after he first confirmed the news to reporters. Later, bureau sources noted. Wheeler received signals that he might be allowed to stay on the job.

Some observers believed the suddenness yesterday of Osborn's announcement was a means of short-circuiting what appeared to be growing support of Wheeler among coal operators and members of Congress.

Wheeler was known to have the backing of several important Appalachian senators and only Thursday, in a visit with Kentucky Sen. Marlow W. Cook, heard more encouraging words.

Osborn's announcement said Wheeler, 52, is being reassigned to a bureau state liaison job at Jackson, Miss. Wheeler, a career bureau employe who is a petroleum engineer, was not available for comment.

After news of the pending Wheeler dismissal became public last month, Kentucky coal operator Robert Holcomb charged that "Washington has made a scapegoat out of the only man who was willing to examine reasonably all aspects of the (Mine-Safety) Act with both miners and operators."

Wheeler's firing takes place at a time when coal mine fatalities are nearly even with the 1970 toll, even though officials like Osborn and Failor have repeatedly asserted that mine conditions have improved greatly this year.

Last month Wheeler publicly diverged from the official line at the bureau and acknowledged that he was concerned over the ominous statistical trend.

Wheeler is the second key holdover from the reform-bent John F. O'Leary era of 1968 and 1969 to be unceremoniously ousted from his job this year. Earlier, the bureau bounced James C. Westfield as chief inspector and replaced him with Schlick.

O'Leary, a Democrat, was head of the bureau at the time of the 1968 disaster at Farmington, W. Va. that took 78 miners' lives. With that impetus for reform, O'Leary pushed the bureau to new procedures and took an active part in drafting the 1969 Mine Safety Law.

Although he submitted a pro-forma resignation when the Johnson administration took office, Republicans left O'Leary on the job until March 1970, on the eve of the new law's taking effect.

Wheeler, who had been appointed by O'Leary, and Westfield remained in their top jobs at the bureau, however, as confusion over enforcement and administration continued to mount as the bureau went seven months without a director.

Schlick is a native of Wheeler, W. Va., who joined the bureau in 1960 as a mine ventilation engineer. Before that he had worked as a miner, a foreman and mine engineer, and was an employe of Consolidation Coal Co., owner of the fatal mine at Farmington.

In 1962, Schlick was a bureau mining consultant in Pakistan, where he won a Department of the Interior valor award for rescuing several Pakistani coal miners trapped underground by a roof fall.

Schlick came to bureau headquarters in Washington in 1969. Last year he became chief of the health division, with responsibility for the new coal mine health standards. He held that post until replacing Westfield last April 1.

[From the Courier-Journal, Jan. 25, 1973]

U.S. MINES OFFICIALS GET FREE TRANSPORTATION DURING TRIP

(By Ward Sinclair)

WASHINGTON.—Donald P. Schlick, the controversial deputy director of the U.S. Bureau of Mines, and two other officials were provided free air transportation in the Far West this month by a company whose activities they had gone to inspect.

The plane rides provided by Food Machinery Corp. (FMC), which has a $5.9 million mine safety research contract with the bureau, apparently were in violation of Department of Interior ethical-conduct rules.

The Schlick party's presence in the Los Angeles area also coincided with Super Bowl VII, which they attended Jan. 14. A fourth bureau official, Ross Wayment, assistant director for technical support, who made the trip West returned home early due to illness, missing both the game and the flight to Wyoming.

Spokesmen for FMC and another company, Mine Safety Appliances, which in the past has been known to provide tickets for athletic events, both denied that their firms had arranged for Super Bowl tickets for Schlick. Schlick and his other two companions were out of the city yesterday and could not be reached for comment. Schlick's secretary would not disclose where he was, and he has refused repeatedly to discuss mine-safety activities with The Courier-Journal.

Wayment, contacted at a hospital here, said the group had gone to Los Angeles to the Super Bowl, but he insisted that the officials paid for their own tickets and transportation.

BUREAU REGULATES FMC MINE

Interior Department regulations prohibit department employes from accepting "any gift, gratuity, favor, entertainment, loan or any other thing of monetary value" from any person doing business with the department or whose interests are affected by departmental actions.

In this case, FMC is conducting research business for the bureau and a large underground trona mine it operates in Wyoming is under the direct regulatory control of the bureau on health and safety matters.

A spokesman for FMC at Santa Clara, Calif., confirmed to The Courier-Journal that a company plane flew Schlick and his party from Los Angeles to Green River, Wyo., on Jan. 15. The plane then flew them from Wyoming to Denver the next day.

Schlick's boss, Dr. Elburt F. Osborn, bureau director, said Schlick would "have to answer for himself" about his West Coast activities. He said he recognized Schlick's refusal to talk to certain newsmen, but added "I can't make him talk to you guys."

Questioned about Schlick's travels on a corporate plane while on official duty, Osborn acknowledged that it was "very unusual." He said he himself would attempt to avoid traveling that way.

A spokesman in the office of Interior Secretary Rogers C. B. Morton said the secretary's policy is to travel only on commercial or government planes. "There's a feeling here that one should go as the secretary goes," the spokesman said.

FMC's public relations man, Fred Rosewater, said FMC saw nothing wrong with transporting the bureau group, which ostensibly had gone to the West to check on the company's progress in carrying out a multimillion-dollar research project on an "inherently safe mining system."

Rosewater said the plane just happened to be in Los Angeles at the time Schlick needed a ride to Wyoming. "They asked to see our trona mine in Wyoming . . . The plane was going up there anyway and they more or less hitchhiked with us."

OFFICIALS AT MINE CONFIRM VISIT

Schlick's official itinerary, however, which was dated Jan. 8—a week before the plane was in Los Angeles—indicated that the bureau team would be picked up there, flown to Wyoming and then be taken to Denver the next day.

Officials at the trona mine, where FMC mines the natural soda that is used in making glass, detergents and other products, confirmed that the Schlick party visited Green River Jan. 15.

They stayed overnight at a motel in nearby Rock Springs, Wyo., where FMC had made reservations for seven persons—four from the bureau and three others. Rosewater said he didn't know who paid the bill. The motel office said it would not divulge that information as general policy.

Actually, only three bureau people got as far as Wyoming. When they left Washington on a commercial flight to San Francisco on Jan. 10, there were four in the party—Schlick; Jack Crawford, assistant bureau director for coal mine health and safety; Wayment; and John Greenhalgh, who is said to be an electrical specialist.

Schlick's Jan. 8 itinerary, sent to director Osborn, was included in a memo that said they intended to "come away with a clearer understanding" of the FMC research work, which is being conducted near San Francisco. He noted that there had been technical problems with the project but due to scheduling and distance problems, senior health and safety officials had never before visited FMC.

But Director Osborn said yesterday that Schlick has no responsibility for contract matters. He said Schlick might be able to justify the inspection visit on the grounds that it involved a technical matter, for which he is responsible as deputy director. The contract was announced in July 1971 and until this month no bureau officials had visited FMC, despite the acknowledged problems the project was having.

MEMO CITED ARRANGEMENTS

Schlick's memo alluded to a Department of Interior budgetary crackdown on excessive travel, saying, "Due to travel restraints on health and safety, we are limiting our party to four. As a further effort towards economy, we are taking advantage of being in the West to visit several other installations."

Among them were the trona mine in Wyoming, plus the offices of several other consulting firms in the San Francisco area that are conducting research for the bureau.

Schlick's memo said arrangements for being picked up in Los Angeles by the FMC plane would be made when the officials were visiting FMC offices in Menlo Park, Calif.

Without Wayment, the entourage flew to

Los Angeles on Saturday afternoon, the day before the Super Bowl game between Miami and Washington. Hotel reservations awaited them in Pasadena. Their official itinerary made no mention of Sunday activities.

On Monday, they got on that FMC plane in Los Angeles.

Since his rapid rise through bureau ranks to the deputy directorship in 1971, Schlick has been controversial and often a target of critics of the bureau's coal mine safety enforcement activity.

In recent months, he has toured the coal fields telling how much improvement the bureau has made under his handling of health and safety regulations.

Despite contrary statistical evidence, Schlick has assured audiences that U.S. miners are safer now than ever before and that miners no longer need fear contracting black-lung disease from coal dust.

The latest volley of criticism arose two weeks ago after Schlick told a newsman that it is now safer to work in a coal mine than to drive a car on the highway. Osborn and other bureau officials disassociated themselves from the remark, saying they had no facts to support it.

[From the Courier-Journal, Feb. 8, 1972]

MINE SAFETY: MORE SELF-CONGRATULATION THAN ACTUAL RESULTS IN THE COALFIELDS?

(By Ward Sinclair)

WASHINGTON.—Words have a way of coming home to roost among the bureaucrats. Proof abounds in nearly every federal agency, but no where does it seem any clearer than in the Bureau of Mines.

Unhappily, coal-mine safety here continues to mean, to some degree, words and politics—men struggling to impress each other, secure their own fiefdoms, cover their excesses and trumpet their victories.

That has been happening at the bureau for months, as the debate continues over whether the coal mines are any safer now than when the 1969 safety law took effect.

For public consumption, the bureau's director, Dr. Elburt F. Osborn, has constrained himself from sounding overly enthused about the drop in coal-mine fatalities in 1971.

Osborn knows the critics are right when they say that 181 mining deaths, even though a record low, is nothing to write home about. He has issued no press releases of praise.

But behind the scenes, where politics counts for a lot, there has been a flurry of self-congratulation and credit-taking about the 1971 record. And already, the words are coming to roost. The January record of 19 mine fatalities cast a grim light on 1972.

One of the most vocal is Donald P. Schlick, a 38-year-old engineer who is the No. 2 man in the bureau, the acting deputy director for health and safety. He reportedly was handpicked for the job last fall by Edward D. Failor, the former Republican fund-raiser who is an assistant to Osborn.

Much of Schlick's time this winter has been spent in the field, where he meets industry men and visits coal mines, chats with an occasional reporter and obliquely criticizes predecessors who were not in touch with events in the field.

"He has drive, energy and ambition," comments a colleague of Schlick's. "But the guy is running for office—he wants to be fulltime deputy or acting director, one or the other. Criticism really upsets him. . . . He's trying real hard to make it."

Part of the message that Schlick has carried to the field is the same message that one can get without traveling far from Washington: Things are much better in the mines because the bureau is doing its job 110 per cent.

In December, Schlick told a wire-service reporter in an interview that health and safety was tangibly improving. Then he added: "We're getting a bunch of vigorous young Turks like myself. Next year, we're really going to show something."

Not that Schlick has not made an impression already. Only recently he got a warm letter of praise from Cloyd McDowell, of Harlan County, Ky., who is president of the National Independent Coal Operators Association (NICOA). The praise was for "splendid cooperation" in putting on a health and safety workshop for operators.

On another recent occasion in Kentucky, Schlick made the somewhat startling announcement that the mines have been so dramatically cleaned up that no young miner today need worry about contracting black-lung disease. He repeated that line elsewhere.

Ordinarily, an assertion of such medical magnitude would grab headlines. But to date no competent medical authority has backed him up. For all that may be known about black lung, one key fact remains unknown: The level of dust that is "safe" for a miner.

A QUESTIONABLE STATEMENT

Schlick's own statistics, as a matter of fact, do not even back him up. He has told the press that miner exposure to respirable dust is down 50 per cent; that 90 per cent of the mines meet the federal dust standard, which is a standard chosen only as a starting point toward eliminating dust. That is far from a guarantee for the miner.

Again last month in Alabama, Schlick, donning a hardhat and coveralls, told a newsman the bureau's enforcement of the law was an important factor in making 1971 the best year on record for fatalities, while the industry was making its third-largest haul.

Schlick went on to say that "miners agree" that dust levels have been reduced and that the "attitude of miners" toward the 1969 mine-safety law has changed from opposition to support.

It depends on which miners he means. The United Mine Workers (UMW) and its reform faction. Miners For Democracy, continue to complain that there is too much of a casual regard for health and safety on the part of the bureau and the coal operators.

A PARTY FOR FAILOR

With this backdrop of events and attitudes, Schlick recently invited a group of trusted bureau underlings to his office for a surprise party of coffee and cake. Sources who were there recall that he made his point succinctly.

Schlick had called them together to pay tribute to the "one man" who made 1971 such a happy adventure—Edward D. Failor, who was observing the end of his first full year at the bureau.

Failor and Schlick go together, almost like coffee and cake. Failor, a onetime coin-laundry lobbyist and traffic judge in Iowa who likes to be addressed as "Judge Failor," frequently had commented warmly on Schlick's huge "management" talent, a talent he contended was sorely missing in the bureau.

Many people at the bureau agree that Schlick's predecessor, Henry Wheeler, who was banished to Mississippi to open a bureau office, began to lose his grip on his job when Failor and Schlick made decisions that ordinarily would have been made by Wheeler.

But unlike Wheeler, Schlick has been careful about his dealings with the press. He rarely meets with Washington reporters and questions directed to his office usually are rechanneled to an information man.

Only last month The Courier-Journal requested an interview with Schlick, mainly to discuss health and safety developments in 1971 and 1972. Schlick sent back word that he would accept an interview only if questions were limited to that subject.

STRINGS ON INTERVIEW

An interview with limitations was rejected. It was pointed out to Schlick's messenger that director Osborn does not place limitations on interviewers and that there seemed to be no reason for an acting deputy director to do so.

Had Schlick agreed to a full-ranging interview, these are some of the questions that would have been asked:

What was the scientific basis for the repeated assertion that black-lung is a thing of the past?

Who permitted the "hot line," the telephone line for miners with problems, to remain unattended last fall, with the messages accumulated over a number of weeks finally being erased? Why didn't the bureau promote greater use of the hot line after making the initial announcement that it was being set up?

Has the bureau yet perfected the dust-sampling system to prevent cheating by operators and the damaging of dust-collection cassettes? What steps are being taken?

In light of the self-praise about the best year on record, how does the bureau explain its poor safety record in Kentucky, which had the most fatalities and the worst fatality rate among the major coal states? What, specifically, is the bureau doing about the Kentucky problem? (Forty-four miners were killed in Kentucky last year, or 1.15 deaths for every million man-hours worked. Fourteen of the deaths occurred in small mines, which had a fatality rate of 2.41 per million man-hours.)

What did you mean with your "young Turk" comment? Who are the young Turks and what are they doing? What did you mean by "really going to show something" in 1972. Was that promise perhaps premature, in view of the ominous start 1972 has shown in mine fatalities?

Give more details about the surprise party for Failor and explain what he has done in the safety field to merit special recognition.

At the same time, Schlick could have discussed some of the innovations that have taken place during his tenure as acting deputy director—the campaigns to cut down roof-fall and haulage accidents, the "winter alert" that is supposed to place extra stress on safety, the personally signed "fatalgrams" that he sends out to industry to warn against safety laxity.

YOUNG MAN IN A HURRY

And had he been inclined, he could have talked about his extensive background and credentials, which have success written all over them, a case study of a young man on the way up rapidly.

Schlick was an all-state high school athlete in his native Wheeling, W. Va. He graduated from the University of Pittsburgh in 1955 as a mining engineer, but he worked briefly in a coal mine as a laborer. He soon became a foreman for Consolidated Coal, one of the biggest companies.

Later, before joining the bureau in 1959, he was assistant to the president of the Valley Camp Coal Co. in West Virginia. From 1962 to 1969 he was a senior mining consultant for the U.S. Foreign Aid Mission in Pakistan.

He received an award in 1964 for directing the rescue of several Pakistani coal miners trapped underground.

Along the way, Schlick picked up enough expertise about Oriental rugs that he wrote a book on the subject, a point he has mentioned to reporters, as well as his proficiency as a glider pilot.

A LOOK AT THE RECORD

His rise in the bureau since returning to the U.S. has been almost meteoric. In 1970 he was made head of the health division; in 1971 he became assistant director, replacing James Westfield, who was fired, and then got Wheeler's job.

Viewing Schlick's situation with some sympathy, one colleague commented that the bureau and its parent Interior Department

placed him in a difficult position by leaving the "acting" in front of his title.

"It's really not fair that way because the guy has to act like a candidate, and make a good impression, in order to win the job he already has got," he remarked.

If it is true that he is a candidate who has to run on his record, then the "next year" he so optimistically looked forward to hasn't begun very well. Through January, the 19 men who died in mine accidents numbered three more than died in the same month last year, the same as January 1970.

[From the Courier-Journal, June 6, 1972]

A PAT ON THE WRONG BACK REGARDING SAFETY IN THE MINES

(By Ward Sinclair)

WASHINGTON.—From the time the federal coal-mine safety act of 1969 took effect, the Department of Interior's Bureau of Mines has been under a drumfire of criticism for its enforcement of the law.

The criticism has come from all sides with little hint of partisanship. Members of Congress, coal miners, coal operators, union leaders, editorialists and even some interior officials have joined the parade.

And with it all has come what could be called a "bad press"—a seemingly unending string of newspaper and magazine reports that chronicle one snafu after another.

But last February the Scripps-Howard newspaper chain sent a reporter into the field with Donald Schlick, the bureau's deputy director for health and safety, to find out what was happening in the mines.

The result was a pair of articles that described a dramatic improvement in safety conditions and a two-fisted approach to enforcement by Schlick, a fast-rising young bureaucrat. Much of the progress was attributed directly to Schlick.

Officials at the Interior Department were ecstatic. Finally, the thought went, someone is doing some accurate reporting, finally telling the truth as it is perceived by the department.

So ecstatic was Robert A. Kelly, chief of communications for Secretary Rogers C. B. Morton, that he stuffed the articles into a reproducing machine and cranked out a supply of copies for distribution to the public.

On March 13, Kelly sent a memo to Hollis M. Dole, the assistant secretary for mineral resources, saying the articles "can be of assistance in informing the public about what actually is taking place in the mines."

"I would suggest that these be used, where appropriate, by your office and the Bureau of Mines to help answer queries from persons interested in mine health and safety. These reprints should be used in addition to supplying specific information requested in letters," Kelly said.

The suggestion to Dole, he added, was made by him and Lewis Helm, a Nixon-for-President campaign publicist in 1968, who now works in Interior's information operation.

Dole seemed as pleased with the articles as Kelly and Helm. He responded in a memo that his office already had put the suggestion into effect and that he ordered the bureau to follow suit.

There was only one detail. The stories were not entirely accurate. A lengthy list of achievements attributed to Schlick either were done by someone else or there was question whether they actually were achievements.

Kelly was asked last week to explain why he suggested distribution of news articles that gave a picture that didn't square with the facts. He replied that he was unaware of the discrepancies.

Apprised of them, Kelly conceded that Schlick should not have been given credit for the cited accomplishments. "It looks very much like Schlick is superman . . . but this was not an attempt by us to make him look like Super-Schlick," Kelly said.

In a year's time Schlick has risen from relative obscurity in the bureau to his position as the No. 1 man responsible for health and safety vigilance in the mines. His name is mentioned from time to time as a possible successor to bureau director Elburt F. Osborn.

Kelly, a publicity agent for Pepsi-Cola before joining Interior, indicated that he didn't think it was really news when the daily press reported inadequacies in the bureau's handling of the mine safety law.

"There's a lot wrong with the Bureau of Mines," Kelly said, "and everybody in the world knows that . . . if we send out the bad, we ought to send out the good."

Kelly said that "very seldom" had he seen news articles of a positive sort about the bureau, so he felt the Scripps-Howard pieces deserved to be circulated more widely.

"Don't think we're phonying the public—the taxpayer—by doing this." Kelly added. "But we thought the credibility is higher with the daily press than the government and that's why we reproduced this."

After checking some of the points of accomplishment attributed to Schlick, Kelly said he had decided to rescind his suggestion to distribute the articles to the public.

"It's attributed to the wrong guy," he said. "The article doesn't give a fair idea of what's happening in the Bureau of Mines. If it's inaccurate, it shouldn't go out."

Schlick's office reported last week that the article is not going out. And Kelly said he'd told the bureau's public information office to scrap its stack of copies of the articles.

U.S. MINE CHIEF SAYS COAL DUST STILL HEALTH ISSUE

(By Ward Sinclair)

WASHINGTON.—The director of the U.S. Bureau of Mines, in an unusual turn of events, has disputed his No. 1 assistant's claim that new coal miners no longer need worry about contracting black-lung disease.

The claim has been made by acting Deputy Director Donald P. Schlick, the bureau's top health and safety man, on recent trips to Kentucky, West Virginia and Alabama.

The apparent basis for Schlick's claim is his belief that Bureau of Mines dust-control programs are working so well that black lung—caused by the inhalation of fine coal dust—is a thing of the past.

But Dr. Elburt F. Osborn, the bureau director, took issue with his acting deputy this week at a press briefing held by Asst. Secretary of Interior Hollis M. Dole.

Dole was asked to amplify on Schlick's published remarks, particularly in light of the fact that medical experts had rejected his theory and also the fact that the bureau continues to sign research contracts for dust-control schemes.

The assistant secretary said that dust control achieved through the 1969 federal Coal Mine Heath and Safety Act has been "one of the real pleasant and wonderful surprises we've had." He said the Interior Department, as the bureau's parent agency, was "extremely proud" of results achieved so far.

Schlick and the bureau are claiming that 90 percent of all working mine sections in the United States meet the present 3.0 milligrams per cubic meter requirement of the law. Additionally, they say that more than, 75 per cent of them meet the 2.0 milligram standard that won't take effect until December.

OSBORN SAYS EFFECTS VARY

Dole turned then to Osborn for comment on the research angle. Osborn said that projects continue because "there is a great deal to do in finding the best technique or techniques" in reducing coal dust in the mines.

Osborn, asked to comment directly on Schlick's statements that miners need worry no longer, then said:

"I think the health people don't have enough information to make a positive statement. We do know that the effects of dust vary from person to person."

Dole later remarked that there is no plan to hasten the application of the 2.0 standard prior to December, even though the safety law permits such changes in deadlines. He said that the 90 per cent that purportedly met the 3.0 level are "that much ahead of the rest."

Discussing the matter with reporters afterward, Osborn said he saw no way that it would be possible to move to the tougher 2.0 standard before December. He said he is receiving as much "flak" from coal operators about the difficulty of meeting dust requirements as on any other item.

Dole also was asked if the Bureau of Mines accepted responsibility for a higher number of deaths in January, in view of other Schlick comments giving the bureau credit for 1971 having the lowest number of fatalities on record—181.

Dole said he thought the bureau "properly should take credit" for improvements achieved in 1971—more inspections, a larger inspection force, and so on. "We're beginning to make the strides we had hoped for," he said.

"We were blamed when the death rate was high," he added. "Why shouldn't we get credit when it goes down?"

SCHLICK IS CLEARED, MADE ACTING MINE-SAFETY CHIEF

(By Ward Sinclair)

WASHINGTON.—The Department of the Interior has cleared Donald P. Schlick of conflict-of-interest charges and named him as acting chief of all mine-safety enforcement.

Although no public announcement was made, Asst. Interior Secretary Stephen Wakefield last Friday appointed Schlick acting administrator of the newly formed Mining Enforcement and Safety Administration (MESA), Wakefield's appointment memo said Schlick would serve until a permanent administrator is chosen.

MESA's duties, handled formerly by the U.S. Bureau of Mines, include enforcement of coal, metal and nonmetallic mine-safety laws and administration of penalty assessments against violators.

In the old setup, Schlick was deputy director of the bureau, directly responsible for the health and safety activities. Because of his controversial activities and statements in that position Schlick's dismissal had been demanded by the United Mine Workers (UMW) and several members of Congress.

Some of Schlick's activities had been under investigation by the department for possible conflict of interest. But in a letter last week to UMW President Arnold Miller, deputy assistant Interior Secretary Richard Hite said that Schlick had been cleared and "counseled" and that the case was closed.

The union's reaction was to term the investigation a "whitewash." The UMW said it would not rest until Schlick is removed from the top safety position.

The disclosure of his position brought further reaction from the union yesterday.

* * * * *

Commenting on the Interior Department's investigation and clearance was given to Schlick's host, J. Richard Lucas, head of the mining engineering school at VPI.

A spokesman for Hite, however, confirmed that the check had never been cashed; that investigators had seen only a photocopy of the check, and that investigators had not reviewed Schlick's check stubs to verify when the check had been written.

The MSA trip—That involved a flight from Chicago to Washington last Nov. 1 on an MSA plane. Although departmental regulations

prohibit such flights, Hite said this one was "judged to be in the interest of the federal government" because Schlick had no other way back to Washington.

"All commercial transportation out of Chicago was grounded due to adverse weather conditions," Hite told Miller. Had Schlick not accepted the MSA flight offer, he "would not have been able to meet commitments the next day in Washington."

After a review of records, a spokesman for the Federal Aviation Administration (FAA) in Chicago said there was no indication that "all" commercial traffic was grounded.

The FAA reported that traffic was down at both Midway and O'Hara airports, the major commercial fields in the Chicago area, but both remained open throughout the day.

Hite said that both the VPI and the MSA cases predated the incident that brought Schlick a reprimand and that aside from "counseling" him to adhere to regulations, no further action would be taken.

The department's investigation apparently ignored still two other incidents involving Schlick and free plane travel. One of the trips was provided by MSA and the other by Keystone Aeronautics, which was trying to win a contract with the bureau.

The MSA flight, from Washington to Pittsburgh, took place last Nov. 17. Schlick flew to Pennsylvania to visit the MSA plant. The company has more than $500,000 in research contracts with the bureau.

The Keystone flight took place on Oct. 16, bringing Schlick from Pittsburgh to Washington, after a safety conference. Keystone was trying to get a contract with the bureau to fly inspectors to strip mines on helicopters. The proposal was turned down.

Schlick told the UMW Journal, that he had been asked to take the Keystone flight by Sen. Richard Schweiker, R-Pa., who had planned to be on board but had to cancel at the last moment.

Schweiker's office flatly rejected Schlick's story. Keystone, according to the senator's office, said it was flying Schlick back to Washington and wondered if Schweiker would like to go along. The offer was rejected; Schweiker planned to fly commercial, but then canceled altogether when he was detained in Washington.

As Schlick's activities have come under growing scrutiny and as his controversial statements about improved mine safety have been sharply criticized, Schlick has struggled to counteract the critics.

After his reprimand in April, he sent—using a government mailing frank—a memo entitled "Expression of Appreciation" to bureau field employes. He urged co-workers to abandon their plans to write their congressmen complaining of "unjust treatment" of Schlick. Government-frank use is limited to official communications.

And after the UMW and Sen. Robert Byrd, D-W. Va., called for Schlick's dismissal, Schlick prevailed upon John Guzek, president of UMW District 6 in Ohio, to write a letter of support for him to Rogers Morton, the secretary of Interior.

Union sources said that Schlick dictated the letter by telephone to a secretary in the District 6 office, who prepared it for Guzek's signature. Guzek subsequently withdrew his letter of support after UMW officials in Washington pointed out that it conflicted with union policy on Schlick.

THE PEACE CORPS IN COSTA RICA

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

Mr. FASCELL. Mr. Speaker, on May 19 the Minister of Agriculture of the Republic of Costa Rica, the Hon. Fernando Batalla, addressed a group of Latin American agricultural experts meeting under the auspices of the Peace Corps in San Jose. In his speech Minister Batalla spoke of the contribution which he feels our Peace Corps is making to the development of his country. At a time when American intentions and programs are increasingly a subject for criticism at home and abroad it is heartening to hear such an expression of confidence in the United States and I would like to take this opportunity to call the Minister's remarks to the attention of the House:

U.S. PEACE CORPS

It is a privilege for Costa Rica, the fact that our country was chosen by the Representatives of Peace Corps Agricultural Programs to celebrate their meeting of this important Seminar, the object of which is to give major material and spiritual content to the historical accomplishments of this movement that has been beneficially extended to all the nations of the world.

At the same time, I would like to welcome all the Representatives of our neighbor countries in Latin America who are participating in this Seminar and are the distinguished guests of Costa Rica.

The specific work that Peace Corps is performing all around the world has all the dignity and virtue of altruism and noblesse that can be expected from the human spirit.

The leaders and co-workers of this great crusade are no doubt messengers of the much wanted peace that humanity needs to obtain the goal of a civilization abundant in benefits for all the inhabitants of the earth.

I wish to express my satisfaction with the way in which the work of the Peace Corps in Costa Rica is being developed. Its Directors have maintained very close and cordial relationship with Government officials, making possible the incorporation of hundreds of volunteers of this movement, volunteers who have given all their efforts to promote and develop programs of national benefit.

I want to refer in a very special way to the volunteers that have been performing a most valuable job collaborating with the officials of the Ministry of Agriculture in their activities; promoting throughout the country a positive increase in our agricultural production. I particularly want to point out the virtues of these young people for their dedication to work directly related to agricultural extension activities and the stimulation of basic grains production and other agricultural systems in the rural areas of our country.

At the same time, I enthusiastically visualize the success of the new groups that have recently arrived to collaborate with the Ministry of Agriculture in the fields of research and economics.

All this shows the dedication and affection for the work that is being performed that is of benefit to our country, which based on experience and knowledge has made possible the establishment of programs that define more clearly the efficiency of the technical and administrative functions of the volunteers, making possible a most positive and vigorous training even though the volunteer's previous knowledge in agricultural fields is minimum.

I hope that in the future our country continues to receive the benefits of Peace Corps technicians and their valuable help. I express my confidence in the current Government of the United States, and those to come that they will have a clear conscience regarding the importance of these volunteers that with their programs give so many benefits to the less developed countries of America.

Gentlemen, I have faith in the democratic feelings of our countries to perform a great job of mutual benefit in which the most prevailing part is making the land produce.

We have acquired, throughout the years, the technological capacity, the education and the experience. All we need is the understanding and unity necessary to fulfill a job in order to make possible the prosperity of our countries with a symbolic maintenance of our frontiers, and have the peace for which we all long.

I wish to express my respect and favour to all Peace Corps leaders and co-workers here gathered, and my faith in America's destiny.

Thank you.

TRADE REFORM ACT OF 1973: LATIN AMERICA AND THE CARIBBEAN

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

Mr. FASCELL. Mr. Speaker, the nations of Latin America and the Caribbean have long been in the forefront of those countries which have urged the United States and other developed countries to offer preferential treatment to exports from the developing nations. In 1969 President Nixon responded to these initiatives by pledging U.S. support for establishment of general trade preferences. In April of 1973, after a long delay, the President finally submitted to Congress his recommendations on trade preferences within the framework of his overall trade reform legislation. That legislation, H.R. 6767, is now pending in the Ways and Means Committee.

In reviewing the legislation submitted by the President from my perspective as chairman of the Subcommittee on Inter-American Affairs of the Foreign Affairs Committee, I have reluctantly been forced to the conclusion that title VI of the act, which would authorize the President to establish trade preference for the developing countries, is in need of considerable improvement if we are to establish a truly meaningful and effective preference scheme.

In response to a request from the Ways and Means Committee for my views on the bill, I have submitted to the committee a statement of my views on how the bill, and particularly the trade preference title, should be improved to more effectively promote hemisphere cooperation.

Because of the great importance of this bill to developing countries, particularly in our own hemisphere, I would like to take this opportunity to call to the attention of every Member of Congress some of the important issues involved in the Trade Reform Act:

ADDITIONAL VIEWS SUBMITTED TO THE WAYS AND MEANS COMMITTEE BY THE HONORABLE DANTE B. FASCELL

I welcome the invitation to submit additional views on the trade bill from my perspective as Chairman of the Foreign Affairs Committee's Subcommittee on Inter-American Affairs.

The foreign trade bill now before the Committee is a most complex piece of legislation. This is inevitable because the issues which it attempts to resolve are themselves immensely complicated. In general, I view the bill recommended by the President as a constructive and well thought out piece of legislation although I, as I am sure does

every other member of Congress, have reservations about various aspects of the bill. I will, however, restrict my comments to how I believe the bill should be improved to more effectively serve our own political, economic and security interests by building stronger trade relations with the developing nations, generally, and Latin America and the Caribbean, particularly.

IMPORTANCE OF TRADE TO HEMISPHERE

While trade is of great and growing importance to the United States, it is of substantially greater importance to the other nations of the Hemisphere and absolutely vital to many of the Caribbean countries. Relatively poor and, in many instances lacking the capacity to produce the capital goods needed for sustained economic growth, most of our Hemisphere neighbors simply must import a large volume of goods if they are to have a reasonable chance to generate a sufficient rate of growth to create a better way of life for their citizens. In order to pay for these imports these countries must in turn export enough products to the developed nations to pay for the sophisticated equipment they need. Some nations, such as Brazil, have been able to obtain a high growth rate within the current world monetary and trade structures, but Brazil is a huge nation with a large internal market, vast resources and a seemingly bright economic future. In addition, it has benefited from a huge influx of foreign capital. For many other nations, however, the future is not as bright. They can and will make great sacrifices to improve their own lot but they will continue to need large doses of understanding as well as constructive assistance. In this regard, it is my hope that the trade bill approved by the Ways and Means Committee will reflect a genuine concern for the problems of the developing countries and will fully take advantage of the possibilities of greatly expanding trade with developing countries in this Hemisphere and elsewhere. In my judgment, such an expansion is of great importance to the United States and would pay substantial political and economic dividends to us while at the same time greatly benefiting the developing countries themselves.

H.R. 6767

Before addressing the specifics of Title VI dealing with trade preferences, I will make a few general comments. First, it seems to me that the bill as a whole may be weighted too heavily toward protection of the status quo in the American economy. While I believe it is vital that we protect our citizens from the unforeseen effects of changing patterns of world trade, I do not believe that we should do so at the cost of reducing the flexibility and resiliency of our own economic system. That flexibility is the key to the long-term strength of our economy. In this respect, I would hope the Committee will give serious consideration to the thoughtful alternative suggestions of my colleague from the Foreign Affairs Committee, Congressman John Culver, Chairman of the Subcommittee on Foreign Economic Policy.

A second general comment is that trade expansion with the developing countries is not a matter dealt with solely in Title VI of the bill. The future of trade of third countries is inextricably bound up in the kinds of agreements which may be reached among the developed countries under authority provided in other sections of the bill. In fact, some of the developing nations themselves are apt to seek specific negotiations with the United States.

A last general comment concerns the importance of equal treatment under the bill for developed and developing countries. Developing countries should not be singled out for retaliatory measures affecting trade when such measures would not apply to developed countries under similar circumstances.

HEMISPHERE INTEREST IN PREFERENCES

Of primary concern to developing countries is the section of the bill establishing general trade preferences. This is especially true of the nations of our own Hemisphere. It is fair to say that trade preferences are far and away the number one item of their agenda for U.S. cooperation in the continuing process of development initiated by the Alliance for Progress. Latin America, in fact, is the area where the concept of trade preferences first was seriously put forward and the idea has since then gained acceptance and support throughout the world. As early as May 1969, for example, the Latin countries had already jointly formalized their request for trade preferences in the Consensus of Vina del Mar which stated:

"On the basis of these statements, principles, and affirmations, the Latin American countries, on jointly proposing a dialogue with the United States, have decided to convey to it their principal aspirations with respect to international trade, transportation, financing, investments and invisible items of trade, scientific and technological development, technical cooperation, and social development, with a view to achieving, through appropriate action and negotiation, solid advancement in inter-American cooperation. In these areas they believe it necessary . . .

"To reiterate the urgency of putting into force the system of general, nonreciprocal, and nondiscriminatory preferences in favor of the exports of manufactures and semi-manufactures of developing countries within the time limits provided and with due observance of the calendar of programmed meetings. In this regard action should be considered that will enable the countries of relatively less economic development to make full use of the advantages that may result."

In his response to this request President Nixon on October 31, 1969, stated in part:

"Increasingly, however, those countries will have to turn toward manufactured and semi-manufactured products for balanced development and major export growth. Thus they need to be assured of access to the expanding markets of the industrialized world. In order to help achieve this, I have determined to take the following major steps:

"First, to lead a vigorous effort to reduce the nontariff barriers to trade maintained by nearly all industrialized countries against products of particular interest to Latin American and other developing countries.

"Second, to support increased technical and financial assistance to promote Latin American trade expansion.

"Third, to support the establishment, within the inter-American system, of regular procedures for advance consultation on all trade matters. U.S. trade policies often have a heavy impact on our neighbors. It seems only fair that in the more balanced relationship we seek, there should be full consultation within the Hemisphere family before decisions affecting its members are taken, not after.

"Finally, in world trade forums to press for a liberal system of generalized tariff preferences for all developing countries, including Latin America. We will seek adoption by all of the industrialized countries of a scheme with broad product coverage and with no ceilings on preferential imports. We will seek equal access to industrial markets for all developing countries so as to eliminate the discrimination against Latin America that now exists in many countries. We will also urge that such a system eliminates the inequitable 'reverse preferences' that now discriminate against Western Hemisphere countries."

Since 1969 the Latin American governments have continued to urge that the United States' preference system be put into effect. The Bogota meeting of the Inter-American Economic and Social Council in February 1973, for example, urged that in the review of the inter-American system of cooperation that special consideration be given "to seek the adoption as soon as possible of the general system of preferences by those developed countries that have not done so."

Even more recently Dr. Raul Prebisch, a world famous Latin American economist, spoke out in favor of preferences at a June 1, 1973 meeting of the Inter-American Committee on the Alliance for Progress. I have included Dr. Prebisch's remarks as an appendix to my own statement.

HEMISPHERE VIEWS OF TRADE BILL

Latin American and Caribbean interest in the Trade Reform Act has, of course, centered on Title VI—Generalized System of Preferences. They have been so delighted that after three years of promises the President finally sent a bill to Congress that they have been unusually reticent in offering specific criticism of the bill. In general, however, the Hemisphere countries do appear to feel the preference system proposed is too modest and restricted to stimulate exports to the extent required for more rapid and balanced development. Since it is generally confined to manufactures and semi-manufactures (rather than the agricultural and mineral products that make up most Latin American exports), and since important groups of manufactures such as textiles, footwear and certain steel products would be excluded from these, preferential advantages really would extend to only a small portion of Latin American trade.

This general concern about the fairly restrictive nature of the benefits to be derived from the bill as currently written has led many Latin Americans to the conclusion that their primary concern at this point should be that no further restraints be placed on the negotiating authority requested in H.R. 6767. This is paricularly important in Title VI where restraints beyond those already in the bill should be avoided. Such restraints might take the form of excluding specific products, of limiting the amount by which preferential duties could be reduced, or of limiting the countries eligible for preferential treatment. In this regard they view as especially important retention both of the President's authority to grant exceptions for reasons of national interest from the competitive need limitation in Section 605(c), and of the present discretionary nature of the criteria the President must consider in designating eligible countries in Section 604 (a) (5).

A second very important effort would be to establish a clear legislative history that it is the intent of the Congress that the authority granted in the Trade Reform Act should be implemented in a manner that will stimulate the rapid and mutually beneficial growth of U.S.-Latin American Trade. This is especially important in implementing Title VI, where the intent of the Congress to give particular attention to products that would assist development of Latin American countries should be established, particularly since these countries are not presently members of any preferential arrangement and have been discriminated against under certain such arrangements.

SPECIFIC RECOMMENDATIONS REGARDING TITLE VI

In response to your request, I have carefully reviewed Title VI of the bill and would like to take this opportunity to offer some specific suggestions on how I believe the bill can be improved to the mutual benefit of Latin America and the United States.

Section 602

Section 602 should, in my view, be amended by adding at the end of the section the following language: "(4) the special importance to the United States of the nations of the Western Hemisphere." The addition of

this language would accomplish four objectives:

1. It would underscore continued United States recognition of our important special relationships with our neighbors without placing any other developing area on a less than fully equal footing;

2. It would specifically provide a Congressional seal of approval of the President's October 31, 1969 response to a formal Hemisphere request for trade preferences;

3. It would state specifically Congress' agreement with the President's 1969 statement that, if the general preferences by all developed countries envisioned in point (3) of section 602 are not carried out, the United States will give special consideration to our own neighbors; and

4. It would give special recognition to the role Hemisphere countries have played in obtaining preferences for all developing countries.

Section 603

With respect to subsection (a) of section 603, I would make only the general observation that it might be wise to change the wording so that the President would submit to the Tariff Commission, for its advice, lists of articles ineligible for trade preferences rather than lists of eligible articles. Aside from the psychological impact of structuring the subsection in a way consistent with the idea of opening trade opportunities, it would seem from past experiences that it would be administratively simpler and also expedite implementation of our preference scheme.

I have several comments with respect to subsection (b). First, I would hope that the report will make clear that the application of preferential treatment to articles "imported directly from a beneficiary developing country" is not intended to in any way conflict with U.S. support for the concept of economic integration in the Hemisphere. If two or more developing nations wish to share various phases of the production of a particular product, even if it passes from country to country, it should be considered as "directly imported." Likewise, it would seem unwise to arbitrarily prevent a product produced almost completely in a developing country but finished in a developed country from receiving at least some amount of tariff relief. I hope that the Committee will give this potential difficulty serious consideration. To deal with this problem, I suggest that as a minimum the word "country" be changed to "countries" throughout the subsection.

Further modifications to subsection (b) which I suggest are the addition of the words "and the Secretary of State" following the reference to the Secretary of the Treasury and the subsequent insertion of "jointly" before "prescribe" and the change of "Secretary" to "Secretaries" in the last sentence. These changes would assure the impact of important international political and developmental considerations on the formulation of regulations adopted by the United States as a part of our preference scheme. Too frequently in the past our relations with one or another Latin American nation have unnecessarily been adversely affected by the well intentioned but heavy handed actions of agencies not fully informed about major U.S. foreign policy considerations.

Another suggestion with respect to subsection (b) is that the word "shall" in the next to the last sentence be changed to "should." This change would provide important flexibility in administration of the Act. As written the language would appear to require the same percentage to apply equally not only to all countries but to all products. Such a requirement would be unrealistic and unnecessarily restrictive.

One final comment on subsection (b) is that consideration should be given to language either in the bill or the report to the effect that regulations adopted pursuant to the subsection should not unduly inhibit access by developing countries to the benefits envisioned under the preference system nor should the percentage set be so high as to unnecessarily restrict imports from developing countries.

With respect to subsection (c), I am in agreement with the provision that steps should not be taken to make an article eligible for preferences when there is an already pending claim for relief under an existing statute. I do, however, oppose the inflexible extension of this concept to the point where the mere seeking of relief from a trade problem automatically removes an article from the list of articles eligible for trade preferences. One can envision a host of possible abuses of this provision and one can also envision possibly serious political or economic problems arising from the "hair" trigger aspects of such U.S. action. Besides establishing a different standard for developing nations than now applies to developed countries this provision denies the President needed flexibility. I recommend that the second sentence of the subsection be amended by striking out the last nine words and inserting after the comma "the President shall consider immediate termination of the eligibility of the specific article."

Section 604

Subsection (a) should be changed by the elimination of point (2) apparently requiring some kind of direct statement by each developing country as to their desire to be called developing. Such a requirement might lead to unnecessary political complications caused by the necessity for what might be termed a humiliating statement. If the Committee feels strongly about this matter, I suggest inclusion of it in the report. The report also might refer to the Committee's intent that all Latin American and Caribbean countries are considered as eligible countries under point (3).

I feel strongly that one particular part of subsection (a) be eliminated from the bill. I refer to point (5) which for the first time, to my knowledge, makes a direct connection between investment disputes and trade policies. Not only is such a connection unusual, it seems to me to be unwise and unnecessary. If this issue is to be raised at all in connection with the trade bill, it should be in the report. We already have ample provisions in existing law to encourage proper compliance with international law with respect to investment disputes involving U.S. companies. As a practical matter many U.S. companies operating in Latin America have found this kind of provision to be counterproductive. In recent weeks, for examle, the Council of the Americas whose membership repersents almost all of U.S. direct investment in Latin America came out in favor of repeal of exisitng U.S. legislation of this kind. If the U.S. companies which would supposedly benefit from this kind of approach are opposed, I think we should heed their advice.

Subsection (b) of section 604 provides necessary encouragement for development of a fully fair and open world trading system but we should be careful that this section does not unduly injure poorer nations. In particular, I believe that an exception to the January 1, 1976 date should be considered for the Caribbean where many islands are undergoing a difficult period of adjustment due to the changing nature of their relationship with the European Economic Community. This problem can easily be handled by any recommendations with respect to section 605.

Section 605

Subsection (b) as written should be modified to provide needed flexibility for the Caribbean by restructuring the section so that the language that appears at the end of subsection (c) "unless the President determines, etc." applies to point (2).

Subsection (c) should be eliminated. It provides unnecessary and unrealistic restrictions on the amount by which a particular country can benefit from preferences. These restrictions might well operate to discourage the level of investment needed to allow beneficial use of the preference scheme and, therefore, would conflict with the overall purposes of Title VI. It has been estimated that at existing levels of world trade, the present wording of subsection (c) would allow preferences to apply to about ½ of the articles which would otherwise be considered eligible. If this subsection is retained, it should retain the President's waiver authority and be changed by substituting "and" for "or" following the first reference to "the United States." This would permit a higher level of trade from any one country. One further difficulty with the subsection is how articles would be classified. If an article was defined broadly then the ceiling would be quickly reached; if defined narrowly any source country would rapidly reach the 50% ceiling. The Latin Americans have been especially critical of this subsection feeling that its purpose of creating competition is unnecessary and may well conflict with specialized production schemes included in their various regional economic integration organizations. In my view, the subsection should be eliminated.

Section 606

The definition of "country" in (1) should be modified to permit developing countries to cooperate in ways much more informal than that implied by the words "association of countries."

CONCLUSION

I hope that the foregoing comments will be useful. They intend no criticism of your Committee. The bill referred to was recommended by the Executive Branch and I am confident that it will be considerably improved by your action.

One of the major purposes of this bill is to encourage an open world trading system. With respect to trade preferences, the President said he hoped that our proposals through their generous example would encourage wider preferences by other developed countries. I regret that I cannot completely agree that the bill he recommended is more generous than those of other countries. I hope you will be able to make it so because I am convinced that our interests are best served by encouraging strong, healthy and dynamic economies throughout the world and especially here in our own Hemisphere.

WEST AFRICAN DROUGHT DECIMATES SIX NATIONS, U.S. HELP NEEDED

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

Mr. PODELL. Mr. Speaker, only recently have I realized the gravity of the terrible disaster in Western Africa. When a hurricane or earthquake strikes anywhere in the world killing and endangering thousands of people there is an immediate shock and a quick outpouring of aid and sympathy. Drought often builds slowly with a series of bad years culminating in a famine of starlting proportions. Only now that we are in the middle of the disaster is the world community beginning to respond to the drought in western Africa.

The sub-Saharan countries of Chad, Mali, Niger, Mauritania, Senegal, and Upper Volta already among the poorest in the world are faced not only with death, disease, and malnutrition but with

the long-term destruction of their economies and their cultures. The drought has already resulted in the death of some 60 percent of the regions' livestock. This represents a great part of the wealth of the population and the basis of life for the nomadic peoples in western Africa.

There are some 30 million people living in the affected areas. While estimates vary widely as to the number of millions in jeopardy there is no question that a great tragedy is in the making. This was the fifth and most severe year of drought for the region. As the flocks die, the nomads flee to the south and to the overcrowded cities in search of food and water. Trees are chopped down for their leaves by herdsmen with dying flocks. As the trees are wiped out, the desert expands. The Sahara is extending further south at a rate of from 1 to 30 miles a year. The cash peanut crop on which these nations depend for foreign currency is at a fraction of normal levels.

If this year's rainfall is again inadequate the future may be too frightening to consider. While the weather will define the parameters of the problem, the solution will depend upon the international community. Past inaction is responsible for much of the present crisis. Neither the countries affected, the United Nations, nor the individual well-to-do nations gave adequate consideration to the drought. The African nations, resentful of the patronizing attitudes of the developed countries, were reluctant to admit the depths of their need. This pride prevented early and large-scale mobilization of public opinion which is necessary in the Western World if adequate emergency aid programs are to be implemented.

That awareness, though late in coming, is now taking hold. The United States with other governments under the coordination of the United Nations has provided food and money. Relief operations are continuing. But they are insufficent both as to short- and long-term needs. Our long-term commitment to rebuilding the area in the wake of the drought is the responsibility of Congress. The sequence of famines the world has experienced in recent years are likely to become more common, and our foreign aid program must deal increasingly with this problem.

However, short term aid must be forthcoming from the administration. AID has already taken a leadership position in the crisis but additional resources must be committed quickly. If we do not act we will share the responsibility for the tragedy.

HUNGRY CHILDREN USED TO BLACKMAIL STRIKERS

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

Mr. PODELL. Mr. Speaker, the Secretary of Health, Education, and Welfare, Caspar Weinberger, has proposed regulations which would allow individual States to prohibit strikers from receiving benefits under the provisions of the aid to families with dependent children program. This ruling is an obvious misinterpretation of congressional intent and should be corrected as quickly as possible. I ask all my colleagues to join me in my efforts to prevent another Executive encroachment upon our powers.

Benefits to children of families where the head of the household is unemployed are intended to be determined solely on the basis of need. It was not the intent of Congress to deny food and clothing to a deserving child simply because his father was on strike instead of being fired. There are no provisions in the law to indicate that strikers should not be included in the definition of unemployed.

Penalizing the innocent children of strikers is the worse kind of blackmail. Yet, that is exactly what the proposed regulations would do.

In proposing these new regulations, the Department of Health, Education, and Welfare has clearly ignored both the expressed will of Congress and the citizens who took the trouble to comment on this matter. Of the more than 10,000 comments received by the Secretary of Health, Education, and Welfare, almost two-thirds were in favor of continued benefits to strikers. The Congress has consistently rejected other attempts to deny Federal assistance to the families of strikers. It is the responsibility of this body to prevent the executive branch from overstepping its authority.

Corporations on strike continue to receive Federal subsidies, contracts, and other assistance to which they are entitled. Secretary Weinberger's decision would clearly place the Federal Government on the side of management in all labor disputes.

I am presently preparing legislation which will further clarify and reaffirm the intent of Congress to include strikers under the aid to families with dependent children program. But, it is my desire that a serious confrontation between the Executive and Congress be avoided. I sincerely hope that Secretary Weinberger will reconsider his decision.

IT MAKES SENSE TO SELL ARMS

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

Mr. SIKES. Mr. Speaker, it is heartening to note U.S. arms sales to foreign nations will increase. This is an exercise in commonsense. It will improve our badly unbalanced import-export picture. American workers will manufacture equipment which hitherto has been bought from other countries. Our friends will be in a better position to defend themselves.

There is nothing but sound, hardheaded reasoning behind the change in policy. Nations which want jet aircraft and other weapons will get them elsewhere if they cannot buy from the United States. Other nations, notably France, have profited from America's refusal to sell weapons to foreign nations.

In one instance, a Presidential directive has cleared the way for Latin American countries to buy supersonic military jets from the United States. These countries have long shown interest.

Time was when American policy prevented the sale of arms to many countries. State Department policy and a 1966 law enacted by Congress prohibited many transactions involving sophisticated weapons. The avowed purpose was to prevent the development of an arms race among Latin American countries.

Overlooked was the fact that American industry needs the sales. Our country needs the money and foreign countries are going to buy weapons whether or not the United States thinks it is to their best interest.

Subsequent to the 1966 amendment, countries south of the Rio Grande bought $1.3 billion worth of arms. The United States sold only 13 percent of this. France, Britain and Canada benefited. Cuba bought from Russia.

The United States has been the principal supplier of weapons for Israel. This has caused hard feelings among the Arab nations which have oil that is essential to the United States. Russia has not failed to take advantage of the situation and the great advances made by Russia in the Mediterranean area is obvious.

A particularly strong case can be made for bolstering the military forces of the oil-rich prowestern states on the Persian Gulf. This area is the lifeline for the major share of the western world's oil supplies. It has been demonstrated clearly that the United States will be drawing increasingly on oil from that area. Protection of the oil lifeline is of highest strategic importance. Arms deals with these countries imply a more even-handed approach to the Middle East conflict on Washington's part which in the long run will benefit both Israel and Arab nations if U.S. diplomacy is successful.

Saudi Arabia, among the friendlier Arab nations, wishes to purchase F–4 aircraft from us. They are talking about $1 billion worth of new equipment. Kuwait wishes to purchase $600 million in arms and equipment. Iran has been a constant customer because of the long and close friendship we have enjoyed with that country, a friendship strengthened by Iran's efforts to maintain peace in the Middle East.

The advantages of sales to the Arab nations are obvious. They have money in seemingly unlimited amounts. They want a better understanding with the United States. The purchases they seek to make are not in sufficient quantities to tip the scales too heavily against Israel. A changed attitude on arms sales to the Arab states will place the United States in a better position to help the bargaining between Israel and the Arab countries in the search for peace.

Those who sell arms to other nations have a trade and diplomatic advantage which is also significant. With the delivery of weapons go American personnel to train the user in the maintenance and operation of the weapons systems. In addition to the advantages to be had from these goodwill ambassadors, there are follow-on orders for spare parts which

produce additional revenue for U.S. industry and jobs for workers.

It is far better to make friends where we can through trade than to ignore the needs of other people. They like to do business with America. Many of them prefer our products. The opportunity is here. It is common sense to take advantage of it.

STATEMENT UPON INTRODUCTION OF ALLIED HEALTH AND PUBLIC HEALTH TRAINING

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

Mr. ROGERS. Mr. Speaker, today I and most of the other members of the Subcommittee on Public Health and Environment (Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT) are introducing the Public and Allied Health Personnel Act of 1973—H.R. 9341. This is the second of four bills which will be introduced this year by subcommittee members which will substantially revise and extend the existing authority encompassed in the 11 existing titles of the Public Health Service Act.

The first bill in this series, the Public Health Act of 1973, introduced on April 19 as H.R. 7274, has three main purposes. It would revise and extend the authority of HEW to undertake programs in health services research and development, and health statistics; it would revise the authorities for assistance to medical libraries; and it would completely restructure the Public Health Service Act. Hearings were held on this bill in May and it is presently pending subcommittee markup.

The bill we are introducing today, the Public and Allied Health Personnel Act of 1973, revises and extends authorities for two health programs, Allied Health and Public Health training, which would have expired at the end of fiscal year 1973 were not the simple extension bill passed and signed by the President. This bill would repeal existing authorities for assistance to schools and students of public health training and allied health, as well as the training authority presently found in the comprehensive health planning legislation, and replace them with much more specific authorities.

The cosponsors feel that this legislation substantially improves existing law. For example, the present law contains no definition of "public health personnel" or "allied health personnel". Moreover, there is no "quid pro quo" exacted on the schools in return for receipt of grants. Another problem lies in the plethora of different training programs which are considered a part of the allied health field presently.

In the field of public health training, this bill would provide a definition of "public and community health personnel" and provide for award of project grants and contracts to institutions to demonstrate new and innovative methods with respect to education and licensure of public and community health personnel. It also would authorize the award of institutional grants to accredited schools and programs offering graduate degrees in public health, health administration and health planning in return for assurances from the recipient schools with respect to enrollment increases and/or specifications as to the type of people who must be trained. The combined authorization for institutional support and special projects is $20 million. The bill also would continue the award of traineeships to students and institutions in the fields of public and community health. Twelve million dollars is authorized for traineeships.

With respect to allied health training, the bill includes a definition of allied health personnel keyed to the persons who would be assisted by such personnel. It also authorizes special projects for States, schools, and representatives of such schools which would incorporate and modify existing authorities found in the old special projects section. Of particular interest in this new section is a subsection which suggests coordination with a new program, established last year by H.R. 1, which authorizes certain allied health personnel passing proficiency tests to be used in connection with medicare and medicaid programs.

The bill also continues programs of traineeships for allied health personnel as well as continuing a program which authorizes the identification of and assistance to financially, culturally or educationally deprived persons who have a potential to become allied health personnel. While the section of the old allied health law which authorized this program was never adequately funded, the program seems particularly crucial to the increasing problems of obtaining health personnel for rural and inner-city areas.

Finally, in an effort to identify the various types of allied health personnel, to classify these types, to determine the costs of education of personnel in each classification, and to identify shortages within each classification, this bill would request that a study with respect to these matters be undertaken by the Natioanl Academy of Sciences to be completed within 2 years. A report of the results is to be submitted to the appropriate House and Senate committees.

Mr. Speaker, this legislation would take us a few steps further in our restructuring of the Public Health Service Act. It shifts the authority for Public Health Training from title III of the act to title VII—as would H.R. 7274—thus placing these manpower training authorities into the same title as other health manpower authorities. By authorizing only 1 year of support in this legislation, we will give public health training and allied health training a common expiration date with the Health Manpower Training Act. In this way, we will force a review of all similar authorities at the same time, insuring that overlap and duplication will be eliminated.

Mr. Speaker, the Congress has been accused several times this year alone of writing "budget busting" legislation. This bill is not a "budget buster". It authorizes $80.5 million for fiscal year 1974, which is less than half of the fiscal year 1973 authorization for these programs which was $188.95 million, and less than $10 million over the fiscal year 1973 appropriation.

As you know, the fiscal year 1974 budget proposal sought to eliminate funds for public health training, allied health training and the training authorities found in the comprehensive health planning legislation. When the subcommittee held oversight hearings on the HEW budget, and again, when we held hearings on the Health Programs Extension Act, we simply could not get satisfactory answers from the Department of Health, Education, and Welfare as to why these programs should be terminated.

With only 18 schools of public health in the entire Nation to supply all public health officials and most community health personnel needs, and the continuing need for allied health personnel to assist, supplement or complement doctors, dentists, and other health professionals in the delivery of medical care and environmental control activities, there is substantial evidence indicating a necessity for these programs to continue to receive Federal support. The House Committee on Appropriations apparently agreed with this estimation when they appropriated funds for these programs this year. This body also concurred, when we approved the Labor-HEW appropriations bill on June 26.

Mr. Speaker, this bipartisan action by the Subcommittee on Public Health and Environment is meant as a point of departure and we would welcome constructive criticism and suggestions by representatives of the health community. I expect that hearings will be held on this bill before the August recess of the Congress, and that a well-balanced hearing record will affirm the necessity for continuing support for both public health and allied health training.

THE WAR POWERS RESOLUTION

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

Mr. ECKHARDT. Mr. Speaker, tomorrow the Committee of the Whole House will resume consideration of House Joint Resolution 542, the war powers resolution. On June 26, I stated my opposition to the resolution as it emerged from the Foreign Affairs Committee and included in my statement a substitute which I announced I would offer at the appropriate time. Since then, I have extensively discussed the resolution and the proposed substitute with certain principal authors of the resolution and opponents. Since I share the concern of the authors about overreaching in this area of warmaking of the President's constitutional authority, I have found areas for reconciliation between my substitute and their resolution; and I have made modifications that, I think, achieve the full objectives of the committee resolution but, at the same time, avoid those implications of the resolution which seem to me to extend additional war-

making authority to the President for 123 days.

My principal objections to the resolution are these:

First. That the language of its sections 2 and 3 so manifestly embrace acts of war—committing U.S. forces "to hostilities," committing them to other than supply-type operations in foreign nations "for combat," and enlarging such forces "for combat"—that to provide a means for Presidential reporting and for congressional callback clearly implies prior authorization of short-term warmaking powers available to the President for as much as 123 days.

Second. That the language of its sections 4, 5, and 6, spelling out a procedure, including printing of documents, reporting to the Foreign Affairs and Foreign Relations Committees, setting certain limitations, and otherwise specifying detail, affords an impediment to authority now existing in Congress.

Third. That section 4(b) requires absolute and complete disengagement—which would include cessation of defensive activity that the President could, at that time, engage in under his constitutional authority to act as Commander in Chief—where Congress had failed to act 120 days after the President's report had been submitted.

In spite of the disclaimers of section 8 of the resolution, I find clear intent in the committee report and in floor debate that short-term warmaking powers are intended to be granted to the President by this proposed act of Congress. Since this section will undoubtedly be referred to in answer to my first and foremost objection, I shall state in detail the basis for this conclusion:

Section 8(c) of the war powers resolution, House Joint Resolution 542, states that nothing in this act "shall be construed as granting any authority to the President with respect to the commitment of U.S. 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 the act." This language, attempting to disavow any extension of authority to the President, is controverted by other provisions of the resolution itself, by the report of the House Committee on Foreign Affairs accompanying House Resolution 542, by the war powers hearings conducted by the Subcommittee on National Security Policy and Scientific Developments, and by floor debate. Following is a discussion of each of these four areas as they relate to the question of delegation of congressional war power to the President.

Section 4(b) of House Joint Resolution 542 stipulates that within 123 calendar days—120 days plus 72 hours for reporting—after taking certain enumerated actions committing or enlarging U.S. Armed Forces—see section 3 of House Joint Resolution 542—the President must terminate the action unless Congress has declared war or given specific authorization for the action. If, in making the commitment or enlargement, the President is acting within his own constitutional authority as Commander in Chief, it is inconceivable that Congress could cut off that authority merely by the specification of an arbitrary time period in which the authority can be exercised.

Note that section 8(a) of House Joint Resolution 542 states that nothing in the act is intended to alter the constitutional authority of either the Congress or the President. This of course must be true, for an attempt to alter the constitutional authority of either of these two branches of Government would be an attempt to amend the Constitution by simple congressional action, something which clearly cannot be done.

If Congress cannot, and in fact intends not to, circumscribe the constitutional power of the President, then what activities can it require to be terminated within a 123-day period by a concurrent resolution? The answer is that such must be construed as a withdrawal of warmaking authority.

An aggressive President—like all the wartime Presidents of this century—could be expected to defend his action in this area on the basis of the legislative history of this resolution and the similar one in the Senate.

Thus, a President could logically argue that the act would permit him to make a commitment of U.S. troops to hostilities outside the territory of the United States, arguing that absent specific disapproval by Congress, he has been authorized to engage in the action for a 123-day period. Once the commitment was made, the die would be cast in such a manner that it would be extremely difficult to cross back over the Rubicon. Once the United States becomes embroiled in hostilities, the President can, indeed he must as Commander in Chief, take action necessary to protect U.S. forces. The incursion into Cambodia was justified by invoking the safety of U.S. forces, and House Joint Resolution 542 would not prevent simliar concurrences in the future. Though the President might meet the act's requirement to disengage because the 123-day period has expired, the disengagement could be done over a period and a manner within the judgment and powers of the President as Commander in Chief. The President could use the statutory authority thus granted to justify initial involvement in hostilities and, once there, use his constitutional power as Commander in Chief to contnue the involvement.

REPORT OF THE COMMITTEE ACCOMPANYING HOUSE JOINT RESOLUTION 542

House Report 93-287 accompanying the war powers resolution contains several statements that can be used to support the contention that Congress is extending war powers to the President. For instance, on page 5 of the report, in describing what the resolution does, the committee states that House Joint Resolution 542—

> denies to the President the authority to commit U.S. Armed Forces *for more than 120 days* (emphasis added) without specific congressional approval, while also allowing the Congress to order the President to disengage from combat operations at any time before the 120-day period ends through passage of a concurrent resolution.

The implication that the President is authorized to act for up to 120 days virtually jumps out at the reader.

Again on page 9 of the report, the committee declares that one purpose of section 4 is to—

> deny the President the authority to commit U.S. Armed Forces *for more than 120 days without further specific congressional approval . . .*" (emphasis added).

If further specific congressional approval is required for commitments beyond 120 days, congressional approval must have been necessary for the initial 120 days, and thus the matter treated must have been within the congressional warmaking power.

The use of the concurrent resolution process affords powerful evidence to support the argument that House Joint Resolution 542 is an extension of authority to the President. In its discussion on page 14, the committee states:

> The constitutional validity of such usage of a concurrent resolution is based on the capacity of Congress to limit or to terminate the authority it delegates to the Executive. In the case of the war powers, the Constitution is clear that the power to declare war, as well as the power to raise and maintain an army and navy, belong to Congress. Under the Constitution, the President is designated as the Commander in Chief to prosecute wars authorized by Congress.
>
> When the President commits U.S. Armed Forces to hostilities abroad on his own responsibility, he has, in effect, assumed congressional authority. Under this war powers resolution the Congress can rescind that authority as it sees fit by concurrent resolution and thereby avoid the problem of a Presidential veto.

Here the committee recognizes that a concurrent resolution directing a President to cease certain actions is valid if the Congress is withdrawing authority it delegates to the President. It is not the President's actions under the Constitution which the committee seeks by the resolution to terminate, but only those which are properly exercised only with congressional authority. When the committee says Congress can rescind the authority it must necessarily imply that the authority has been granted.

HEARINGS ON WAR POWERS RESOLUTIONS

House Joint Resolution 542 was a product of 6 days of hearings conducted by the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee and was written only after the hearings. Since House Joint Resolution 542 was not before the subcommittee during the hearings, there is no testimony on its specific provisions. None of the major House bills before the committee contained a section similar to section 4(b): House Joint Resolution 542 requiring Presidential action to cease if specific congressional approval of the action is not forthcoming within a specified period of time. However, S. 440, the Senate version of the War Powers Act, does contain a time period beyond which the President cannot act without specific congressional consent, and S. 440 was considered by the subcommittee. While the Senate bill is somewhat different from the House bill in that it states precisely what actions can be taken by the President, statements and concepts regarding the time period are applicable to House Joint Resolution 542 and do provide an insight into

the reasoning of the subcommittee members.

The following are statements in which it is expressly stated or implied that a time period is an extension of authority to the President:

Senator Javits, testifying on S. 440, acknowledges that the President has been granted authority to act within the 30-day time period when he stated: "He (the President) does not have it (authority) *after* 30 days unless he persuades us." (emphasis added, p. 10)

Senator Javits again: "You cannot take away from him constitutional authority by this statute . . ." (p. 13) In other words, the only thing which Congress can take away from the President is authority it has delegated to the President.

"Mr. Findley. 'Another question raised about the 30-day provision is that it might be an invitation to adventurism on the part of some future President.

'He might read this language as an invitation to act a little bit more adventurously than he would otherwise. What is your comment on that point?'

Mr. Javits. "I think that is a question of degree. If we have no authority in the field, the likelihood is of his acting even more adventurously. At least here we can shorten the time under this bill, and we can terminate his authority before the 30-day period expires pursuant to section 6 of S. 440." (p. 15)

"Senator Javits. 'At the end of 30 days, under my bill, the President would *no longer* have legal authority to continue the engagement of our forces, except that he would have the authority to disengage them.'" (p. 20, emphasis added)

Statement of the Honorable Charles N. Brower, Acting Legal Advisr, Department of State, provides a telling insight into the manner in which the Executive would interpret a set time period: "If the President's exercise of certain powers were restricted to a period of 30 days, as a practical matter the President would also become the beneficiary of a 30-day blank check, endorsed by the Congress." (p. 128)

Mr. Findley, questioning Arthur Schlesinger, Jr. and Alexandr Bickel: "I have been inclined to feel that it is most unlikely that Congress would ever use the 30-day time limit rquirement to cut off fighting when the guns are blazing . . . I think it is most unlikely that the Congress would fail to give him the *continuing* authority that he might want under these circumstances," (emphasis added, p. 195) "Continuing authority" implies that some authority would already have been granted.

FLOOR DEBATE

Mr. FINDLEY, an author of the resolution applied the rationale of Prof. Louis Henkin of the University of Pennsylvania and Columbia University to the concurrent resolution provision permitting rescission of authority, quoting Professor Henkin as follows:

By the devices, described, Congress is not repealing or modifying the original legislation but is exercising power reserved in that legislation. Surely Congress should be able to recapture powers it delegates to the President without the consent of the agent."—CONGRESSIONAL RECORD, June 25, 1973 21220.

Mr. ZABLOCKI, the principal author and floor manager of the resolution engaged in the following colloquy:

Mr. ECKHARDT. So on April 14 certain U.S. troops seized the Port of Vera Cruz in order to prevent a German merchantman from bringing arms to Huerta.

"Madam Chairman, would that in the gentleman from Wisconsin's opinion, be one of the acts referred to in section 3 (1) on page 2, that is, committing the U.S. Armed Forces to hostilities outside the territory of the United States, its possessions and territories?

Mr. ZABLOCKI. Yes, it would.

Ibid. 21229.

A coauthor, Mr. DU PONT, made the frankest expression of the intent of the legislation to give the President short-term warmaking power. His interchange with Mr. DENNIS of Indiana follows:

Mr. DENNIS. Madam Chairman, may I ask, does the gentleman believe that if the Congress passes a concurrent resolution under section 4(c) calling for the ceasing of hostilities, that resolution has the force and effect of law binding upon the President?

Mr. DU PONT. Yes, sir, I do, because we have the warmaking power to start with, and we are carving out of that an exception and we are giving the President the right to conduct warmaking operations until such time as the two Houses by a simple majority agree we should not do it.

Ibid. 21225.

My proposed substitute does not imply any extension of warmaking authority to the President. It does not permit any time lag for the President to become inextricably enmeshed in hostilities. It requires him to report to Congress on his activities in the area of military engagement deemed within his constitutional authority immediately. And it recognizes Congress right to insist upon disengagement. The substitute may be best explained by its text which follows:

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 President 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(a). In any situation subject to the provisions of section 2(3) of this Act, it is specifically affirmed that Congress may direct by joint resolution that forces committed and enlarged in the manner therein provided shall be disengaged in such manner as Congress shall direct.

(b) In the event that presidential action trenches upon the plenary power of Congress to declare or not to declare war, or to permit or not permit continued engagement in hostilities, it may declare by concurrent resolution that no such delegation or permission has been made or extended and the President shall forthwith discontinue such action and effect complete disengagement in such hostilities.

"SEC. 5. 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 Sec. 2(3) which is immune from a contrary direction by Congress.

"SEC. 6. (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.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. DANIELSON (at the request of Mr. O'NEILL), for today, on account of death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. GREEN of Oregon, today, for 30 minutes, to revise and extend her remarks and to include extraneous matter.

Mr. HECHLER of West Virginia, today, for 5 minutes.

(The following Members (at the request of Mr. ARCHER) to revise and extend their remarks and include extraneous material:)

Mr. WHALEN, for 5 minutes, today.
Mr. TREEN, for 10 minutes, today.
Mr. CRANE, for 5 minutes, today.
Mr. MCDADE, for 10 minutes, today.
Mr. EDWARDS of Alabama, for 5 minutes, today.
Mr. HOGAN, for 5 minutes, today.
Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Miss HOLTZMAN) to revise and extend their remarks and include extraneous material:)

Mr. PODELL, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. DANIELS of New Jersey, for 5 minutes, today.
Mr. ASPIN, for 10 minutes, today.
Mr. THORNTON, for 5 minutes, today.
Mr. EILBERG, for 5 minutes, July 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ADAMS, immediately prior to the vote on the conference report on S. 504 today.

(The following Members (at the request of Mr. ARCHER) and to include extraneous material:)

Mr. STEIGER of Wisconsin.
Mr. BAKER.
Mr. ROUSSELOT.
Mr. QUIE.
Mr. WYMAN.
Mr. SMITH of New York in two instances.
Mr. ASHBROOK in three instances.
Mr. DERWINSKI.
Mr. COUGHLIN.
Mr. HOSMER in two instances.
Mr. ESCH.
Mr. FREY.
Mr. RAILSBACK.
Mrs. HOLT.
Mr. DAVIS of Wisconsin.
Mr. FROEHLICH.
Mr. DUNCAN.
Mr. HUBER.
Mr. SPENCE.
Mr. SHOUP.
Mr. WALSH.
Mr. HOGAN.
Mr. KEATING.
Mr. KEMP.
Mr. HANRAHAN.
Mr. STEELE in three instances.
Mr. THOMSON of Wisconsin.

(The following Members (at the request of Miss HOLTZMAN) and to include extraneous matter:)

Mr. O'NEILL.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HANNA in two instances.
Mr. DRINAN.
Mr. VANIK in two instances.
Mr. TEAGUE of Texas in six instances.
Mr. PICKLE in 10 instances.
Mr. MAZZOLI.
Mr. COTTER in five instances.
Mr. EVINS of Tennessee in two instances.
Mr. ROSE.
Mr. ALEXANDER in 10 instances.
Mr. BRASCO in six instances.
Mr. DOMINICK V. DANIELS.
Mr. REES in three instances.
Mr. BROWN of California in 10 instances.
Mr. BINGHAM in three instances.
Mr. ASPIN in two instances.
Ms. ABZUG in 10 instances.
Mr. HARRINGTON in two instances.
Mr. LITTON.
Mr. RIEGLE.
Mr. ADAMS in two instances.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2323. An act to continue until the close of June 30, 1974, the suspension of duties on certain forms of copper;

H.R. 2324. An act to continue until the close of June 30, 1975, the existing suspension of duties for metal scrap; and

H.R. 6394. An act to suspend the duty on caprolactam monomer in water solution until the close of December 31, 1973.

ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 p.m.), the House adjourned until tomorrow, Wednesday, July 18, 1973, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1153. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

1154. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting the annual report for fiscal year 1972 on Federal activities in welfare programs under the Social Security Act, as amended, pursuant to 42 U.S.C. 904; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of conference. Conference report on S. 1423 (Rept. No. 93-378). Ordered to be printed.

Mr. MATSUNAGA: Committee on Rules. House Resolution 493. Resolution providing for the consideration of H.R. 5356. A bill to regulate interstate commerce to protect health and the environment from hazardous chemical substances (Rept. No. 93-379). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 494. Resolution providing for the consideration of H.R. 8449. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes (Rept. No. 93-380). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 495. Resolution providing for the consideration of H.R. 8929. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes (Rept. No. 93-381). 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. BLACKBURN:

H.R. 9313. A bill to amend the Clayton Act to encourage competition in the production, refining, and marketing branches of the petroleum industry by prohibiting any oil company from engaging in more than one such branch of the industry; to the Committee on the Judiciary.

By Mr. BROOKS (for himself and Mr. HOLIFIELD):

H.R. 9314. A bill to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of California:

H.R. 9315. A bill to improve the service which is provided to consumers in connection with escrow accounts on real estate mortgages, to prevent abuses of the escrow system, to require that interest be paid on escrow deposits, and for other purposes; to the committee on Banking and Currency.

By Mr. BROYHILL of Virginia:

H.R. 9316. A bill to regulate the practice of cosmetology in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLAY (for himself, Mr. HENDERSON, Mr. REUSS, Mr. BUCHANAN, Mr. HARRINGTON, Mr. EDWARDS of California, Mr. WHITEHURST, Mr. RANGEL, Mr. MITCHELL of Maryland, Mr. METCALFE, Mr. YOUNG of Georgia, Mr. DIGGS, Mr. STOKES, and Ms. CHISHOLM):

H.R. 9317. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. COUGHLIN (for himself and Mr. RINALDO):

H.R. 9318. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 9319. A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI (by request):

H.R. 9320. A bill to amend certain provisions of title 5, United States Code, relating to pay and hours of work of Federal employees; to the Committee on Post Office and Civil Service.

By Mr. FRENZEL:

H.R. 9321. A bill to exclude certain lands from the boundaries of the Voyaguers National Park; to the Committee on Interior and Insular Affairs.

By Mr. FREY:

H.R. 9322. A bill to amend the Public Health Service Act to provide assistance for Tay-Sachs disease screening, counseling, and research programs; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 9323. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

H.R. 9324. A bill to accelerate the effective date of the recently enacted increase in social security benefits; to the Committee on Ways and Means.

H.R. 9325. A bill to amend the Internal Revenue Code of 1954 to provide that the privilege of filing joint returns shall be available only in the case of marriage partners having equal ownership, management, and control of the income, assets, and liabilities of the marriage partnership; to the Committee on Ways and Means.

By Mrs. GRIFFITHS:

H.R. 9326. A bill to suspend for a 2-year period the duty on slabs on zinc; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 9327. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MILFORD:

H.R. 9328. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

H.R. 9329. A bill to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 9330. A bill to require the Secretary of Housing and Urban Development to furnish additional consumer protection services, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 9331. 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.

H.R. 9332. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 9333. A bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. DEVINE) (by request):

H.R. 9334. A bill to amend section 1306(a) of the Federal Aviation Act of 1958 to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 9335. A bill to ratify certain payments made by the United States under the Federal Airport Act, as amended; to the Committee on Interstate and Foreign Commerce.

H.R. 9336. A bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings; to the Committee on Interstate and Foreign Commerce.

H.R. 9337. A bill to amend the Federal Aviation Act of 1958 to remove the criminal penalty from title XI, section 1101, Hazards of Air Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK (for himself, Mr. WON PAT, Mr. GUNTER, Mr. BROWN of California, Mr. LEHMAN, Mr. LENT, Mr. BADILLO, Mrs. HECKLER of Massachusetts, Mr. EILBERG, Mr. PODELL, Mr. SEIBERLING, Mr. RODINO, Mr. ROSENTHAL, Mr. DENHOLM, Mrs. BURKE of California, Mr. DAVIS of South Carolina, Mr. HARRINGTON, Mr. BLACKBURN, Mr. GUDE, Mr. RINALDO, Mr. STOKES, Mr. PEPPER, Mr. DINGELL, and Mr. RIEGLE):

H.R. 9338. A bill to provide for the recycling of used oil and for other purposes; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mrs. SCHROEDER, Mrs. GRASSO, Mr. VIGORITO, Mr. DENT, Mr. ECKHARDT, Ms. ABZUG, and Mr. BINGHAM):

H.R. 9339. A bill to provide for the recycling of used oil and for other purposes; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 9340. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 9341. A bill to amend the Public Health Service Act to establish new programs of support for the training of public and community health personnel and to revise the programs of assistance under title VII of that act for the training of allied health personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN:

H.R. 9342. A bill to revise and restate certain functions and duties of the Comptroller General of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. BURKE of Massachusetts (for himself, Mr. HARRINGTON, Mr. ULLMAN, Mr. BOLAND, Mr. CONTE, Mrs. HECKLER of Massachusetts, Mrs. GRIFFITHS, and Mr. MACDONALD):

H.R. 9343. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BURKE of Massachusetts (for himself and Mr. MOAKLEY):

H.R. 9344. A bill to amend section 103(c) of the Internal Revenue Code of 1954 to exempt from income taxation interest on certain governmental obligations issued for the certified restoration of historic structures; to the Committee on Ways and Means.

By Mr. CRONIN:

H.R. 9345. A bill to establish a Standing Committee on Energy in the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. FRASER (for himself, Mr. VANIK, Mrs. CHISHOLM, Mr. CONYERS, Mr. DENT, Mr. ECKHARDT, Mr. HARRINGTON, Mr. KYROS, Mr. MCKAY, Mr. PRICE of Illinois, Mr. RIEGLE, Mr. SEIBERLING, Mr. STOKES, Mr. STUDDS, and Mr. SYMINGTON):

H.R. 9346. A bill to establish a comprehensive program of trade adjustment assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Mr. BELL, Mr. BROWN of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. EDWARDS of California, Mr. EILBERG, Mr. FRASER, Mr. HUNGATE, Mr. MCCLOSKEY, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NIX, Mr. OBEY, Mr. PODELL, Mr. RIEGLE, Mr. ROSENTHAL, Ms. SCHROEDER, Mr. SEIBERLING, Mr. SYMINGTON, Mr. WALDIE, and Mr. WON PAT):

H.R. 9347. A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency; to the Committee on Armed Services.

By Mr. HARRINGTON (for himself, Ms. ABZUG, Mr. BROWN of California, Mr. BROYHILL of North Carolina, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. EILBERG, Mr. FROEHLICH, Mr. WILLIAM D. FORD, Mrs. GRASSO, Mr. HOWARD, Mr. HUNGATE, Mr. JONES of North Carolina, Mr. MATSUNAGA, Mr. MEEDS, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MURPHY of New York, Mr. PEPPER, Mr. PEYSER, Mr. PODELL, Mr. ROE, and Mr. ROONEY of Pennsylvania):

H.R. 9348. A bill to require the President to include in the budget transmitted to Congress additional information showing the regional impact of the budget proposals by State and congressional districts, and for other purposes; to the Committee on Government Operations.

By Mr. HARRINGTON (for himself, Mr. ROSE, Mr. ROSENTHAL, Mr. SARASIN, Ms. SCHROEDER, Mr. SEIBERLING, Mr. WALDIE, Mr. WON PAT, and Mr. YATRON):

H.R. 9349. A bill to require the President to include in the budget transmitted to Congress additional information showing the regional impact of the budget proposals by State and congressional districts, and for other purposes; to the Committee on Government Operations.

By Mr. RANGEL:

H.R. 9350. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service; to the Committee on House Administration.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 9351. A bill to amend the act of June 21, 1940, as amended, to remove the 90-day requirement for the submission of general plans and specifications for altering a bridge in accordance with an order of the Secretary of Transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITTEN:

H.R. 9352. A bill to amend the Federal Trade Commission Act (15 U.S.C. 44, 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 9353. A bill to increase (effective from the beginning of the Vietnam conflict) the maximum amount of the death gratuity payment to eligible survivors of deceased members of U.S. Armed Forces and of other individuals; to the Committee on Armed Services.

H.R. 9354. A bill to amend title 10 of the United States Code to make widows of certain members of the Armed Forces declared dead as of a date before the effective date of the Survivor Benefit Plan eligible for supplemental annuities under such plan; to the Committee on Armed Services.

By Mr. MITCHELL of New York:

H.R. 9355. A bill to authorize the disposal of copper from the national stockpile; to the Committee on Armed Services.

H.R. 9356. A bill to authorize the disposal of various materials from the national stockpile and the supplemental stockpile, and for other purposes; to the Committee on Armed Services.

By Mr. SNYDER:

H.R. 9357. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Commttee on Ways and Means.

By Mr. STUBBLEFIELD:

H.R. 9358. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. BINGHAM:

H.J. Res. 665. Joint resolution, a national education policy; to the Committee on Education and Labor.

By Mrs. GREEN of Oregon (for herself and Mr. UDALL):

H.J. Res. 666. Joint resolution proposing an amendment to the constitution of the United States relating to the strengthening of the system of checks and balances between the legislative and executive branches of the Government as envisioned by the Constitution with respect to the enactment and execution of the laws and the accountability to the people of the executive as well as the legislative branches of the Government; to the Committee on the Judiciary.

By Mr. STEELE:

H.J. Res. 667. Joint resolution authorizing the President to proclaim the first week to begin on the first Sunday in September of each year as "National Apprenticeship Week"; to the Committee on the Judiciary.

H.J. Res. 668. Joint resolution, designation of the month of July of each year as "National Drum Corps Month"; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. BAKER, Mr. BLACKBURN, Mr. BUCHANAN, Mr. BURGENER, Mr. BURKE of Florida, Mr. FISHER, Mr. GILMAN, Mr. GROSS, Mr. GUNTER, Mr. HUBER, Mr. KETCHUM, Mr. RARICK, Mr. ROUSSELOT, Mr. SATTERFIELD, Mr. SYMMS, Mr. THOMSON of Wisconsin, Mr. VANDER JAGT, Mr. WINN, Mr. WYMAN, and Mr. ZION):

H. Con. Res. 268. Concurrent resolution providing for continued close relations with the Republic of China; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

281. The Speaker presented a memorial of the Legislature of the State of California, relative to water pollution control facilities; to the Committee on Public Works.

SENATE—*Tuesday, July 17, 1973*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of all mankind, touch our hearts this moment with the light of Thy presence that through every hour of the day we may have the counsel and companionship of Thy spirit. Keep us in our personal lives and as a "nation under God," knowing that we are always under judgment as well as providence. Lift us above all cynicism and doubt to the cleansing atmosphere of Thy light and love. Show us that we are in the world not only to work and serve but to develop a character worthy of eternal survival. So wilt Thou monitor our thoughts and guide our actions until the shadows lengthen and evening comes; then may we rest with thankful hearts and be at peace.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 16, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. 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.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting minority leader desire recognition?

Mr. BEALL. Mr. President, I reserve my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Illinois (Mr. STEVENSON) is now recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against the time of the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Illinois (Mr. STEVENSON), I yield 1 minute to the distinguished Senator from Alaska (Mr. STEVENS).

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized for 1 minute.

TRIBUTE TO SENATOR AIKEN OF VERMONT

Mr. STEVENS. Mr. President, the Christian Science Monitor for Saturday, July 7, 1973, has published a delightful article written by Edwin P. Hoyt, entitled "Vermont's Senator AIKEN" about the dean of the Republican side of the aisle.

I ask unanimous consent that the full text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VERMONT'S SENATOR AIKEN

(By Edwin P. Hoyt)

Early each morning, as the mists swirl up along the Potomac and official Washington begins to stir, two men can be found sitting in companionable consultation beneath a glittering chandelier in the dignified quiet of the U.S. Senate dining room. One of them is 70, thin-lipped, lean and angular, dressed in a neat dark suit and conservative necktie. The other, although face and figure belie his age, is a decade older, a short, spare white-thatched man who wears a single-breasted jacket, colored shirt, and—always—a bright red tie.

The younger man is a Democrat, Sen. Mike Mansfield of Montana, Senate majority leader and one of the two most powerful men in Congress. The older man is a Republican, Sen. George D. Aiken of Vermont, dean of the Senate, whose twinkling eyes and ready smile hide one of the shrewdest minds in the Congress. In these brief morning sessions, Messrs. Mansfield and Aiken assess the issue of the moment. Neither tries to sway the other, but says the majority leader, "There are some people whose advice is worth hearing. George is one of them."

"BALANCE OF THE SENATE"

Over his 32 years in the Senate, George Aiken has managed to walk a course all his own. He and Senator Mansfield, for example, vote together about half the time, which is as much as Senator Aiken votes with Republican Party leaders. "He is the balance of the Senate," said former Sen. John J. Williams, Mr. Aiken's old friend from Delaware. "He is neither to the right nor to the left."

The impress of the Aiken personality is felt by many around the Capitol. On the birthday of Sen. John C. Stennis (D) of Mississippi, there appears on his breakfast table a little bottle of maple syrup from the Vermont farm of Senator Aiken's son-in-law, with a few lines of dry humorous verse which Mr. Aiken scrawls for his friends. Freshman senators are surprised and grateful when Senator Aiken suspends his own crowded schedule to befriend them and show them the ropes.

When staff members of the Republican Policy Committee were under fire following publication of a controversial "white paper" on Vietnam, Senator Aiken bounced into the committee rooms to announce with a grin that he wanted a thousand copies. He didn't say he agreed with the document, but he let the staff know that he, for one, stood behind them.

Other senators constantly asked Senator Aiken to cosponsor legislation because they know that his name on a bill will be a big boost for passage (last year he cosponsored 19 bills).

THEY LISTEN WHEN HE SPEAKS

The public seldom sees Mr. Aiken's true effectiveness in the Senate; he prefers to operate behind the scenes. But because of