

## HOUSE OF REPRESENTATIVES—Friday, September 17, 1973

The House met at 12 o'clock noon.  
The Chaplain, Rev. Edward G. Latch, offered the following prayer:

*Let us remain firm in the profession of our faith without wavering.*—Hebrews 10: 23.

Eternal God, our Father, as we enter another week of disturbing demands and perplexing problems keep us mindful of Thy presence and eager to do that which will be in the best interest of our country.

We humbly acknowledge that at times we are tempted to lose heart and to give up wondering if the struggle is worth while. In times like these grant unto us—

"A faith that will not shrink,  
Though pressed by every foe,  
That will not tremble on the brink,  
Of any earthly woe!"

We pray for our President, our Speaker, and our Members of Congress. Grant unto them wisdom to make wise decisions, strength to stand firm in faith, and courage to do what is right as they strive for justice in our land and good will among the nations of the world.

In the spirit of Him who went about doing good we pray. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8070) entitled "An act to authorize grants for vocational rehabilitation services, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 14) entitled "An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses

thereon, and appoints Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. PACKWOOD, Mr. BEALL, and Mr. TAFT to be the conferees on the part of the Senate.

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

S. 2316. An act to authorize the disposal of copper from the national stockpile and the supplemental stockpile; and

S. 2408. An act to authorize certain construction at military installations, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 84-689, as a supplementary announcement, has appointed the following Members to compose the complete group of delegates, on the part of the Senate, to attend the North Atlantic Assembly to be held in Ankara, Turkey, October 21 to 27, 1973: Mr. SPARKMAN (Chairman), Mr. KENNEDY, Mr. TUNNEY, Mr. BENTSEN, Mr. HUMPHREY, Mr. JAVITS, Mr. PEARSON, Mr. COOK, and Mr. STEVENS; and the following Members to be alternate delegates to the same conference: Mr. MANSFIELD, Mr. RANDOLPH, Mr. PELL, Mr. MCINTYRE, Mr. BAYH, Mr. EAGLETON, and Mr. BUCKLEY.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair has been advised that the electronic voting system is at the present time not operating. Until further notice, therefore, all votes and quorum calls will be taken by the standby procedures which are provided in the rules.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., September 13, 1973.  
The Honorable the SPEAKER,  
House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted today, the Clerk has received from the Secretary of the Senate the following message: That the Senate agreed to the House amendments to S. 1841 and that the Senate passed without amendment H.J. Res. 695.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,  
Clerk, House of Representatives.  
By W. RAYMOND COLLEY.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, September 13,

1973, he did on that day sign the following enrolled bill of the Senate:

S. 1841. An act to amend the Communications Act of 1934 with regard to the broadcasting of certain professional sports clubs' games.

## NUCLEAR STIMULATION: NO HELP IN SOLVING GAS SHORTAGE

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

Mr. RONCALIO of Wyoming. Mr. Speaker, I direct the attention of my colleagues to a Shell Oil Co. report on "Natural Gas," published in August as part of a series on "The National Energy Problem."

To resolve this problem, Congress must rely on the best efforts of research, not only by the Government and institutions of higher education, but by the industry itself.

So at a time when a host of energy policy questions are before us, including whether or not to pursue the Atomic Energy Commission's Plowshare program to free natural gas in tight rock formations through nuclear stimulation, the considered opinion of the industry is imperative.

Having labored for some 2 years, on the basis of Government and private studies, to effect a reexamination of nuclear stimulation, I was especially gratified to have Shell Oil Co. render its verdict—a rejection.

To those of us who will be asked to vote next year to continue funding Plowshare, the Shell report is required reading. I am therefore inserting for the RECORD the pertinent section from the study:

## NUCLEAR STIMULATION

Several government tests, including the 1969 Rulison Project in Colorado, have proved the technological feasibility of underground nuclear explosions to extract gas from tight formations beneath the Rocky Mountains and other areas. The Rulison blast shattered rock formations and formed an underground cavity where gas collected. University of Colorado researchers, however, claimed the gas was substandard and that the volume was less than expected. Overall, nuclear stimulation has not been proved economical and, environmentalists have objected because of potential surface damage and the possibility of both radiation release and the tainting of underground rivers. In addition, it is unlikely that significant gas reservoirs with the needed characteristics are available. Given published reports by the government and private researchers, we feel nuclear stimulation will not contribute significantly to either the short or long term gas supply situation.

## ALL-VOLUNTEER ARMY

(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, to continue my series of 1 minute, five members of our Subcommittee on Manpower of the Armed Services Committee spent a full day Friday at Pensacola Naval Station. Pensacola is the training and educational headquarters for the Navy.

Our committee was especially interested in what effect the all-volunteer program was having on the caliber of new recruits as compared to those under the Selective Service.

Admiral Cagle told our subcommittee that it is too soon to make judgment on the quality of the new recruits under the volunteer program. He thought at a later date the Navy could get a better fix on the students in the volunteer era.

Admiral Cagle did say one of the big problems is retaining those men that the Navy gives specialist training. If we can keep these skilled young people in the service, there would be a great saving in training cost by not having to recruit and train new personnel.

It is still too soon to tell what effect the volunteer program will have on the Navy.

#### FOURTH ANNUAL REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

##### *To the Congress of the United States:*

I am pleased to transmit to the Congress this Fourth Annual Report of the Council on Environmental Quality.

The year 1970, when I transmitted the Council's First Annual Report, signaled a time of great environmental awakening in the United States. Much has been accomplished in the succeeding three years.

In place of organizational disorder and fragmentation, we have developed institutions capable of dealing with environmental problems in a systematic and effective way. At the Federal level, the Council on Environmental Quality and the Environmental Protection Agency were established in 1970. Most States have created similar offices, giving greater prominence and coherence to their own environmental programs.

We have also enacted new and stronger environmental protection laws and have made substantial progress in defining problems, establishing goals, and designing strategies for abating pollution and preserving our natural heritage. The chapter in this report entitled "Perspectives on Environmental Quality" describes the important progress we have made. In some instances, such as air pollution, a national program is well advanced. In other areas, such as noise pollution, our work is just beginning. But in all areas, our knowledge about the environment and our capacity to protect and preserve it increase day by day.

Our energies have not been confined to domestic environmental problems. In the world community we have provided strong leadership in responding to environmental concerns and in fostering international efforts to solve problems which transcend national boundaries. The chapter "International Action to Protect the Environment" summarizes the progress made in recent years in protecting the oceans, controlling transboundary pollution, and preserving the fragile natural heritage of our planet.

Other chapters in this report further illustrate the gains that have been made. American initiative—our ability to solve problems rather than simply bemoaning them—has increasingly been turned to environmental improvement in recent years and the results are becoming evident in one area after another.

The chapter on "Cleaning up the Willamette," for example shows that a grossly polluted river can be restored to purity and health. Fifty years ago this Oregon river was offensive to the senses. Today the waters are clean and salmon migrate upstream in the fall. The people of Oregon, whose determination brought about the cleanup, are now taking action to preserve and assure public access to the shoreline of this restored river.

The chapter entitled "The Urban Environment: Toward Livable Cities" describes new signs of life and vigor in our cities and shows what private citizens can do to create urban environments that enhance the quality of life.

The chapter on "Environmental Status and Trends" indicates that the air quality in our cities is improving. Further progress will occur as the Clean Air Act continues to be carried out.

As in so many other areas of national concern, our progress should inspire us to get on with the job that still remains. In my National Resources and Environment Message in February, I resubmitted 19 bills for Congressional action and also submitted several new proposals. Some of the most important measures—including proposals for the regulation of land use and the control of toxic substances—have been before the Congress for 2½ years. Passage of these measures is crucial to the environmental well-being of America. The time for action is upon us.

Land use control is perhaps the most pressing environmental issue before the Nation. How we use our land is fundamental to all other environmental concerns. There is encouraging evidence that the American people have reached a new perception and appreciation for this challenge. In our past, we wrestled a nation out of wilderness. We cleared and developed the land. If we despoiled it, there was always fresh land over the horizon, or so it seemed. But now we know that there must be limits to our use of the land, not only limits imposed by nature on what the land can support, but also limits set by the human spirit—for we need beauty and order and diversity in our surroundings.

I believe that land use regulation should be primarily a responsibility of local governments, where responsive

leaders are most likely to understand the choices that have to be made. Nevertheless, I am also convinced that Federal legislation is needed now both to stimulate and to support the range of controls that States must institute. I urge the Congress to enact my proposal for land use control, a proposal which would authorize Federal assistance to encourage the States—in cooperation with local governments—to protect lands of critical environmental concern and to control growth and development which has a regional impact.

I also urge the Congress to act quickly to prevent continued ravaging of our land and water through uncontrolled mining. My proposed Mined Area Protection Act would establish Federal requirements to regulate surface and underground mining. By requiring mining operators to post adequate performance bonds and satisfy stringent Federal reclamation standards, this legislation would require that mined lands be restored to their original condition or to a condition that is equally desirable. We need the fuels and minerals that are now in the earth, but we can—and must—secure them without despoiling and devastating our landscape.

There is other important land use legislation pending before the Congress which also deserves prompt enactment. The Powerplant Siting Act would assure that needed generating facilities are constructed on a timely basis with full consideration of environmental values. The Natural Resource Land Management Act would provide a management policy emphasizing strong environmental safeguards for one-fifth of our Nation's land area that is managed by the Bureau of Land Management.

Because a number of differing values and perspectives must be reconciled, the regulation of land use will never be a simple matter. The "Perspectives" chapter of this report describes the anti-growth sentiment emerging in some communities and points to the need to reconcile controls on unwanted growth with provision for essential regional development. The chapter on "The Law and Land Use Regulation" discusses the balance which must be struck between the need to protect private property and the need to preserve the environment. This is not a question to be dealt with from Washington, however, but one that State and local governments and courts must work out. The Council's chapter on this subject should be helpful to these groups, the legal profession and private citizens in developing a more complete understanding of this important issue.

In the final analysis, the struggle for environmental quality rests with the citizens of our Nation. The chapter on "The Citizens' Role in Environmental Improvement" shows that concern for the environment is not merely a passing fad but rather has become an integral part of American life.

The Fourth Annual Report of the Council on Environmental Quality demonstrates our considerable progress in arresting environmental decay. It also helps to chart the path we must follow if we



are to continue this progress in the future. I commend the members and staff of the Council for their efforts in producing this valuable document, and I urge the Congress and the public to give this report their full and careful consideration.

RICHARD NIXON.

THE WHITE HOUSE, September 17, 1973.

**PERMISSION FOR MANAGERS TO HAVE UNTIL MIDNIGHT TO FILE CONFERENCE REPORT ON H.R. 8917, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1974**

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the managers may have until midnight to file a conference report on H.R. 8917, the Department of Interior and related agencies appropriation bill for fiscal year 1974.

**THE SPEAKER.** Is there objection to the request of the gentlewoman from Washington?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-512)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8917) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes," 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 amendments numbered 22, 26, 27, 28, 31, 33, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 10, 11, 20, 23, 24b, and 49, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$76,223,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$159,536,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$23,695,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$94,300,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$8,126,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree

to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "\$3,500,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$183,052,000"; and the Senate agree to the same.

Amendment numbered 24a: That the House recede from its disagreement to the amendment of the Senate numbered 24a, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$30,378,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "\$49,927,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$3,627,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

**"OFFICE OF EDUCATION**

**"INDIAN EDUCATION**

"For carrying out, to the extent not otherwise provided, part A (\$25,000,000), part B (\$12,000,000), and part C (\$3,000,000) of the Indian Education Act, \$40,000,000."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$3,790,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$200,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$350,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 5, 6, 7, 8, 12, 15, 17, 29, 30, 32, 34, 35, 36, 39, 40, 41, 42, 47, and 48.

JULIA BUTLER HANSEN,  
SIDNEY R. YATES (except amendment No. 49),

GUNN MCKAY,  
CLARENCE D. LONG (except amendment No. 49),

FRANK E. EVANS (except amendment No. 49),

GEORGE H. MAHON,  
JOSEPH M. MCDADE,  
WENDELL WYATT,  
VICTOR V. VEYSEY,  
ELFORD A. CEDERBERG,

*Managers on the Part of the House.*

ALAN BIBLE

J. L. MCCLELLAN,  
ROBERT C. BYRD,  
GALE W. MCGEE,  
JOSEPH M. MONTTOYA,  
DANIEL K. INOUE,  
LAWTON CHILES,  
TED STEVENS,  
MILTON R. YOUNG,  
ROMAN HRUSKA,  
MARK O. HATFIELD,  
HENRY BELLMON,

*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 amendments of the Senate to the bill (H.R. 8917), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending June 30, 1974, and for other purposes, 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:

**TITLE I—DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

Amendment No. 1: Appropriates \$83,932,000 for management of lands and resources as proposed by the Senate instead of \$83,872,000 as proposed by the House.

Amendment No. 2: Provides for the acquisition of two surplus aircraft as proposed by the Senate instead of three as proposed by the House.

Amendment No. 3: Provides for the acquisition of one new aircraft as proposed by the Senate.

**Bureau of Indian Affairs**

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$303,204,000 for education and welfare services instead of \$299,976,000 as proposed by the House and \$302,050,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes additions of \$3,528,000 for expenses related to the disturbance on the Pine Ridge Indian Reservation, Wounded Knee, South Dakota; \$200,000 for operation of the Ramah Navajo School, New Mexico; \$100,000 for operating costs and facilities, United Tribes Employment Training Center, Bismarck, North Dakota; and reductions of \$150,000 for demonstration program in college counseling; \$400,000 for assistance to tribal governments; and \$50,000 for law enforcement, Navajo Tribe, Arizona.

The managers on the part of the House and Senate are in agreement that until such time as the new Commissioner of Indian Affairs has had an opportunity to review the status of the National Indian Training Center and the Intermountain School, Brigham City, Utah, no action shall be taken to transfer personnel and equipment or close or transfer this facility without the consent of the Appropriations Subcommittees of the House and the Senate.

The managers are concerned that \$275,000 in additional funds appropriated in fiscal year 1973 for referral services to urban Indians was not utilized. This amount is included in the Bureau's fiscal year 1974 budget, and the managers direct that the funds be fully applied to carry out the urban Indian program.

Amendment No. 5: Reported in technical

disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language which would authorize \$3,528,000 to reimburse other agencies for obligations incurred on or after February 1, 1973, at Wounded Knee, South Dakota.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$86,208,000 for resources management instead of \$86,022,000 as proposed by the House and \$86,108,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes an addition of \$200,000 for assistance to tribal governments, including funds for Papago Tribal roll, Quinault Tribal government, and the Sioux Tribal Government Development program, Minnesota; and a reduction of \$14,000 for management and administration of the McQuinn Strip, Oregon.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$53,703,000 for construction instead of \$53,343,000 as proposed by the House and \$48,287,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes additions of \$75,000 for design of replacement classroom building, Jemez Day School, New Mexico; \$500,000 for design of Phase II and III of educational complex construction, Fort Yates, North Dakota; \$285,000 for land development on the Fallon and Washoe Reservations, Nevada; and a reduction of \$500,000 for the Navajo Irrigation project.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds advanced from the Alaska Native Fund to Regional Corporations of Alaska Natives and the Secretary of Interior shall be in addition to the funds heretofore advanced. It is the understanding of the managers that under this language no Regional Corporation will receive more than one \$500,000 advance from the Alaska Native Fund, but it is the intention of the managers that the Secretary shall have an additional \$1,000,000 to make available to such corporations at their request, to be advanced at his discretion.

#### Bureau of Outdoor Recreation

Amendment No. 9: Appropriates \$76,223,000 for the Land and Water Conservation Fund instead of \$71,223,000 as proposed by the House and \$87,223,000 as proposed by the Senate. The total amount provided is distributed as follows: (1) not to exceed \$66,000,000 shall be available to the States; (2) not to exceed \$1,000,000 shall be available to the National Park Service for inholding acquisitions; (3) not to exceed \$4,000,000 shall be available to the Forest Service for Lake Tahoe Basin lands (California); (4) and \$5,223,000 shall be available for administrative expenses of the Bureau of Outdoor Recreation. In addition, the managers are in agreement that \$10,000,000 shall be made available to the Golden Gate National Recreation Area and \$10,000,000 to the Delaware Water Gap National Recreation Area by reprogramming of funds not planned for use until fiscal year 1975. The managers expect the Department to submit formal reprogramming requests to the House and Senate

Appropriations Committees to implement these actions.

The managers direct that the Secretary make available \$18,000,000 of the \$66,000,000 appropriated herein to those states that have or are expected to exhaust all prior allocations during F.Y. 1974. This \$18,000,000 would be made available in accordance with the authority granted in Section 6(b) (2) of the Land and Water Conservation Fund Act, as amended, to apportion three-fifths of the appropriation (\$39,600,000) on the basis of "need" of the various states. The Secretary will develop guidelines for the apportionment on a project-by-project basis of the \$18,000,000. The development of these "need" considerations to apportion and utilize the \$18,000,000 for F.Y. 1974 shall have no effect on future Fund apportionments to the various states which benefit from the \$18,000,000.

Amendment No. 10: Provides language as proposed by the Senate which would provide that States may provide more than 50 percent in matching funds in accordance with section 6(c) of the Land and Water Conservation Fund Act of 1965 as amended.

#### Territorial affairs

Amendment No. 11: Appropriates \$14,500,000 for administration of territories as proposed by the Senate instead of \$15,000,000 as proposed by the House.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates \$47,776,000 for Trust Territory of the Pacific Islands.

#### Geological Survey

Amendment No. 13: Appropriates \$159,536,000 for surveys, investigations, and research instead of \$155,974,000 as proposed by the House and \$162,190,000 as proposed by the Senate. The reduction below the amount proposed by the Senate includes decreases of \$300,000 for Earth Resources Observation System; and \$2,354,000 for the Federal-State Cooperative Water Resources program.

Amendment No. 14: Provides \$23,695,000 for cooperation with States or municipalities for water resources investigations instead of \$20,695,000 as proposed by the House and \$26,049,000 as proposed by the Senate.

#### Bureau of Mines

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$152,224,000 for mines and minerals instead of \$145,424,000 as proposed by the House and \$151,324,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes additions of \$1,000,000 for design and construction of a pilot plant for converting wood wastes to oil, Albany, Oregon; \$800,000 for research on non-nuclear stimulation of oil and gas; \$500,000 for research and development of alumina, Boulder City, Nevada; \$7,000,000 for improved coal mining technology; and reductions of \$400,000 for research on conversion of organic wastes to oil; \$300,000 for research on extraction technology and explosives; and \$1,800,000 for coal mine health and safety research.

#### Office of Coal Research

Amendment No. 16: Appropriates \$94,300,000 for salaries and expenses instead of \$61,500,000 as proposed by the House and \$95,000,000 as proposed by the Senate. The decrease below the amount proposed by the Senate includes an addition of \$3,000,000 for the Solvent Refined Coal process; and reductions of \$2,000,000 to reactivate the coal liquification pilot plant, Cresap, West Virginia; \$700,000 for project COED, New Jersey;

and \$1,000,000 for magnetohydrodynamics research.

The managers expect the Department to submit proposals for allocation of the increased funds for energy research provided in the bill to the Appropriations Committees for approval.

#### Bureau of Sport Fisheries and Wildlife

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$80,437,000 for resource management instead of \$80,137,000 as proposed by the House and \$80,377,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes \$200,000 for increased animal damage control; and \$100,000 for general wildlife refuge management.

Amendment No. 18: Appropriates \$8,126,500 for construction and anadromous fish instead of \$12,846,500 as proposed by the House and \$5,933,000 as proposed by the Senate. The decrease below the amount proposed by the House includes additions of \$300,000 for planning and design, Fish Disease Laboratory, Leetown National Fish Hatchery, West Virginia; \$80,000 for facility design, Shermore National Wildlife Refuge, Minnesota; and reductions of \$5,000,000 for pollution abatement facilities; and \$100,000 for fishing ponds and reservoir, Fishery Research Laboratory, La Crosse, Wisconsin.

Amendment No. 19: Appropriates \$3,500,000 for migratory bird conservation account instead of \$7,100,000 as proposed by the Senate.

Amendment No. 20: Provides for the acquisition of 160 passenger motor vehicles as proposed by the Senate instead of 169 passenger motor vehicles as proposed by the House.

#### National Park Service

Amendment No. 21: Appropriates \$183,052,000 for operation of the national park system instead of \$176,720,000 as proposed by the House and \$187,577,000 as proposed by the Senate. The increase over the amount proposed by the House includes \$332,000 for communication facilities, Lake Mead National Recreation Area, Nevada-Arizona; and \$6,000,000 for improved management of the national park system, to be distributed as follows: \$487,000, National Capital Parks; \$850,000, Northeast; \$1,000,000, Southeast; \$988,000, Midwest; \$1,181,000, Western; \$752,000, Pacific Northwest; \$742,000, Southwest.

Amendment No. 22: Appropriates \$20,000,000 for planning and construction as proposed by the House instead of \$19,744,000 as proposed by the Senate. The managers direct that the following projects be funded from unobligated fiscal year 1973 balances: \$900,000 for stabilization and project planning, Gulf Islands National Seashore, Florida (\$700,000), and Mississippi (\$200,000); \$100,000 for development of Pictured Rocks National Lakeshore, Michigan; \$145,000 for development of Bighorn Canyon National Recreation Area, Wyoming; \$50,000 to initiate planning and development of Sitka National Historical Park, Alaska; \$250,000 for irrigation system reconstruction, Capitol Reef National Park, Utah; \$500,000 for park development, Indiana Dunes National Lakeshore, Indiana; \$100,000 for visitors center planning and fencing, Alibates Flint Quarries and Texas Panhandle Pueblo Cultural National Monument, Texas; and \$110,000 for project planning, Arkansas Post National Memorial, Arkansas. The managers direct that the Department submit formal reprogramming requests to the Appropriations Committees for approval of these reprogramming actions.



The managers direct that the total road construction obligation program, for which \$35,000,000 is provided in the bill for road construction (liquidation of contract authority), include the following projects: \$560,000 for planning and \$2,000,000 for construction of section 3-C of the Natchez Trace Parkway, Mississippi; \$60,000 for planning the Big Spring Canyon Bridge, Canyonlands National Park, Utah; \$70,000 for road relocation, Lake Mead National Recreation Area, Nevada-Arizona; and \$885,000 for road reconstruction, Theodore Roosevelt National Memorial Park, North Dakota. The managers are in agreement that the obligation program for fiscal year 1974 shall be reduced to conform with conference action on the planning, development, and operation of recreation facilities appropriation.

Amendment No. 23: Appropriates \$15,559,000 for preservation of historic properties as proposed by the Senate instead of \$4,054,000 as proposed by the House. The managers are in agreement that of the total amount provided, \$11,505,000 shall be available for the regular grants-in-aid program and no funds are provided for the special bicentennial grant program.

Amendment No. 24a: Appropriates \$30,378,000 for planning, development and operation of recreation facilities instead of \$31,531,000 as proposed by the House and \$29,145,000 as proposed by the Senate. The decrease below the amount proposed by the House includes an addition of \$150,000 for Gunboat Cairo; and reductions of \$973,000 for reflecting pool reconstruction, National Capital Parks; and \$330,000 for facility improvements and archeology excavation, Independence Hall National Historical Park.

Amendment No. 24b: Provides language as proposed by the Senate which provides that funds included for the Redwoods National Park shall be used within the boundaries as described in the Federal Register.

#### Office of Saline Water

Amendment No. 25: Appropriates \$3,627,000 for saline water conversion instead of \$3,727,000 as proposed by the Senate. The increase in the amount above the budget request includes: \$600,000 for operations of the Roswell, New Mexico, pilot plant; and \$500,000 for operations at the Wrightsville Beach test facility, North Carolina.

#### Office of the Solicitor

Amendment No. 26: Appropriates \$7,500,000 for salaries and expenses as proposed by the House instead of \$7,800,000 as proposed by the Senate.

#### Office of the Secretary

Amendment No. 27: Appropriates \$15,495,000 for salaries and expenses as proposed by the House instead of \$16,026,000 as proposed by the Senate.

Amendment No. 28: Appropriates \$670,000 for salaries and expenses (special foreign currency program) as proposed by the House instead of \$1,000,000 as proposed by the Senate.

#### TITLE II—RELATED AGENCIES

##### Department of Agriculture

##### Forest Service

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$257,461,000 for forest land management instead of \$259,701,000 as proposed by the House and \$257,961,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The decrease in the amount proposed by the Senate includes an addition of \$500,000 for reforestation and timber stand improvement (providing a total

budget increase of \$3,000,000 for reforestation and \$6,500,000 for timber stand improvement); and a reduction of \$1,000,000 for project FALCON (Forest Advanced Logging and Conservation).

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$60,160,000 for forest research instead of \$59,145,000 as proposed by the House and \$59,880,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes: \$300,000 for intensive forest culture research, Moscow, Idaho; \$100,000 for watershed management research, Fairbanks, Alaska; \$150,000 for research at Orono, Maine, on timber management (\$100,000) and wildlife habitat (\$50,000); \$315,000 for Pinyon-Juniper research, Reno, Nevada; \$100,000 for forest recreation research, Juneau, Alaska; and \$50,000 for wildlife habitat research, Fresno, California.

Amendment No. 31: Appropriates \$27,760,000 for State and private forestry cooperation as proposed by the House instead of \$26,760,000 as proposed by the Senate.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates \$26,443,000 for construction and land acquisition instead of \$26,353,000 as proposed by the House and \$24,357,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase above the amount proposed by the House includes an addition of \$90,000 for Little Cottonwood Canyon Sewage Project, Utah.

In addition, the managers on the part of the House and Senate deny \$2,704,000 of proposed reprogramming and direct that the funds be obligated for the projects for which they were originally appropriated. The projects and amounts follow: \$525,000 for Mt. Charleston Recreation Area, Nevada; \$150,000 for Angel Lake, Nevada; \$815,000 for Eagle Lake Dam, West Virginia; \$25,000 for Lake of the Clouds, West Virginia; \$404,000 for Flaming Gorge National Recreation Area, Wyoming; \$660,000 for Princeton, West Virginia; and \$125,000 for Charleston, South Carolina.

Amendment No. 33: Deletes language providing \$500,000 for scientific activities overseas (special foreign currency program) as proposed by the Senate.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate of a technical nature.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language which prohibits moving or closing any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the Committee on Appropriations and Committee on Agriculture and Forestry in the U.S. Senate and U.S. House of Representatives.

The managers are deeply disturbed over the arbitrary manner in which the Agriculture Department and OMB have impounded all Congressional additions to the Forest Service budget. They direct that this practice of rejecting Congressional priorities without regard to merit or need be discontinued immediately.

#### Department of Health, Education, and Welfare

##### Health Services and Mental Health Administration

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$184,283,000 for Indian health services instead of \$184,118,000 as proposed by the House and \$182,803,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes additions of \$165,000 to continue leasing of health clinics in Alaskan villages; \$2,000,000 for ambulatory care, including \$1,200,000 for patient care and \$800,000 for field health; \$500,000 for tribal health program development; and reductions of \$1,500,000 for California Rural Indian Health Board; \$250,000 for mental health care; \$500,000 for pilot urban Indian health projects using the model of the Minneapolis Indian Health Board; and \$250,000 for an additional 150 community health representatives.

Amendment No. 37: Appropriates \$49,927,000 for Indian health facilities instead of \$46,027,000 as proposed by the House and \$50,107,000 as proposed by the Senate. The increase over the amount proposed by the House includes \$3,200,000 for construction of the Owyhee Indian Hospital, Nevada; \$600,000 for planning a new health facility, Bethel, Alaska; and \$100,000 for designing an Indian health clinic, Chemawa Indian School, Oregon.

##### Office of Education

Amendment No. 38: Appropriates \$40,000,000 for Indian education instead of \$65,000,000 as proposed by the Senate. The managers on the part of the House and the Senate agree to provide \$25,000,000 for Part A of this Act; \$12,000,000 for Part B of the Act; and \$3,000,000 for Part C of the Act.

The managers are in agreement that the Department of Health, Education, and Welfare shall supply necessary funds for the operation of the National Advisory Council on Indian Education.

##### National Foundation on the Arts and the Humanities

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$105,275,000 for salaries and expenses instead of \$98,675,000 as proposed by the House and \$114,750,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$46,025,000 to the National Endowment for the Arts for support of projects and productions in the arts through assistance to groups and individuals pursuant to Section 5(c) of the Act instead of \$41,425,000 as proposed by the House and \$50,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$44,500,000 to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act instead

of \$42,500,000 as proposed by the House and \$50,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$13,000,000 for matching grants instead of \$8,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

#### Smithsonian Institution

Amendment No. 43: Appropriates \$3,790,000 for construction and improvements, National Zoological Park instead of \$3,650,000 as proposed by the House and \$3,850,000 as proposed by the Senate. The increase over the amount proposed by the House includes \$140,000 for planning for the visitors parking and operations and maintenance structure.

The managers agree that the total of \$55,438,000 in the salaries and expenses appropriation shall include \$19,502,000 for science and \$3,199,000 for special programs as proposed by the Senate.

#### National Council on Indian Opportunity

Amendment No. 44: Appropriates \$200,000 for salaries and expenses instead of \$100,000 as proposed by the House and \$300,000 as proposed by the Senate.

Federal Metal and Nonmetallic Mine Safety Board of Review

Amendment No. 45: Appropriates \$60,000 for salaries and expenses as proposed by the House instead of \$150,000 as proposed by the Senate.

#### Pennsylvania Avenue Development Corporation

Amendment No. 46: Appropriates \$350,000 for salaries and expenses instead of \$200,000 as proposed by the House and \$500,000 as proposed by the Senate.

#### TITLE III—GENERAL PROVISIONS

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language which limits the log export prohibition to the contiguous 48 states. The managers are in agreement that the prohibition against log export shall apply to any sale hereafter made of unprocessed timber suitable for domestic manufacture of lumber or plywood from Federal lands west of the 100th meridian.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making certain exceptions to the log export limitation, with an amendment as follows:

"Provided, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 49: Deletes language as proposed by the House prohibiting strip mining in the National Park System, National Wildlife Refuge System, the National Wilderness System, or the Wild and Scenic Rivers System, including "study rivers" designated under section 5(a) of the Wild and Scenic Rivers Act.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for fiscal year 1974 recommended by the Committee of Conference, with comparisons to the fiscal year 1973 total amount, the 1974 budget estimate, and the House and the Senate bills for 1974 follows:

New budget (obligational) authority, fiscal year 1973	\$2,649,406,300
Budget estimates of new (obligational) authority, fiscal year 1974 (as amended)	2,370,367,300
House bill, fiscal year 1974	2,269,554,200
Senate bill, fiscal year 1974	2,488,773,700
Conference agreement	2,443,137,200
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1973	-206,269,100
Budget estimates of new (obligational) authority, fiscal year 1974 (as amended)	+72,769,900
House bill, fiscal year 1974	+173,583,000
Senate bill, fiscal year 1974	-45,636,500

<sup>1</sup> Excludes \$7,100,000 for American Revolution Bicentennial Commission not considered by either the House or the Senate.

JULIA BUTLER HANSEN,  
SIDNEY R. YATES  
(except amendment  
No. 49),

GUNN MCKAY,  
CLARENCE D. LONG  
(except amendment  
No. 49),

FRANK E. EVANS  
(except amendment  
No. 49),

GEORGE H. MAHON,  
JOSEPH M. MCDADE,  
WENDELL WYATT,  
VICTOR V. VEYSEY,  
ELFORD A. CEDERBERG,

*Managers on the Part of the House.*

ALAN BIBLE,  
J. L. MCCLELLAN,  
ROBERT C. BYRD,  
GALE W. MCGEE,  
JOSEPH M. MONTTOYA,  
DANIEL K. INOUE,  
LAWTON CHILES,  
TED STEVENS,  
MILTON R. YOUNG,  
ROMAN L. HRUSKA,  
MARK O. HATFIELD,  
HENRY BELLMON,

*Managers on the Part of the Senate.*

#### CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

#### DETERMINING RIGHTS AND INTERESTS OF CHOCTAW NATION, CHICKASAW NATION, AND CHEROKEE NATION IN AND TO BED OF ARKANSAS RIVER BELOW CANADIAN FORK AND TO EASTERN BOUNDARY OF OKLAHOMA

The Clerk called the bill (H.R. 5089) to determine the rights and interests of the Choctaw Nation, the Chickasaw Nation and the Cherokee Nation in and to the bed of the Arkansas River below the Canadian Fork and to the eastern boundary of Oklahoma.

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

H.R. 5089

*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 "Choctaw-Chickasaw-Cherokee Boundary Dispute Act".*

SEC. 2. The consent of the United States is hereby given to the Choctaw Nation, the

Chickasaw Nation, and the Cherokee Nation to bring suit against each other, and against any other persons, or entities to quiet the title in and to the bed of the Arkansas River below the Canadian Fork and to the eastern boundary of Oklahoma.

SEC. 3. Any action commenced pursuant to section 2 of this Act shall be heard and determined by a Federal court of three judges selected in the manner provided by law, sitting in the United States District Court for the Eastern District of Oklahoma, in accordance with the provisions of section 4 of this Act, any party may appeal as of right directly to the Supreme Court of the United States from the final determination by such three-judge district court.

SEC. 4. It is hereby declared to be the intent and the objective of the Congress that the relative rights and interests of said tribes making claims against each other in and to the surface and the subsurface of the lands identified in section 2 of this Act shall be judicially determined in accordance with principles of law and equity, including a consistent award or awards or release or releases to the Choctaw Nation and Chickasaw Nation or the Cherokee Nation of such bonus sums, rentals, and royalties, or other moneys paid or received on account of leasing of any portion of such lands. In furtherance of the accomplishment of this intent and the attainment of this objective, the parties are hereby authorized to enter into a settlement agreement in which provision may be made for a recognition in perpetuity of their relative rights to use and to enjoy the surface and the subsurface of the lands identified in section 2 of this Act, including the division of any and all of such bonus sums, rentals, and royalties, or other moneys paid or received on account of the leasing of any portion of said lands for any purpose or purposes. Such settlement agreement may be embodied in and be made a part of any decree of the court, which thereupon shall be final and conclusive with respect to the rights and interests of the parties.

SEC. 5. Nothing in this Act shall be deemed to be a congressional determination of the merits of the conflicting tribal claims with respect to the lands that are the subject of this Act.

With the following committee amendments:

Page 1, lines 7 and 8, strike out the words "other, and against any other persons, or entities," and insert in lieu thereof "other".

Page 2, line 8, strike out "Act, any party may appeal as of right" and insert in lieu thereof "Act. Any party may appeal".

Page 2, line 17, strike out "Nation" and insert "Nation,".

Page 2, line 18, strike out "and Chickasaw Nation or" and insert "the Chickasaw Nation, and".

The committee amendments were agreed to.

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

#### AUTHORIZING THE EXCHANGE OF CERTAIN LANDS BETWEEN THE PUEBLO OF ACOMA AND THE FOREST SERVICE

The Clerk called the bill (H.R. 6925) to authorize the exchange of certain lands between the Pueblo of Acoma and the Forest Service.

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

H.R. 6925

*Be it enacted by the Senate and House of Representatives of the United States of*



*America in Congress assembled*, That the Secretary of the Interior shall transfer lands and minerals therein, within section 17, township 11 north, range 8 west, and section 13, township 11 north, range 9 west, New Mexico Principal Meridian, now held in trust for the Pueblo of Acoma Tribe, to the Secretary of Agriculture for administration as a part of the Mount Taylor Division, Cibola National Forest, and subject to the laws, rules, and regulations applicable to the National Forest System.

Sec. 2. The lands and minerals therein, within section 20, township 11 north, range 8 west, and section 24, township 11 north, range 9 west, New Mexico Principal Meridian, now a part of the Cibola National Forest, are hereby declared to be held in trust by the Secretary of the Interior for the Pueblo of Acoma Tribe: *Provided*, That rights-of-way sixty-six feet in width, being thirty-three feet on either side of the centerline, for Forest Service Development System roads now in place across said lands, shall be retained by the Secretary of Agriculture.

Sec. 3. Any transfer effected by this Act shall be subject to valid claims as long as they are maintained.

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

#### PROVIDING FOR CONVEYANCE OF CERTAIN MINERAL RIGHTS IN AND UNDER LANDS IN ONSLOW COUNTY, N.C.

The Clerk called the bill (H.R. 3436) to provide for conveyance of certain mineral rights in and under lands in Onslow County, N.C.

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

H.R. 3436

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all mineral interests which are now owned by the United States in the following described lands are hereby quitclaimed to the owner or owners of the surface of the land:

All that tract or parcel of land situated, lying and being in Jacksonville Township, Onslow County, North Carolina, within an area formerly owned and developed by the North Carolina Defense Relocation Corporation, known as a part of the Cavanaugh tract, and described more particularly as follows:

Lot 3: Beginning at the southwest corner of the above described tract, said corner being at the intersection of farm roads at gate, and (located south 66 degrees 00 minutes east 11.80 feet from a 7-inch pipe and north 44 degrees 00 minutes east 32.50 feet from an 18-inch gum);

thence along the farm road, south 16 degrees 20 minutes west 219.10 feet to a point 12 feet from the center of road;

thence south 37 degrees 09 minutes west 370.85 feet to a point 4 feet east from center of road;

thence south 46 degrees 28 minutes west 572.15 feet to the middle of said road;

thence south 56 degrees 22 minutes west 869.00 feet to the beginning of the tract hereinafter described;

thence continuing along the said road, south 56 degrees 22 minutes west 700 feet to a point 2 feet southeast from center of road (located north 50 degrees 00 minutes west 10.2 feet from a 3-inch pine and south 37 degrees 00 minutes east 10.00 feet from a 2-inch pine); south 58 degrees 35 minutes west 535.40 feet to an iron pipe at edge of woods and field (located south 27 degrees 00 minutes west 21.3 feet from a 12-inch double live oak; south 7 degrees 00 minutes east

22.8 feet from a 22-inch white oak and south 67 degrees 30 minutes east 24.9 feet from the east corner of a tobacco barn); south 58 degrees 38 minutes west 1181.34 feet to a point in middle of old abandoned road (located south 50 degrees 30 minutes west 18.5 feet from a 10-inch pine and north 30 degrees 00 minutes west 12.4 feet from a 12-inch pine); south 59 degrees 05 minutes west 493.5 feet to the intersection of said abandoned road with woods road (located south 31 degrees 00 minutes east 19.8 feet from a 15-inch pine and south 51 degrees 30 minutes west 9 feet from a 7-inch pine); north 83 degrees 11 minutes west 411.20 feet to a point in road (located south 35 degrees 00 minutes east 25.5 feet from a 7-inch pine) south 86 degrees 03 minutes west 179.20 feet to a cluster of small willows and maples on the east edge of New River at wire landing, corner of said Cavanaugh across the river from the Cox estate;

thence the eight following lines with the southeast side of New River; north 9 degrees 59 minutes west 160.78 feet to an 8-inch gum; north 1 degree 22 minutes east 397.05 feet to a 54-inch cypress; north 34 degrees 04 minutes west 202.34 feet to a 48 inch cypress; north 22 degrees 11 minutes west 154.64 feet to a 12 inch gum; north 6 degrees 43 minutes east 117.44 feet to a 28 inch cypress; north 0 degrees 32 minutes west 260.85 feet to a 17 inch gum; north 24 degrees 30 minutes west 67.90 feet to a 16 inch gum; north 34 degrees 53 minutes west 315.40 feet to a double 10 inch birch on the southeast side of intersection of Half Moon Creek with New River, a corner to O. R. Cowell, and being located across the river from the Cox estate;

thence the 17 following lines with Half Moon Creek and the O.R. Cowell tract; north 11 degrees 23 minutes east 214.95 feet; north 6 degrees 31 minutes west 206.78 feet to a 10-inch cypress near head of island; north 35 degrees 54 minutes east 156.49 feet; north 0 degrees 27 minutes west 146.08 feet; north 24 degrees 42 minutes east 265.39 feet to center of Half Moon Creek at Shingle Landing; north 26 degrees 37 minutes west 150.85 feet to a point in creek at head of island (located north 75 degrees 30 minutes west 14 feet from a 12-inch ash); north 8 degrees 27 minutes east 385.83 feet; north 14 degrees 09 minutes east 152.49 feet; north 49 degrees 52 minutes east 174.83 feet; north 23 degrees 26 minutes east 211.20 feet to a 10-inch willow on the east side of Half Moon Creek at the site of the old dam; north 27 degrees 07 minutes east 301.79 feet; north 27 degrees 03 minutes east 186.64 feet; north 5 degrees 57 minutes east 104.33 feet; north 45 degrees 15 minutes west 81.68 feet; north 15 degrees 40 minutes west 127.77 feet; north 10 degrees 34 minutes east 205.69 feet to a point in creek (located south 20 degrees 29 minutes east 40.1 feet from a 48-inch cypress); north 37 degrees 30 minutes west 75.82 feet to the center line of the intersection of the fork of Half Moon Creek, corner of said Cowell, and E. L. Greer (located south 72 degrees 00 minutes west 20 feet from a black gum);

thence the forty-eight following lines with the east branch of the Half Moon Creek and the E. L. Greer tract; north 48 degrees 39 minutes east 115.64 feet; north 60 degrees 57 minutes east 114.14 feet; north 83 degrees 49 minutes east 66.04 feet to a 10-inch black gum; north 22 degrees 15 minutes east 116.33 feet; north 76 degrees 37 minutes east 114.03 feet; north 26 degrees 30 minutes east 63.21 feet to a 6-inch ash; north 71 degrees 14 minutes east 76.22 feet; south 81 degrees 12 minutes east 67.76 feet; north 71 degrees 19 minutes east 127.66 feet; north 54 degrees 51 minutes east 183.22 feet; north 54 degrees 57 minutes east 120.67 feet; north 0 degrees 24 minutes west 50.67 feet; south 88 degrees 23 minutes east 160.04 feet; south 73 degrees 04 minutes east 171.08 feet to the middle of Half Moon Creek (located north 10 degrees

00 minutes east 20 feet from a double ash); north 87 degrees 47 minutes east 187.07 feet; north 53 degrees 03 minutes east 75.12 feet; north 77 degrees 04 minutes east 235.25 feet to a 10-inch ash on north edge of creek; south 24 degrees 45 minutes east 67.62 feet; north 60 degrees 15 minutes east 127.87 feet; north 23 degrees 04 minutes east 104.23 feet; north 54 degrees 05 minutes east 135.71 feet; south 65 degrees 41 minutes east 79.85 feet to a 10-inch gum on south bank of creek; north 67 degrees 53 minutes east 149.41 feet; north 73 degrees 42 minutes east 54.85 feet; south 22 degrees 42 minutes east 63.98 feet; south 78 degrees 13 minutes east 92.74 feet; north 60 degrees 05 minutes east 54.65 feet; south 42 degrees 34 minutes east 54.84 feet; south 10 degrees 27 minutes west 50.26 feet; south 89 degrees 43 minutes east 50 feet to a small Holly on said creek;

thence south 10 degrees 50 minutes east 712.00 feet to a small oak on a branch; thence with the branch due south 357.00 feet;

thence south 48 degrees 30 minutes west 550.00 feet;

thence south 13 degrees 50 minutes east 300.00 feet;

thence south 8 degrees 55 minutes west 550.00 feet, crossing a farm road to a dead white oak near head of the branch;

thence south 24 degrees 45 minutes east 1528.00 feet to the beginning, containing 285.53 acres, more or less.

Being a part of the same lands conveyed to the North Carolina Defense Relocation Corporation by deed from G. E. Cavanaugh, widower, dated October 15, 1941, of record in book 194, page 440.

Sec. 2. The provisions of section 4 of this Act shall become effective upon payment by the grantee of \$200 to reimburse the United States for the administrative costs of the conveyance, plus payment of the estimated fair market value of the minerals in such lands, if any.

With the following committee amendments:

Page 1, strike out lines 3 through 6 and insert in lieu thereof:

"That the Secretary of the Interior is authorized and directed in accordance with Section 3 of this Act to convey by quitclaim deed to the present owner or owners of record all mineral interest of the United States in the following described lands:"

Page 7, strike out all of lines 14 through 18 and insert in lieu thereof the following:

"Sec. 2. The Secretary shall require the deposit of a sum of money which he deems sufficient to cover estimated administrative costs of this Act. If conveyance is not made pursuant to this Act, and the administrative costs exceed the deposit, the Secretary shall bill the applicant for the outstanding amount, but if the amount of the deposit exceeds the actual administrative costs, the Secretary shall refund the excess.

"Sec. 3. No conveyance shall be made unless application for conveyance is filed with the Secretary within six months of the date of approval of this Act and unless within the time specified by him payment is made to the Secretary of (1) administrative costs of the conveyance and (2) the fair market value of the interest to be conveyed. The amount of the payment required shall be the difference between the amount deposited and the full amount required to be paid under this section. If the amount deposited exceeds the full amount required to be paid, the applicant shall be given a credit or refund for the excess.

"Sec. 4. The term 'administrative costs' as used in this Act, includes, but is not limited to, all costs of (1) conducting such exploratory programs as the Secretary of the Interior deems necessary to determine the character of the mineral deposits in the land, (2) evaluating the data obtained under the

exploratory programs to determine the fair market value of the mineral rights to be conveyed, and (3) preparing and issuing the instrument of conveyance.

"Sec 5. Moneys paid to the Secretary for administrative costs shall be paid to the agency which rendered the service, and deposited to the appropriation then current. Moneys paid for the minerals or mineral interests conveyed shall be deposited into the general fund of the Treasury as miscellaneous receipts."

The committee amendments were agreed to.

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

#### GRANTING CONSENT OF THE UNITED STATES TO THE ARKANSAS RIVER BASIN COMPACT

The Clerk called the bill (H.R. 8056) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma be considered in lieu of H.R. 8056.

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

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

##### S. 11

An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby given to the Arkansas River Basin compact, Arkansas-Oklahoma, 1970, as ratified by the States of Arkansas and Oklahoma as follows:

##### "ARTICLE I

"The major purposes of this Compact are:

"A. To promote interstate comity between the States of Arkansas and Oklahoma;

"B. To provide for an equitable apportionment of the waters of the Arkansas River between the States of Arkansas and Oklahoma and to promote the orderly development thereof;

"C. To provide an agency for administering the water apportionment agreed to herein;

"D. To encourage the maintenance of an active pollution abatement program in each of the two States and to seek the further reduction of both natural and man-made pollution in the waters of the Arkansas River Basin; and

"E. To facilitate the cooperation of the water administration agencies of the States of Arkansas and Oklahoma in the total development and management of the water resources of the Arkansas River Basin.

##### "ARTICLE II

"As used in this Compact:

"A. The term 'State' means either State signatory hereto and shall be construed to include any person or persons, entity or agency of either State who, by reasons of official responsibility or by designation of the Governor of that State, is acting as an official representative of that State.

"B. The term 'Arkansas-Oklahoma Arkansas River Compact Commission,' or the term 'Commission' means the agency created by this Compact for the administration thereof.

"C. The term 'Arkansas River Basin' means all of the drainage basin of the Arkansas River and its tributaries from a point immediately below the confluence of the Grand-Neosho River with the Arkansas River near Muskogee, Oklahoma, to a point immediately below the confluence of Lee Creek with the Arkansas River near Van Buren, Arkansas, together with the drainage basin of Spavinaw Creek in Arkansas, but excluding that portion of the drainage basin of the Canada River above Eufaula Dam.

"D. The term 'Spavinaw Creek Sub-basin' means the drainage area of Spavinaw Creek in the State of Arkansas.

"E. The term 'Illinois River Sub-basin' means the drainage area of Illinois River in the State of Arkansas.

"F. The term 'Lee Creek Sub-basin' means the drainage area of Lee Creek in the State of Arkansas and the State of Oklahoma.

"G. The term 'Poteau River Sub-basin' means the drainage area of Poteau River in the State of Arkansas.

"H. The term 'Arkansas River Sub-basin' means all areas of the Arkansas River Basin except the four sub-basins described above.

"I. The term 'water-year' means a twelve-month period beginning on October 1, and ending September 30.

"J. The term 'annual yield' means the computed annual gross runoff from any specified sub-basin which would have passed any certain point on a stream and would have originated within any specified area under natural conditions, without any man-made depletion or accretion during the water year.

"K. The term 'pollution' means contamination or other alterations of the physical, chemical, biological or radiological properties of water or the discharge of any liquid, gaseous, or solid substances into any waters which creates, or is likely to result in a nuisance, or which renders or is likely to render the waters into which it is discharged harmful, detrimental or injurious to public health, safety, or welfare, or which is harmful, detrimental or injurious to beneficial uses of the water.

##### "ARTICLE III

"A. The physical and other conditions peculiar to the Arkansas River Basin constitute the basis of this Compact, and neither of the States hereby, nor the Congress of the United States by its consent hereto, concedes that this Compact established any general principle with respect to any other interstate stream.

"B. By this Compact, neither State signatory hereto is relinquishing any interest or right it may have with respect to any waters flowing between them which do not originate in the Arkansas River Basin as defined by this Compact.

##### "ARTICLE IV

"The States of Arkansas and Oklahoma hereby agree upon the following apportionment of the waters of the Arkansas River Basin:

"A. The State of Arkansas shall have the right to develop and use the waters of the Spavinaw Creek Sub-basin subject to the limitation that the annual yield shall not be depleted by more than fifty percent (50%).

"B. The State of Arkansas shall have the right to develop and use the waters of the Illinois River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

"C. The State of Arkansas shall have the right to develop and use all waters originating within the Lee Creek Sub-basin in the State of Arkansas, or the equivalent thereof.

"D. The State of Oklahoma shall have the right to develop and use all waters orig-

inating within the Lee Creek Sub-basin in the State of Oklahoma, or the equivalent thereof.

"E. The State of Arkansas shall have the right to develop and use the waters of the Poteau River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

"F. The State of Oklahoma shall have the right to develop and use the waters of the Arkansas River Sub-basin subject to the limitation that the annual yield shall not be depleted by more than sixty percent (60%).

##### "ARTICLE V

"A. On or before December 31 of each year, following the effective date of this Compact, the Commission shall determine the stateline yields of the Arkansas River Basin for the previous water year.

"B. Any repletion of annual yield in excess of that allowed by the provisions of this Compact shall, subject to the control of the Commission, be delivered to the downstream State, and said delivery shall consist of not less than sixty percent (60%) of the current runoff of the basin.

"C. Methods for determining the annual yield of each of the sub-basins shall be those developed and approved by the Commission

##### "ARTICLE VI

"A. Each State may construct, own and operate for its needs water storage reservoirs in the other State: *Provided, however,* That nothing contained in this Compact or its ratification by Arkansas or Oklahoma shall be interpreted as granting either State or the parties hereto the right or power of eminent domain in any manner whatsoever outside the borders of its own State.

"B. Depletion in annual yield of any sub-basin of the Arkansas River Basin caused by the operation of any water storage reservoir either heretofore or hereafter constructed by the United States or any of its agencies, instrumentalities or wards, or by a State, political sub-division thereof, or any person or persons shall be charged against the State in which the yield therefrom is utilized.

"C. Each State shall have the free and unrestricted right to utilize the natural channel of any stream within the Arkansas River Basin for conveyance through the other State of waters released from any water storage reservoir for an intended downstream point of diversion or use without loss of ownership of such waters: *Provided, however,* That a reduction shall be made in the amount of water which can be withdrawn at point of removal, equal to the transmission losses.

##### "ARTICLE VII

"The States of Arkansas and Oklahoma mutually agree to:

"A. The principle of individual State effort to abate man-made pollution within each State's respective borders, and the continuing support of both States in an active pollution abatement program;

"B. The cooperation of the appropriate State agencies in the States of Arkansas and Oklahoma to investigate and abate sources of alleged interstate pollution within the Arkansas River Basin;

"C. Enter into joint programs for the identification and control of sources of pollution of the waters of the Arkansas River and its tributaries which are of interstate significance;

"D. The principle that neither State may require the other to provide water for the purpose of water quality control as a substitute for adequate waste treatment;

"E. Utilize the provisions of all Federal and State water pollution laws and to recognize such water quality standards as may be now or hereafter established under the Federal Water Pollution Control Act in the resolution of any pollution problems affecting the waters of the Arkansas River Basin.



## ARTICLE VIII

"A. There is hereby created an interstate administrative agency to be known as the 'Arkansas-Oklahoma Arkansas River Compact Commission.' The Commission shall be composed of three Commissioners representing the State of Arkansas and three Commissioners representing the State of Oklahoma, selected as provided below; and, if designated by the President or an authorized Federal agency, one Commissioner representing the United States. The President, or the Federal agency authorized to make such appointments, is hereby requested to designate a Commissioner and an alternate representing the United States. The Federal Commissioner, if one be designated, shall be the Chairman and presiding officer of the Commission, but shall not have the right to vote in any of the deliberations of the Commission.

"B. One Arkansas Commissioner shall be the Director of the Arkansas Soil and Water Conservation Commission, or such other agency as may be hereafter responsible for administering water law in the State. The other two Commissioners shall reside in the Arkansas River drainage area in the State of Arkansas and shall be appointed by the Governor, by and with the advice and consent of the Senate, to four-year staggered terms with the first two Commissioners being appointed simultaneously to terms of two (2) and four (4) years, respectively.

"C. One Oklahoma Commissioner shall be the Director of the Oklahoma Water Resources Board, or such other agency as may be hereafter responsible for administering water law in the State. The other two Commissioners shall reside within the Arkansas River drainage area in the State of Oklahoma and shall be appointed by the Governor, by and with the advice and consent of the Senate, to four-year staggered terms, with the first two Commissioners being appointed simultaneously to terms of two (2) and four (4) years, respectively.

"D. A majority of the Commissioners of each State and the Commissioner or his alternate representing the United States, if they are so designated, must be present to constitute a quorum. In taking any Commission action, each signatory State shall have a single vote representing the majority opinion of the Commissioners of that State.

"E. In the case of a tie vote on any of the Commission's determinations, order, or other actions, a majority of the Commissioners of either State may, upon written request to the Chairman, submit the question to arbitration. Arbitration shall not be compulsory, but on the event of arbitration, there shall be three arbitrators:

"(1) One named by resolution duly adopted by the Arkansas Soil and Water Conservation Commission, or such other State agency as may be hereafter responsible for administering water law in the State of Arkansas; and

"(2) One named by resolution duly adopted by the Oklahoma Water Resources Board, or such other State agency as may be hereafter responsible for administering water law in the State of Oklahoma; and

"(3) The third chosen by the two arbitrators who are selected as provided above. If the arbitrators fail to select a third within sixty (60) days following their selection, then he shall be chosen by the Chairman of the Commission.

"F. The salaries and personal expenses of each Commissioner shall be paid by the Government which he represents. All other expenses which are incurred by the Commission incident to the administration of this Compact shall be borne equally by the two States and shall be paid by the Commission out of the 'Arkansas-Oklahoma Arkansas River Compact Fund,' initiated and maintained as provided in Article IX(B) (5) below.

The States hereby mutually agree to appropriate sums sufficient to cover its share of the expenses incurred in the administration of this Compact, to be paid into said fund. Disbursements shall be made from said fund in such manner as may be authorized by the Commission. Such funds shall not be subject to the audit and accounting procedures of the States; however, all receipts and disbursements of funds handled by the Commission shall be audited by a qualified independent public accountant at regular intervals, and the report of such audit shall be included in and become a part of the annual report of the Commission, provided by Article IX(B) (6) below. The Commission shall not pledge the credit of either State and shall not incur any obligations prior to the availability of funds adequate to meet the same.

## "ARTICLE IX

"A. The Commission shall have the power to:

"(1) Employ such engineering, legal, clerical and other personnel as in its judgment may be necessary for the performance of its functions under this Compact;

"(2) Enter into contracts with appropriate State or Federal agencies for the collection, correlation, and presentation of factual data, for the maintenance of records and for the preparation of reports;

"(3) Establish and maintain an office for the conduct of its affairs;

"(4) Adopt and procure a seal for its official use;

"(5) Adopt rules and regulations governing its operations. The procedures employed for the administration of this Compact shall not be subject to any Administrative Procedures Act of either State, but shall be subject to the provisions hereof and to the rules and regulations of the Commission: *Provided, however*, All rules and regulations of the Commission shall be filed with the Secretary of State of the signatory States.

"(6) Cooperate with Federal and State agencies and political subdivisions of the signatory States in developing principles, consistent with the provisions of this Compact and with Federal and State policy, for the storage and release of water from reservoirs, both existing and future within the Arkansas River Basin, for the purpose of assuring their operation in the best interests of the States and the United States;

"(7) Hold hearings and compel the attendance of witnesses for the purpose of taking testimony and receiving other appropriate and proper evidence and issuing such appropriate orders as it deems necessary for the proper administration of this Compact, which orders shall be enforceable upon the request by the Commission or any other interested party in any court of competent jurisdiction within the county wherein the subject matter to which the order relates is in existence, subject to the right of review through the appellate courts of the State of situs. Any hearing held for the promulgation and issuance of orders shall be in the county and State of the subject matter of said hearing;

"(8) Make and file official certified copies of any of its findings, recommendations or reports with such officers or agencies of either State, or the United States as may have any interest in or jurisdiction over the subject matter. Findings of fact made by the Commission shall be admissible in evidence and shall constitute prima facie evidence of such fact in any court or before any agency of competent jurisdiction. The making of findings, recommendations, or reports by the Commission shall not be a condition precedent to instituting or maintaining any action or proceeding of any kind by a signatory State in any court, or before any tribunal agency or officer, for the protection of

any right under this Compact or for the enforcement of any of its provisions;

"(9) Secure from the head of any department or agency of the Federal or State government such information, suggestions, estimates and statistics as it may need or believe to be useful for carrying out its functions and as may be available to or procurable by the department or agency to which the request is addressed;

"(10) Print or otherwise reproduce and distribute all of its proceedings and reports; and

"(11) Accept, for the purposes of this Compact, any and all private donations and gifts and Federal grants of money.

"B. The Commission shall:

"(1) Cause to be established, maintained and operated such stream, reservoir or other gaging stations as may be necessary for the proper administration of this Compact;

"(2) Collect, analyze and report on data as to stream flows, water quality, annual yields and such other information as is necessary for the proper administration of this Compact;

"(3) Continue research for developing methods of determining total basin yields;

"(4) Perform all other functions required of it by the Compact and do all things necessary, proper or convenient in the performance of its duties thereunder;

"(5) Establish and maintain the 'Arkansas-Oklahoma Arkansas River Compact Fund,' consisting of any and all funds received by the Commission under the authority of this Compact and deposited in one or more banks qualifying for the deposit of public funds of the signatory States;

"(6) Prepare and submit an annual report to the Governor of each signatory State and to the President of the United States covering the activities of the Commission for the preceding fiscal year, together with an accounting of all funds received and expended by it in the conduct of its work;

"(7) Prepare and submit to the Governor of each of the States of Arkansas and Oklahoma an annual budget covering the anticipated expenses of the Commission for the following fiscal year; and

"(8) Make available to the Governor or any State agency of either State or to any authorized representative of the United States, upon request, any information within its possession.

## "ARTICLE X

"A. The provisions hereof shall remain in full force and effect until changed or amended by unanimous action of the States acting through their Commissioners and until such changes are ratified by the legislatures of the respective States and consented to by the Congress of the United States in the same manner as this Compact is required to be ratified to become effective.

"B. This Compact may be terminated at any time by the appropriate action of the legislature of both signatory States.

"C. In the event of amendment or termination of the Compact, all rights established under the Compact shall continue unimpaired.

## "ARTICLE XI

"Nothing in this Compact shall be deemed:

"A. To impair or affect the powers, rights or obligations of the United States, or those claiming under its authority in, over, and to the waters of the Arkansas River Basin;

"B. To interfere with or impair the right or power of either signatory State to regulate within its boundaries of appropriation, use and control of waters within that State not inconsistent with its obligations under this Compact.

## "ARTICLE XII

"If any part of application of this Compact should be declared invalid by a court of competent jurisdiction, all other provisions and application of this Compact shall remain in full force and effect.

**"ARTICLE XIII"**

"A. This Compact shall become binding and obligatory when it shall have been ratified by the legislature of each State and consented to by the Congress of the United States, and when the Congressional Act consenting to this Compact includes the consent of Congress to name and join the United States as a party in any litigation in the United States Supreme Court, if the United States is an indispensable party, and if the litigation arises out of this Compact or its application, and if a signatory State is a party thereto.

"B. The States of Arkansas and Oklahoma mutually agree and consent to be sued in the United States District Court under the provisions of Public Law 87-830 as enacted October 15, 1962, or as may be thereafter amended.

"C. Notice of ratification by the legislature of each State shall be given by the Governor of that State to the Governor of the other State, and to the President of the United States, and the President is hereby requested to give notice to the Governor of each State of consent by the Congress of the United States.

"IN WITNESS WHEREOF, the authorized representatives have executed three counterparts hereof such of which shall be and constitute an original, one of which will be deposited with the Administrator of General Services of the United States, and one of which shall be forwarded to the Governor of each State.

"Done at the City of Little Rock, State of Arkansas, this 16th day of March A.D., 1970.

"FOR ARKANSAS:

"S. KEITH JACKSON,  
"Committee Member.  
"JOHN LUCE,  
"Committee Member.

"FOR OKLAHOMA:

"GLADE R. KIRKPATRICK,  
"Committee Member.  
"MILTON CRAIG,  
"Committee Member.

"Approved: TRIGG TWICHELL, Representative, United States of America.

"Attest: WILLARD B. MILLS, Secretary."

SEC. 2. In order to carry out the purposes of this Act, and the purposes of article XII of this compact consented to by Congress by this Act, the congressional consent to this compact includes and expressly gives the consent of Congress to have the United States of America named and joined as a party litigant in any litigation in the United States Supreme Court, if the United States of America is an indispensable party to such litigation, and if the litigation arises out of this compact, or its application, and if a signatory State to this compact is a party litigant in the litigation.

SEC. 3. The right to alter, amend, or repeal this Act, is expressly reserved.

AMENDMENTS OFFERED BY MR. JOHNSON  
OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. JOHNSON of California: Page 6, line 9, strike out the word "repletion" and insert in lieu thereof the word "depletion".

Page 18, line 14, strike out "article XII" and insert in lieu thereof "article XIII".

The amendments were agreed to.

Mr. JOHNSON of California. Mr. Speaker, I am pleased to rise in explanation of S. 11 to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma. The bill contains the full text of the compact which was negotiated by representatives of the two States and a Fed-

eral representative appointed by the President of the United States.

Authority to negotiate the compact was granted by the Congress in the act of June 28, 1955. The negotiators worked on this document for a period of many years, commencing in March of 1956 and extending to March of 1970. The document has been ratified by acts of the legislatures of both States and approved by the Governors.

The compact is comprised of 13 articles, the most important of which apportions the waters of the basin between the States. The compact also provides for the creation of an administrative entity with appropriate participation by a representative of the United States to be designated by the President.

The document also disclaims any intent to impair the rights of the United States or to interfere with the rights of either signatory. One of the more significant provisions of this compact is the article which commits both States to an active pollution control program in the basin. It is important to recognize that the pollution control provisions of the compact are to be interpreted to require that the public interest in fish and wildlife and recreation must be fully protected.

The legislation also grants the consent of Congress for the United States to be joined as a party to any litigation in the Supreme Court of the United States arising from the compact—and to which either signatory is a party. This is a progressive provision which we have seen with increasing frequency in more recent compacts and is one which is essential to timely and effective judicial interpretation of the compact if the need for such action should arise.

In conclusion, Mr. Speaker, let me say that the Committee on Interior and Insular Affairs has determined to its complete satisfaction that the rights of the United States and the rights of Indian tribes and individual Indians are not intended to be impaired in any way by this compact and by the enactment of this legislation.

I, therefore, strongly urge that there be no objection to its passage on the Consent Calendar.

Mr. HAMMERSCHMIDT. Mr. Speaker, as cosponsor of H.R. 8056, I welcome the opportunity to give a statement on behalf of this legislation which would give the U.S. consent to the Arkansas River Basin compact.

In 1955, Congress granted its consent for the States of Arkansas and Oklahoma to negotiate a compact to apportion and protect from pollution the waters of the Arkansas River flowing between them. This bill is evidence of the careful planning and thorough research of the intervening years and is a document worthy of the task of initiating yet another stage in the development of the Arkansas River Basin.

The Arkansas River Basin is an area of vital importance to both States, and one which provides almost unlimited potential for progress and achievement. This potential is being explored through the expansion of the McClellan-Kerr naviga-

tion system which has already given the area a substantial economic boost.

The Arkansas River has always provided sites of unparalleled beauty, but its usefulness has been handicapped in many ways. In its natural state, the river was unpredictable at best, dangerous and impassable at worst. It carried a heavy sediment load, and, at the whim of nature, changed from a sluggish flow to a raging torrent. It altered the banks, created treacherous sandbars, and wreaked havoc at flood time on the surrounding countryside. Courageous steamboat captains transported freight up and down the river, often at the expense of heavy damage or total loss of both vessel and cargo. When the railroad lines began to cross-hatch the country, these riverboats disappeared and the waters were left to those more interested in adventure than profit.

When it opened up the river, the McClellan-Kerr navigation system also numbered among its accomplishments the stabilization of the river banks, construction of dams for hydroelectric plants and flood control, creation of a channel for barges carrying tons of freight, and stabilization of the sediment level—all of this while enhancing the recreational values of the waters and preserving a sympathetic environment for wildlife in the basin.

This project has resulted in immense benefits to both Arkansas and Oklahoma, and one effect of the Arkansas River compact will be to insure that these benefits continue. The compact represents a concept of interstate husbandry which will undoubtedly become more prevalent in the future as states become more aware of the necessity of protecting and developing shared resources through mutual cooperation and consideration.

By this means, a clean, healthy Arkansas River will remain one of the greatest assets of both States while becoming an example of pollution prevention for the entire Nation. It will insure that a benefit to one State is not washed up as a detriment on the banks of the other.

The goals behind the compact are an equitable apportionment of the waters between the two States, an agency to administer the apportionment, an active pollution abatement program, and a cooperation between State agencies that will result in the optimum development and management of the resources of the basin.

This bill succeeds in providing an ideal environment for the realization of these goals while prohibiting an exercise of eminent domain by either State in the other, without impairing the rights of any Indians living in the area, and without alienating the Office of Management and Budget.

A bill which exhibits such careful research and planning and which provides such benefits is worthy of the approval of my colleagues, and I urge that H.R. 8056 receive no objections.

The amendments were 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. 8056) was laid on the table.



**RELIEF FOR PAYEES AND SPECIAL  
ENDORSEES OF FRAUDULENTLY  
NEGOTIATED CHECKS DRAWN ON  
DESIGNATED DEPOSITARIES OF  
THE UNITED STATES**

The Clerk called the bill (H.R. 6274) to grant relief of payees and special endorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund, and for other purposes.

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

H.R. 6274

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of November 21, 1941 (55 Stat. 777; 31 U.S.C. 561-564), is amended as follows:*

(a) Section 2 is amended by striking out the words "and directed" from the concluding clause.

(b) Sections 4 and 5 are redesignated as sections 5 and 6.

(c) A new section 4 is added to read as follows:

"SEC. 4. The Secretary of the Treasury is authorized to make available to accountable officers of the United States sums in the fund to pay to a payee or special indorsee of a check drawn on and paid by a designated depositary of the United States the amount of the check, without interest, where it is established, in accordance with regulations promulgated under section 5, that the conditions specified in section 2 of this Act, except as they pertain to the Treasurer of the United States, have been fulfilled. Notwithstanding the provisions of section 1415 of the Supplemental Appropriation Act, 1953 (66 Stat. 662; 31 U.S.C. 724), where such check was payable in a foreign currency the accountable officer may be authorized to make payment in that foreign currency. The liability and restoration provisions of section 3 of this Act shall apply with respect to checks drawn on designated depositaries, except that recoveries of foreign currency shall be used, as required, to reimburse either the foreign currency fund or account or the check forgery insurance fund, whichever account or fund is charged when settlement is made with the payee or indorsee."

With the following committee amendments:

Page 1, lines 5 and 6: Strike the language of lines 5 and 6. Page 1, line 7: Strike "(b)" and insert "(a)". Page 1, line 9: Strike "(c)" and insert "(b)".

The committee amendments were agreed to.

Mr. DONOHUE. Mr. Speaker, for more than 30 years the statutes of the United States have provided authority for payments from the check forgery insurance fund to payees or to special indorsees whose names are forged on U.S. checks which were negotiated and paid on the forged indorsement. H.R. 6274, as amended, would add a new section to permit similar payments to payees and special indorsees on forged checks drawn by Government disbursing officers in U.S. dollars or foreign currencies on depositaries designated by the Secretary of the Treasury in the United States or abroad. This bill was introduced in accordance with the recommendations of an executive communication from the Treasury Department which recommends its enactment.

The check forgery insurance fund was

established in 1941 to provide a means of payment to entitled payees and special indorsees of checks drawn on the Treasurer of the United States that have been lost or stolen and paid by the Treasurer on forged indorsements. The act of November 21, 1941, established this fund as a revolving fund and authorized and directed the Treasurer to use it, under four stated conditions, to pay the rightful payees or indorsees in these cases. The fund thus provides for the expeditious settlement of claims by making funds available in advance of reclamation actions by the Treasury against forgers or subsequent transferees. The four conditions which must be satisfied before a payment is made from the fund are:

First, the check was lost or stolen without fault of the payee or such holder;

Second, it was thereafter negotiated and paid by the Treasurer on a forged indorsement of the payee's or special indorsee's name;

Third, the payee or special indorsee did not participate in the proceeds of the negotiation or payment; and

Fourth, reclamation on the check subsequent to the forgery has been or may be delayed or unsuccessful.

Of course, the use of the fund by the Treasurer does not relieve a forger, or transferee subsequent to the forgery, from any liability on the check, and all amounts recovered by the Treasurer as a result of such liability are credited to the fund as necessary to reimburse it.

Since 1963, U.S. disbursing officers, in 10 countries where balances of foreign currencies are excess to the Government's regular operating needs, have been converting checks drawn on the Treasurer to foreign currency checks drawn on depositaries designated by the Secretary of the Treasury, as a means to use the excess currencies. The checks generally represent monthly payments of benefits of various kinds, which cannot all be personally delivered or made in cash. For the month of January 1972, for example, 12,059 such conversions in a dollar amount of \$1,653,419 occurred. In addition, U.S. disbursing officers of the Department of State, Treasury disbursing officers, and certain other Government disbursing officers draw checks in foreign countries on foreign depositaries directly.

The problem is that the Government does not now have the means to make settlement with payees or special indorsees of forged checks drawn in U.S. dollars or foreign currencies on these depositaries designated by the Secretary of the Treasury in the United States or abroad. As I have stated, these checks are drawn by Government disbursing officers who maintain checking accounts with such depositaries. The increased use of such checks and therefore the proportionately increased incidence of forged indorsements on such checks necessitate the establishment of a fiscal recourse by which prompt and certain relief payments may be made to innocent payees or special indorsees on forged depositary checks, to settle their claims against the Government. This bill would provide that recourse by broadening the authorized use of the check forgery insurance fund,

and in certain circumstances by authorizing the use of foreign currencies, to make such settlements.

This legislation was prompted by the recognition by the Treasury Department that it is unfair to payees of checks drawn on U.S. depositaries to have to wait for long periods for settlement on forged items when payees of checks drawn on the Treasurer can receive settlement checks in a much shorter time. The checks drawn on such depositaries are legal obligations of the United States just as are checks drawn on the Treasurer. This bill provides a logical and proven remedy in this situation. The new section 4 which would be added to the basic statute would make the check forgery insurance fund available for settlement payments to payees or special indorsees of checks drawn on and paid by designated depositaries, under the same constraints as now exist for Treasurer's checks and under regulations issued by the Secretary of the Treasury in the Code of Federal Regulations.

The procedures authorized by the bill will protect the Treasury against losses in the same manner as under the present law since the new language incorporates the provision in section 3 of the 1941 act which makes a forger, or a transferee subsequent to the forgery, liable for the amount of the fraudulently cashed check, and by a provision for reclamation of such amounts and ultimate credit to the check forgery insurance fund or the foreign currency account which withstood the settlement charge, as the case may be.

**COMMITTEE AMENDMENT**

As originally proposed by the Treasury the bill would have stricken the words "and directed" from section 2 of the existing law. It now provides that after a payee has satisfied the requirements set forth in the section the Treasurer "is authorized and directed" to draw on the fund prior to reclamation to pay the payee or special indorsee. The committee decided not to make this change in existing law. Therefore the committee amendment is to strike the language of subsection (a) of the bill with a further amendment changing the lettering on the remaining two subsections to "(a)" and "(b)".

**COST**

In testimony before the committee, the Treasury representative stated that the fund was established in 1941 with an appropriation of \$50,000. This was utilized as a revolving fund until 1963 when an additional \$50,000 was authorized. In 1970 this was increased to \$200,000, and in 1972 an additional \$1,800,000 was authorized. The revolving fund has now been funded at the full amount of \$2 million.

The Treasury Department has furnished the committee with a summary of the numbers of checks and amounts in connection with the operation of the revolving fund in the years 1962 through 1973, which showed that the losses which were not recovered throughout the history of the fund were \$68,148.90. The experience has been that recovery is made in the overwhelming majority of the cases and the amounts so recovered are

deposited in the fund. While it is not possible to predict what loss may occur in specific cases in the future, it appears that there should be a similar result in effecting ultimate collection under the provisions of this bill as has been the cases under the existing provisions of the law.

The bill provides for the utilization of a time tested means for the payment of the amounts due to payees on these checks in these situations. It is recommended that the amended bill be considered favorably.

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

#### APPLICATION OF GENERAL SCHEDULE PAY AND POSITION CLASSIFICATION PROVISIONS TO SELECTIVE SERVICE SYSTEM EMPLOYEES

The Clerk called the bill (H.R. 6334) to provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System.

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

H.R. 6334

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5102(b) of title 5, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof "including positions in local boards and appeal boards within the Selective Service System and employees occupying those positions."*

SEC. 2. The rate of basic pay of each employee in a position under a local board or appeal board of the Selective Service System on and immediately prior to the effective date of this Act shall be adjusted, as of such effective date, under the provisions of section 5334(d) of title 5, United States Code.

SEC. 3. Section 10(b)(4) of the Military Selective Service Act (50 App. U.S.C. 460 (b)(4)) is amended by—

(1) striking out "the Classification Act of 1949, as amended, the compensation" and inserting in lieu thereof "the provisions of chapter 51 and subchapter III of chapter 53 United States Code, relating to classification and General Schedule pay rates, the basic pay";

(2) striking out "Provided, That the compensation of employees of local boards and appeals boards may be fixed without regard to the Classification Act of 1949, as amended: Provided further, That" and inserting in lieu thereof "however,"; and

(3) striking out "Provided further, That an employee of a local board having supervisory duties with respect to other employees of one or more local boards shall be designated as the 'executive secretary' of the local board or boards: And provided further, That the term of employment of such 'executive secretary' in such position shall in no case exceed ten years except when reappointed;" and inserting in lieu thereof a semicolon.

SEC. 4. This Act shall take effect not later than the beginning of the first pay period which begins on or after the ninetieth day following the date of the enactment of this Act.

With the following committee amendments:

(1) On page 2, line 9, strike out "as amended,".

(2) On page 2, line 11, insert the words "of title 5" immediately after the number "53".

(3) On page 2, line 17, strike out "as amended".

(4) On page 3, strike out lines 1 and 2 and insert in lieu thereof "years except when reappointed".

The committee amendments were agreed to.

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

#### IMPROVING ADMINISTRATION OF LEAVE SYSTEM FOR FEDERAL EMPLOYEES

The Clerk called the bill (H.R. 1284) to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

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

H.R. 1284

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 5551(a) of title 5, United States Code, is amended by striking out "except that it may not exceed pay for a period of annual or vacation leave in excess of 30 days or the number of days carried over to his credit at the beginning of the leave year in which entitlement to payment occurs, whichever is greater".*

(b) Section 5551(b) of title 5, United States Code, is amended to read as follows:

"(b) The accumulated and current accrued annual leave to which an officer excepted from subchapter 1 of chapter 63 to this title by section 6301(2)(x)-(xii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump-sum payment in accordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is based on the rate of pay which he was receiving immediately before the date on which section 6301(2)(x)-(xii) of this title became applicable to him."

SEC. 2. The first sentence of section 6303 (b) of title 5, United States Code, is amended to read as follows: "Notwithstanding subsection (a) of this section, an employee whose current employment is limited to less than 90 days is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under successive appointments without a break in service."

SEC. 3. Section 6304 of title 5, United States Code, is amended—

(1) by striking out of subsection (a) the phrase "subsection (b) of this section" and inserting in lieu thereof "subsections (b) and (d) of this section"; and

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

"(d) (1) Annual leave which is lost by operation of this section because of—

"(A) administrative error when such error causes a loss of annual leave otherwise accruable after June 30, 1960;

"(B) exigencies of the public business when such annual leave was scheduled in advance; or

"(C) sickness of the employee when such annual leave was scheduled in advance;

shall be restored to the employee.

"(2) Annual leave restored under paragraph (1) of this subsection which is in excess of the maximum leave accumulation permitted by law shall be credited to a sep-

arate leave account for the employee and shall be available for use by the employee within the time limits prescribed by regulations of the Civil Service Commission. Leave credited under this paragraph but unused and still available to the employee under the regulations prescribed by the Commission shall be included in the lump-sum payment under section 5551 or 5552(1) of this title but may not be retained to the credit of the employee under section 5552(2) of this title."

SEC. 4. Section 6302 of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(f) An employee who uses excess annual leave credited because of administrative error may elect to refund the amount received for the days of excess leave by lump-sum or installment payments or to have the excess leave carried forward as a charge against later-accruing annual leave, unless repayment is waived under section 5584 of this title."

SEC. 5. With respect to former employees who are not on the rolls on the date of enactment of this Act, except former employees under section 6 of this Act, annual leave which accrued after June 30, 1960, but, because of administrative error, was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump sum payment only if a claim therefore is filed by or for the former employee, with the agency by which he was employed at the time the loss of leave occurred, within three years immediately following the date of enactment of this Act. Payment shall be at the salary rate in effect on the date of separation from the employment during which the loss of annual leave occurred.

SEC. 6. (a) With respect to an employee of the United States Postal Service or former employee of the former Post Office Department or of the United States Postal Service, annual leave which accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error, was lost before July 1, 1971, by operation of section 6304 of title 5, United States Code, shall be liquidated by a lump sum payment only if a claim thereof is filed by or for such employee or former employee with—

(1) the Postal Service, if such leave was lost while such employee or former employee was an employee of the Post Office Department; or

(2) the agency (other than the Post Office Department) by which such employee was employed at the time the loss of leave occurred; within three years immediately following the date of enactment of this Act.

(b) The lump sum payment authorized under subsection (a) of this section shall be made at the salary rate in effect on—

(1) June 30, 1971, or the date of separation or transfer from the Post Office Department, as applicable, in the case of a claim filed under subsection (a) (1) of this section; or

(2) the date of separation or transfer from the agency (other than the Post Office Department) in the case of a claim filed under subsection (a) (2) of this section.

With the following committee amendments:

(1) On page 2, line 1, strike out "subchapter 1" and insert in lieu thereof "subchapter I".

(2) On page 2, line 2, strike out "to this title" and insert in lieu thereof "of this title".

(3) Beginning on page 4, strike out line 6 and all that follows down through line 21 on page 5, and insert in lieu thereof the following:

SEC. 5. With respect to a former employee (except a former employee under section 6 of this Act) who is not on the rolls on the date of enactment of this Act, annual leave



which accrued after June 30, 1960, but, because of administrative error, was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within three years immediately following the date of enactment of this Act, with the agency by which he was employed when the lump-sum payment provisions of section 5551 of title 5, United States Code, last became applicable to him. Payment shall be by that agency at the salary rate in effect on the date the lump-sum payment provisions became applicable.

Sec. 6. (a) With respect to a former employee of the Post Office Department or a former employee of the United States Postal Service who had prior civilian service with the Post Office Department or other Federal agency, who is not on the rolls on the date of enactment of this Act, annual leave which accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within three years immediately following the date of enactment of this Act with the Postal Service. Payment shall be by the Postal Service at the salary rate in effect on the date the lump-sum payment provisions of section 5551 of title 5, United States Code, or comparable provisions of regulations of the Postal Service as appropriate, last became applicable to the former employee.

(b) With respect to a present employee of the Postal Service who had prior Federal civilian service with the Post Office Department or other Federal agency, annual leave which accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error was lost by operation of section 6304 of title 5, United States Code, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within three years immediately following the date of enactment of this Act with the Postal Service. Payment shall be by the Postal Service at the salary rate in effect on the date of enactment of this Act.

The committee amendments were agreed to.

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

#### LIBERALIZATION OF ELIGIBILITY FOR CIVIL SERVICE RETIREMENT COST-OF-LIVING ANNUITY INCREASES

The Clerk called the bill (H.R. 3799) to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

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

H.R. 3799

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8340(c) of title 5, United States Code, is amended—*

(1) by renumbering paragraphs (1) and (2) thereof as paragraphs (2) and (3), respectively; and

(2) by inserting immediately above paragraph (2) (renumbered as such by paragraph (1) of this section), the following new paragraph:

"(1) An annuity (except a deferred annuity under section 8338 of this title or any other provision of law) which—

"(A) is payable from the Fund to an employee or Member who retires, or to the

widow or widower of a deceased employee or Member; and

"(B) has a commencing date after the effective date of the then last preceding annuity increase under subsection (b) of this section;

shall not be less than the annuity which would have been payable if the commencing date of such annuity had been the effective date of the then last preceding annuity increase under subsection (b) of this section. In the administration of this paragraph, an employee or a deceased employee shall be deemed, for the purposes of section 8339(n) of this title, to have to his credit, on the effective date of the then last preceding annuity increase under subsection (b) of this section, a number of days of unused sick leave equal to the number of days of unused sick leave to his credit on the date of his separation from the service."

Sec. 2. The amendments made by this Act shall apply only with respect to annuities which have a commencing date after the effective date of the first annuity increase under section 8340(b) of title 5, United States Code, which occurs on or after the date of enactment of this Act.

With the following committee amendment:

On page 2, strike out lines 21 through 23, and lines 1 and 2 on page 3 and insert the following:

Sec. 2. The amendments made by this Act shall apply only with respect to annuities which commence on or after July 2, 1973.

The amendment was agreed to.

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

#### GRANTING ALIEN CHILD ADOPTED BY AN UNMARRIED U.S. CITIZEN SAME IMMIGRANT STATUS

The Clerk called the bill (H.R. 7555) to grant an alien child adopted by an unmarried U.S. citizen the same immigrant status as an alien child adopted by a U.S. citizen and his spouse.

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

H.R. 7555

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b) (1) (F) of the Immigration and Nationality Act (8 U.S.C. 1101(b) (1) (F)) is amended—*

(1) by inserting before "by a United States citizen" both times it occurs in such subparagraph the following: "by an unmarried United States citizen or"; and

(2) by striking out "who have complied" in such subparagraph and inserting in lieu thereof "who has or have complied".

Mr. KOCH. Mr. Speaker, I rise in support of H.R. 7555, a bill I introduced to grant a child adopted by a single U.S. citizen the same immediate relative status for immigration purposes as a child adopted by a U.S. citizen and spouse.

Under existing law, section 101(b) (1) (F) of the Immigration and Nationality Act allows only married U.S. citizens, and not an unmarried U.S. citizen, the right to petition for immediate relative status for an alien orphan intended to be or already adopted. The administrative rulings on this matter have pro-

hibited an unmarried person from petitioning for immediate relative status for an otherwise eligible alien orphan.

This distinction in the law has caused much suffering. For example, the American unmarried aunt or uncle, either single, widowed, or divorced, of an alien orphan cannot now obtain immediate relative status for her or his orphaned niece or nephew. Furthermore, today there are many unmarried persons who would like to adopt Vietnam orphans, fathered by American soldiers. Although many States now allow adoption by an unmarried person, this adoption is thwarted by an antiquated immigration policy.

I originally introduced this legislation in September 1972 after the injustice of the present law was brought to my attention by a constituent. This particular young woman had adopted a Korean child. However, to her dismay and sorrow, she found that she could not bring the adopted alien orphan to the United States as an immediate relative solely because she was a single, unmarried parent.

Most single parents in this situation have had to register the child for a non-preference visa number. The child is then placed on the waiting list since this category is often oversubscribed and visas are unavailable for years. During this time the child may not permanently enter the United States.

The report on H.R. 7555 filed by the House Judiciary Committee, urging that the bill be passed, states that—

The Committee recognizes that there has been a continuing trend in state legislatures to enact legislation authorizing single persons to adopt children. In this regard, it should be emphasized that the impact of this legislation is properly limited to the extent that the laws of the United States or the applicable law in foreign jurisdictions permit a single person to adopt children.

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

#### PROVIDING FOR THE FILLING OF VACANCIES IN LEGISLATURE OF THE VIRGIN ISLANDS

The Clerk called the bill (H.R. 7699) to provide for the filling of vacancies in the Legislature of the Virgin Islands.

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

H.R. 7699

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(h) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1572(h)) is amended to read as follows:*

"(h) The Legislature of the Virgin Islands shall by law provide the procedure for filling any vacancy in the office of member of the legislature."

Sec. 2. The amendment made by the first section of this Act shall apply with respect to vacancies occurring on or after the date of enactment of this Act.

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

# PROVIDING FOR STRIKING OF MEDALS IN COMMEMORATION OF JIM THORPE

The Clerk called the bill (H.R. 4507) to provide for the striking of medals in commemoration of Jim Thorpe.

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

H.R. 4507

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the outstanding achievements of Jim Thorpe as an athlete and as a great American, the Secretary of the Treasury is authorized and directed to strike and furnish to the Jim Thorpe Memorial-Oklahoma Athletic Hall of Fame Commission not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary, after consultation with the commission. The medals, which may be disposed of by the commission at a premium, shall be delivered at such times as may be required by the commission in quantities of not less than two thousand. The medals are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).*

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the commission.

SEC. 4. No medals shall be made under the authority of this Act after December 31, 1974.

With the following committee amendments:

On page 1, line 5, strike out "and directed".

On page 2, line 3 through five, strike out "The medals are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368)."

On page 2, immediately following line 18, insert the following:

SEC. 5. At the option of the commission, the Secretary may release the dies to a private manufacturer for production of some or all of the medals authorized under this Act.

SEC. 6. The medals, whether produced by the Secretary or by a private manufacturer from dies prepared by the Department of the Treasury, shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

The committee amendments were agreed to.

Mrs. SULLIVAN. Mr. Speaker, this bill, and the three which follow it on the Consent Calendar, provide for the striking of national medals at no cost to the Treasury. All of the costs of manufacture, including labor, materials, dies, use of machinery and overhead expenses, would have to be paid by the sponsoring organization.

We have approved numerous such bills in the past after making sure the sponsoring organization was a legitimate and responsible one and that the Secretary of the Treasury maintained control over the designs, composition, and other aspects of these national medals.

In H.R. 4507, the Jim Thorpe Medal

bill, and H.R. 5760, to strike national medals commemorating the international exposition on environment at Spokane, Wash., next year, we are making it possible for the first time for private enterprise to have the opportunity to bid for participation in the work of making these two national medals, under the strict supervision and control of the Secretary of the Treasury. In other words, if the sponsoring organization wants to have these medals manufactured by a private firm which conceivably might do the work at less cost than the mint, or on a faster schedule, the Secretary is authorized to turn over the dies for the actual stamping of the medals by a private concern. But since these are national medals, the Secretary would exercise control over the quality and integrity of any work done on them outside the mint.

We think this is a good compromise of the desire of the sponsoring organizations to have national medals for these commemorations, and the feeling of the private manufacturers of medals that the mint is in competition with them.

The committee has been convinced that the events commemorated by these medals are of true national significance, justifying the issuance of national medals. We went into this issue quite deeply in our hearings.

Mr. Speaker, the gentleman from Oklahoma (Mr. CAMP) was truly eloquent in our hearing in describing the athletic prowess of Jim Thorpe and there was no question in our mind, in approving the bill in subcommittee and in the full committee, that the athletic achievements of Jim Thorpe qualified for this kind of recognition. Earlier this year, the House by unanimous consent authorized the striking of a national medal honoring the late Roberto Clemente. The people of Oklahoma, including, I am sure, the Speaker, regard Jim Thorpe as one of the greatest athletes of all history—the only man to win both the pentathlon and decathlon in the Olympic Games and a great star also of college and professional baseball and football.

Mr. CAMP. Mr. Speaker, I am proud to rise in support of H.R. 4507, a bill providing for the striking of medals in commemoration of Jim Thorpe, a great Oklahoman considered by many to be the foremost athlete of all time.

Surely every American and all of us in this Chamber today are familiar with the Jim Thorpe story—the rise of the poor, young Indian to athletic eminence under the guidance of Coach "Pop" Warner, culminating with 1912 Olympic victories in both the decathlon and the pentathlon; then, the tragic rebuke by the Amateur Athletic Union and deletion of Thorpe's name and accomplishments from Olympic records on the much-disputed ground of professionalism.

I might add here that Oklahomans and others are still trying to win redress of this injustice so that Thorpe's medals can be returned and his accomplishments restored to Olympic records. Great strides have recently been made toward this goal and I am hopeful it will be met soon.

I introduced H.R. 4507 at the request of the State-sanctioned Jim Thorpe Memorial-Oklahoma Athletic Hall of Fame Commission, and the bill is also supported by the administration via the Director of the Bureau of the Mint, Coin World newspaper, and by Andy Robustelli, former football great and president of National Professional Athletes, Inc.

This bill would cost the Federal Government nothing. But it could mean much to Oklahoma by providing one source of funds for the planned Jim Thorpe Memorial Building in Yale, which will house the Oklahoma Athletic Hall of Fame.

Mr. Speaker, I do not believe there is any question that Jim Thorpe rightfully deserves the recognition which I and other members of the Oklahoma delegation seek to give him through passage of this legislation. Named by the Associated Press in 1950 as the greatest athlete of the first half of the 20th century as well as the greatest football player ever, Thorpe was and is an inspiration to the American people. I urge your favorable consideration of H.R. 4507.

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

# PROVIDING FOR THE STRIKING OF MEDALS IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE STATEHOOD OF COLORADO

The Clerk called the bill (H.R. 4738) to provide for the striking of medals in commemoration of the 100th anniversary of the statehood of Colorado.

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

H.R. 4738

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

SECTION 1. In commemoration of the one hundredth anniversary of the statehood of Colorado, which will be celebrated on August 1, 1976, the Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") shall furnish medals in accordance with this Act of the Colorado Centennial-Bicentennial Commission (hereafter referred to in this Act as the "commission").

SEC. 2. The medals authorized under this Act are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368), except that, for the purposes of this Act, said medals shall be struck by the superintendent of the coining department of the mint at Denver, under such regulations as the superintendent, with the approval of the Director of the Mint, may prescribe.

SEC. 3. The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, and shall be made of such materials as the Commission may determine with the approval of the Secretary.

SEC. 4. Except for such quantities, if any, of gold or silver medals as may be requested by the Commission and approved by the Secretary, the medals may not be made in quantities of less than two thousand nor in an aggregate quantity greater than two hundred and fifty thousand. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1976.

SEC. 5. The medals shall be furnished at a price or prices equal to the costs of manufacture as estimated by the Secretary, in-



cluding labor, materials, dies, use of machinery, and overhead expenses. The medals may not be made unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

With the following committee amendment:

On page 2, line four, strike out "said medals shall" and insert in lieu thereof "some or all of such medals may".

The committee amendment was agreed to.

Mrs. SULLIVAN. Mr. Speaker, this legislation is similar to bills we have approved in the past to strike national medals commemorating major anniversaries of statehood, such as the centennials of Kansas, Nevada, and West Virginia, the sesquicentennials of Mississippi and Alabama, and the commemoration of the 120th anniversary of Texas independence, the Centennial of the Idaho Territory and the Alaska Purchase, and the 300th anniversary of the founding of South Carolina.

Because of the special significance of the Denver Mint to the history of Colorado, the bill provides that some or all of the medals commemorating Colorado's centennial may be struck at the Denver Mint. Usually, national medals are made at the Philadelphia Mint.

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

#### PROVIDING FOR STRIKING OF MEDALS COMMEMORATING INTERNATIONAL EXPOSITION ON ENVIRONMENT

The Clerk called the bill (H.R. 5760) to provide for the striking of medals commemorating the International Exposition on Environment at Spokane, Wash., in 1974.

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

H.R. 5760

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the International Exposition on Environment to be held at Spokane, Washington, in 1974, the Secretary of the Treasury shall strike and deliver to Spokane World Exposition, Incorporated, a nonprofit corporation, not more than seven hundred and fifty thousand medals, with suitable emblems, devices, and inscriptions to be determined by the Secretary in cooperation with the Exposition Corporation. The medals, which may be disposed of by the corporation at a premium, shall be delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be struck after December 31, 1974. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).*

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such

size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the corporation.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: That in commemoration of the International Exposition on Environment to be held at Spokane, Washington, in 1974, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized to strike and deliver to Spokane World Exposition, Incorporated, a nonprofit corporation, not more than seven hundred and fifty thousand medals, with suitable emblems, devices, and inscriptions to be determined by the Secretary in cooperation with the Exposition corporation. The medals, which may be disposed of by the corporation at a premium, may be delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be struck by the Secretary after December 31, 1974.

SEC. 2. The Secretary shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metal as shall be determined by the Secretary in consultation with the corporation.

SEC. 4. At the option of the corporation, the Secretary may release the dies to a private manufacturer for production of any or all of the medals authorized under this Act.

SEC. 5. The medals, whether produced by the Secretary or by a private manufacturer from dies prepared by the Treasury, shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

The committee amendment was agreed to.

Mrs. SULLIVAN. Mr. Speaker, the gentleman from Washington (Mr. FOLEY) made a very good case in our hearing for the national significance of this event and the subcommittee and full committee were fully convinced this event was of sufficient national importance to warrant the issuance of a national medal.

As amended in committee, the bill provides that some or all of the medals authorized under the bill may be manufactured by private concerns from dies prepared in the mint. This gives private enterprise a chance to bid on some of the work connected with national medals, but all control over the design, composition, and sizes of the medals would be in the hands of the Secretary of the Treasury, and he would be required to oversee the quality and integrity of any work done on these medals outside the mint.

It will be up to the sponsoring organization—in this case, Expo '74—to decide whether it wants any of these medals made by outside firms. For instance, if the mint cannot produce as many as desired on schedule—since medals may be made by the mint only when this operation does not interfere with regular coinage operations—or if a responsible outside firm makes a bid substantially below the cost of having the work done

by the mint, I can foresee some of this work going to a private concern. But the bill does not require that—it only authorizes the use of private facilities. We think this is a good approach toward meeting some of the complaints of private manufacturers that medals struck by the mint compete unfairly with private enterprise. The medals struck by the mint are national medals, carrying the added prestige of having been authorized by Congress, but this bill makes it possible for private concerns to bid for the chance to make some of the medals under Treasury supervision.

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

#### AUTHORIZING STRIKING OF MEDALS IN COMMEMORATION OF 100TH ANNIVERSARY OF THE CABLE CAR

The Clerk called the bill (H.R. 8709) to authorize the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco.

There being no objection, the Clerk read as follows:

H.R. 8709

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundredth anniversary of the invention of the cable car, the Secretary of the Treasury shall strike and deliver to the San Francisco Cable Car Centennial Committee not more than one hundred and fifty thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury after consultation with the committee. The medals, which may be disposed of by the committee at a premium, shall be delivered at such times as may be required by the committee in quantities of not less than two thousand, but no medals shall be struck after December 31, 1974. The medals shall be considered to be national medals within the meaning of section 3551 of the revised Statutes (31 U.S.C. 368) except that for the purposes of this Act some or all of such medals may be struck by the superintendent of the coining department of the assay office at San Francisco, under such regulations as the superintendent, with the approval of the Director of the Mint, may prescribe. Medals struck at the assay office may bear the legend "Struck at the San Francisco Mint".*

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the committee.

Mrs. SULLIVAN. Mr. Speaker, I do not know of any commemorative medal bill we have ever had before us in the Banking and Currency Committee which stirred up so much sentimental interest as the bill to commemorate the centennial of the San Francisco cable cars. Apparently, everyone who has ever visited San Francisco fell in love with those

little cars. And the people of San Francisco, of course, refused to let them go out of existence.

The Treasury felt that the cable cars were not of sufficient national significance to warrant national medals. After hearing the testimony of Congressmen MAILLIARD, BURTON, and STARK, however, and witnesses from San Francisco, we were convinced that the medals should be struck.

The committee amendment permits the use of the San Francisco Assay Office to make some or all of the medals, in keeping with the request of the people of San Francisco.

Mr. STARK. Mr. Speaker, the House will shortly be considering on the Consent Calendar the bill H.R. 8709, to authorize the striking of commemorative medals of the San Francisco cable car.

This bill, introduced in the Senate by Senators CRANSTON and TUNNEY, passed that body on March 14, 1973. In early May, Congresswoman LENORE SULLIVAN, chairman of the Consumer Affairs Subcommittee, held hearings on an identical bill introduced by Congressmen MAILLIARD, BURTON, and myself. Under Mrs. SULLIVAN's direction, the subcommittee heard testimony from a varied group of witnesses who all hold the cable car as a much-cherished relic of a great age in our history. The subcommittee members and the Director of the Mint were impressed by the testimony to the extent that an exception was made in established policy for the cable cars. This occasion, it was agreed upon, was indeed of "national significance" in conformance with Treasury guidelines.

I would, therefore, like to take this opportunity to thank both Mrs. SULLIVAN and Chairman WRIGHT PATMAN for reporting this bill out of the Banking Committee so that medals can be struck during this centennial year. And, of course, I am most appreciative of the support and assistance offered by Congressmen MAILLIARD and BURTON, as well as Senators CRANSTON and TUNNEY. It is only because of the cooperation of this distinguished group that this most important centennial will be duly heralded.

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

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the bill S. 776, to authorize the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco, and ask for its immediate consideration.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 776

An act to authorize the striking of medals in commemoration of the one hundredth anniversary of the cable car in San Francisco

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That, in commemoration of the one hundredth anniversary of the invention of the cable car, the Secretary of the Treasury shall strike and deliver to the San Francisco Cable Car Centennial Committee not more than one hundred and fifty thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury after consultation with the committee. The medals, which may be disposed of by the committee at a premium, shall be delivered at such times as may be required by the committee in quantities of not less than two thousand, but no medals shall be struck after December 31, 1974. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the committee.

MOTION OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. SULLIVAN moves to strike out all after the enacting clause of the Senate bill S. 776 and insert in lieu thereof the provisions of H.R. 8709, as passed by the House.

The motion was agreed to.

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

A similar House bill (H.R. 8709) was laid on the table.

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

#### PAY COMPARABILITY ADJUSTMENTS FOR CERTAIN HOUSE EMPLOYEES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 93-1511) on the resolution (H. Res. 492) providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions, and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. Res. 492

Resolved, That until otherwise provided by law, the per annum gross rate of pay of each employee (except an employee who is an elected officer of the House or who is an Official Reporter of Debates or an Official Reporter to Committees) whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution is increased by an amount equal to 5.14 per centum of his per annum gross rate of pay. No rate of pay shall be increased by reason of the adoption of this resolution to an amount in excess of the rate of basic pay of level V of the Execu-

tive Schedule contained in section 5316 of title 5, United States Code. The contingent fund of the House is made available to carry out the purposes of this resolution.

With the following committee amendments:

On page 1, lines 1 and 2, strike out "effective as of January 1, 1973," and insert in lieu thereof the following: "effective as of the effective date of each comparability adjustment, which becomes effective on or after January 1, 1973, in the rates of pay of the Federal statutory pay systems under section 5305 of title 5, United States Code, or under such section 5305 as modified or otherwise changed by any other provision of law."

On page 1, lines 7 and 8, strike out "equal to 5.14 per centum of his per annum gross rate of pay" and insert in lieu thereof the following: "equal to that per centum of his per annum gross rate of pay which is equal to the average per centum increase made in the pay rates of such statutory pay systems to achieve such pay comparability adjustment in the pay rates of such pay systems".

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution has a very simple purpose. Thirty-four House employees, the Pair Clerks and others, were not included in the 5.6 statutory pay raise virtually all other House employees enjoyed beginning last January. Historically, it has taken a separate resolution in the past in each instance in order for these employees to receive the statutory or automatic pay raises.

This legislation bears a total cost for the 34 employees retroactive to the 1st of January of \$28,692.17.

Further, Mr. Speaker, it will make it unnecessary in the future for special resolution on behalf of the employees, since the committee amendment would lock them in with the other House employees. In other words, they would receive the automatic, statutory increases without the need for the Subcommittee on Accounts or the Committee on House Administration to come to the floor in each instance.

I understand there is no objection, Mr. Speaker, and I move the previous question on the resolution.

The previous question was ordered.

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the four commemorative medal bills just passed.

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

There was no objection.



# DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7265) to provide for the operation of programs by the ACTION Agency, to establish certain new such programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7265

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Domestic Volunteer Service Act of 1973":*

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### TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS

#### PART A—VOLUNTEERS IN SERVICE TO AMERICA

##### STATEMENT OF PURPOSE

SEC. 101. This part provides for the Volunteers in Service to America (VISTA) program of full-time volunteer service, together with appropriate powers and responsibilities designed to assist in the development and coordination of such program. The purpose of this part is to strengthen and supplement efforts to eliminate poverty and related human, social, and environmental problems in the United States by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems.

##### AUTHORITY TO OPERATE VISTA

SEC. 102. The Director may recruit, select, and train persons to serve in full-time volunteer programs consistent with the provisions and to carry out the purposes of this part.

##### ASSIGNMENT OF VOLUNTEERS

SEC. 103. (a) The Director, upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to work in appropriate projects and programs—

(1) in meeting the health, education, welfare, or related needs of Indians living on Federal trust lands, of migratory and seasonal farmworkers and their families, and of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(2) in the care and rehabilitation of mentally ill, developmentally disabled, and other handicapped individuals, especially those with severe handicaps, under the supervision of nonprofit institutions or facilities; and

(3) in connection with programs or activities authorized, supported, or of a character eligible for assistance under this Act and the Economic Opportunity Act of 1964, as amended.

(b) The Director, wherever feasible and appropriate, shall assign low-income community volunteers to serve in their home communities in teams with nationally recruited specialist volunteers. Prior to the assignment of any such community volunteer, the Director shall insure that each such volunteer is provided an individual plan designed to provide an opportunity for job advancement or for transition to a situation leading to gainful employment. One hun-

dred and twenty days prior to the completion of such community volunteer's term of service, the Director shall insure that such plan is updated and reviewed with the volunteer.

(c) Except as provided in subsection (d) the assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities.

(d) Volunteers under this part shall not be assigned to duties or work in any State unless such program has been submitted to the Governor or other chief executive officer of the State concerned, and has not been disapproved by him within forty-five days of such submission. The assignment of a volunteer shall be terminated by the Director when so requested by the Governor or chief executive officer of the State concerned not later than thirty days after such request has been made, or at a time after such request has been made as agreed upon by such Governor or chief executive officer of the State concerned and the Director.

##### TERMS OF SERVICE

SEC. 104. (a) Volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty and related human, social, and environmental problems. To the maximum extent practicable, this shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their term of service, except for authorized periods of leave.

(b) Volunteers serving under this part may be enrolled for periods not exceeding two years. Volunteers may reenroll for such periods, not exceeding two years, as the Director may determine. No volunteers shall serve for more than five years under this part.

(c) Volunteers under this part shall, upon enrollment, take the oath of office as prescribed in section 5(j) of the Peace Corps Act, as amended (22 U.S.C. 2504(j)); *Provided*, That persons legally residing within a State but who are not citizens or nationals of the United States may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

(d) The Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances and to present their views in connection with the terms and conditions of their service. The Director shall promptly provide to each volunteer in service on the date of enactment of this Act, and to each such volunteer beginning service thereafter, information regarding such procedure and the terms and conditions of their service.

##### SUPPORT SERVICES

SEC. 105. (a) (1) The Director may provide a stipend to volunteers under this part while they are in training and during their assignment. Such stipend shall not exceed \$50 per month during the volunteer's service, except that the Director may provide a stipend not to exceed \$75 per month in the case of persons who have served for at least one year and who, in accordance with standards established in regulations which the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(2) Stipends shall be payable only upon

completion of a term of service; except that in extraordinary circumstances the Director may from time to time advance all or a portion of the accrued stipend to or on behalf of a volunteer. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(b) The Director shall also provide volunteers such living, travel (including travel to and from places of training), and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, technical assistance, and such other support as he deems necessary and appropriate to carry out the purpose and provisions of this part, and shall insure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose and provisions of this part and to effectively perform the work to which such volunteer is assigned.

#### PARTICIPATION OF BENEFICIARIES

SEC. 106. To the maximum extent practicable, the people of the communities to be served by volunteers under this title, shall participate in planning, developing, and implementing programs thereunder, and the Director, after consultation with sponsoring agencies (including volunteers assigned to them) and the people served by such agencies, shall take all necessary steps to establish, in regulations he shall prescribe, a continuing mechanism for the meaningful participation of such program beneficiaries.

#### PARTICIPATION OF OLDER PERSONS

SEC. 107. In carrying out this part and part C of this title, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under such parts and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that such persons are served in proportion to their need.

#### PART B—SERVICE-LEARNING PROGRAMS

##### STATEMENT OF PURPOSE

SEC. 111. This part provides for the University Year for Action (UYA) program of full-time volunteer service by students enrolled in institutions of higher learning, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to eliminate poverty and related human, social and environmental problems by enabling students at such cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of such students' course work during their term of service while attending such institutions, in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems. Its purpose further is to encourage other students and faculty members to engage, on a part-time self-supporting basis, in such volunteer service and work along with volunteers serving under this part; and to promote participation by such institutions in meeting the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise. Its purpose further is to provide for a program of part-time or short-term service learning by secondary and postsecondary school students to strengthen

and supplement efforts to eliminate poverty and related human, social, and environmental problems.

#### AUTHORITY TO OPERATE UNIVERSITY YEAR FOR ACTION

SEC. 112. Except as otherwise provided in this part, the Director may conduct or make grants and contracts for, or both, programs to carry out the purposes of this part in accordance with the authorities and subject to the restrictions in the provisions of part A of this title, except for the provisions of subsections (d) of sections 103 and 104, and except that the Director may, in accordance with regulations he shall prescribe, determine to reduce or eliminate the stipend for volunteers serving under this part on the basis of the value of benefits provided such volunteers by the institution in question (including the reduction or waiver of tuition).

#### SPECIAL CONDITIONS

SEC. 113. (a) Volunteers serving under this program shall be enrolled for one-year periods of service and may receive academic credit for such service in accordance with the regulations of the sponsoring institution.

(b) Grants to and contracts with institutions to administer programs under this part shall provide that prospective student volunteers shall participate substantially in the planning of such programs and that such institutions shall make available to the poor in the surrounding community all available facilities, including human resources, of such institution in order to assist in meeting the needs of such poor persons.

(c) (1) In making grants or contracts for the administration of this program, the Director shall insure that financial assistance under this Act to programs carried out pursuant to section 112 of this part shall not exceed 90 per centum of the total cost (including planning costs) of such program during the first year and such amounts less than 90 per centum as the Director in consultation with the institution may determine for no more than four additional years. Each such grant or contract shall stipulate that the institution will make every effort to assume an increasing proportion of the cost of continuing a program carrying out the purposes of this part while the institution receives support under this part or title VIII of the Economic Opportunity Act of 1964, as amended or both.

(2) The Director shall take necessary steps to monitor the extent of compliance by such institutions with commitments entered into under paragraph (1) of this subsection and shall advise the Secretary of Health, Education, and Welfare of the extent of each such institution's compliance.

#### SPECIAL SERVICE-LEARNING PROGRAMS

SEC. 114. (a) Of the funds appropriated for the operation of programs under this part, up to 10 per centum may be used, notwithstanding any other provision of this part, to encourage and enable students in secondary, secondary vocational, and post-secondary schools to participate in service-learning programs on an in- or out-of-school basis in assignment of a character and on such terms and conditions as described in subsections (a) and (c) of section 103.

(b) Persons serving as volunteers under this section shall not be deemed to be Federal employees for any purpose.

(c) Persons serving as volunteers under this section may receive a living allowance or stipend and such other support or allowances as the Director determines, pursuant to regulations which he shall prescribe, are required because of unusual or special circumstances affecting the program.

#### PART C—SPECIAL VOLUNTEER PROGRAMS

##### STATEMENT OF PURPOSE

SEC. 121. This part provides for special emphasis and demonstration volunteer pro-

grams, together with appropriate powers and responsibilities designed to assist in the development and coordination of projects such as but not limited to—

(1) a program to provide alternatives to the incarceration of youthful offenders;

(2) a program to promote educational opportunities for veterans;

(3) a program to provide community-based peer group outreach and counseling for drug abusers.

The purpose of this part is to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs.

#### AUTHORITY TO ESTABLISH PROGRAMS

SEC. 122. (a) The Director is authorized to conduct or make grants or contracts for special volunteer programs or demonstration programs designed to stimulate and initiate improved methods of providing volunteer services and to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part or to identify particular segments of the poverty community which could benefit from volunteer and other antipoverty efforts.

(b) Except as provided in subsection (c) of this section, assignment of volunteers under this section shall be on such terms and conditions as the Director shall determine, pursuant to regulations which he shall prescribe.

(c) The Director, in accordance with regulations he shall prescribe, may provide to persons serving as full-time volunteers in a program of at least one year's duration under this part such allowances and stipends, to the extent and in amounts not in excess of those authorized to be provided under part A of this title, as he determines are necessary to carry out the purpose of this part.

#### TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

##### PART A—RETIRED SENIOR VOLUNTEER PROGRAM

##### GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 201. (a) In order to help retired persons to avail themselves of opportunities for voluntary service in their community, the Director is authorized to make grants to State agencies (established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended) or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines, in accordance with such regulations as he may prescribe, that—

(1) volunteers shall not be compensated for other than transportation, meals, and other out-of-pocket expenses incident to their services;

(2) only individuals aged sixty or over will provide services in the program (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than project involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place of religious worship;

(3) the program includes such short-term training as may be necessary to make the



most effective use of the skills and talents of those individuals who are participating; and provides for the payment of the reasonable expenses of trainees; and

(4) the program is being established and will be carried out with the advice of persons competent in the field of service being staffed, and of persons with interest in and knowledge of the need of older persons.

(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine.

(c) The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended, such agency itself is the recipient of the award or such agency has been afforded not less than sixty days in which to review the project application and make recommendations thereon.

(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.

#### PART B—FOSTER GRANDPARENT PROGRAM AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

##### GRANTS AND CONTRACTS FOR VOLUNTEER PROJECTS

SEC. 211. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as "foster grandparents" to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

(b) The Director is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as "senior health aides" to work with persons receiving home health care and nursing care, and as "senior companions" to persons having developmental disabilities.

(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Director may determine.

(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever.

##### CONDITIONS OF GRANTS AND CONTRACTS

SEC. 212. (a) (1) In administering this part, the Director shall assure that volunteers receiving assistance in any project are older persons of low income who are no longer in the regular work force.

(2) The Director shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

(A) the State agency established or designated under section 304(a)(1) of the Older Americans Act of 1965, as amended, is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive

such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which clause (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency.

(3) The Director shall not award a grant or contract under this part which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

(A) such agency is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project;

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

(C) if such State has a State agency established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended, such agency has had not less than 45 days in which to review the project application and make recommendations thereon.

(b) The term "community action agency" as used in this section means a community action agency established under title II of the Economic Opportunity Act of 1964, as amended.

#### PART C—GENERAL PROVISIONS

##### COORDINATION WITH OTHER FEDERAL PROGRAMS

SEC. 221. In administering this title, the Director shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Director in disseminating information about the availability of assistance under this title and in promoting the identification and interest of low-income and other older persons whose services may be utilized in projects under this title.

##### MINORITY GROUP PARTICIPATION

SEC. 222. The Director shall take appropriate steps to insure that special efforts are made to recruit, select, and assign qualified individuals sixty years and older from minority groups to serve as volunteers under this title.

#### TITLE III—NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTARY SERVICE BY BUSINESS PROPRIETORS

##### STATEMENT OF PURPOSE

SEC. 301. This title provides for programs in which businessmen volunteer to assist persons, especially the economically disadvantaged, who are engaged in, or seek to engage in, small business enterprises, and make available their expertise, as volunteers to agencies carrying out programs authorized by, or of a character eligible for assistance under, this Act or the Economic

Opportunity Act of 1964 (particularly title VIII thereof).

##### AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

SEC. 302. (a) The Director is authorized to establish and conduct, and to make grants or enter into contracts for the conduct of volunteer programs to carry out the purposes of this title, including a Service Corps of Retired Executives (SCORE) and an Active Corps of Executives (ACE): *Provided, however, That the services of volunteers who are assisting persons or enterprises seeking to obtain, or receiving financial assistance from the Small Business Administration shall be performed under the supervision of the Administrator of the Small Business Administration (hereinafter referred to in this title as the "Administrator").*

(b) The assignment of volunteers enrolled in programs under this title shall be on such terms and conditions as the Director may determine. The Director shall consult with the Administrator before establishing the terms and conditions of service of volunteers who assist persons or enterprises seeking to obtain, or receiving financial assistance from the Small Business Administration.

(c) Volunteers under this title, while engaged in authorized activities shall be considered Federal employees for the purpose of the Federal tort claims provisions of title 28, United States Code.

(d) The Director is authorized to reimburse volunteers under this title only for such necessary out-of-pocket expenses incident to their provision of services under this Act as he shall by regulation determine, and while they are away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for individuals serving without pay.

(e) Volunteers authorized by this title shall in no event provide services to a client of the Small Business Administration with a delinquent loan outstanding, except upon the written request for such assistance signed by the client.

##### AUTHORITY TO USE SMALL BUSINESS ADMINISTRATION FACILITIES

SEC. 303. The Small Business Administration shall permit volunteers under this title, or volunteer groups, such use of the office facilities and related materials and services of the Small Business Administration as he, after consultation with the Director, deems appropriate to carry out their tasks, including authorized meetings of groups of volunteers.

##### RELATIONSHIP TO SMALL BUSINESS ACT

SEC. 304. To the extent that programs authorized by this title are also authorized by section 8(b) of the Small Business Act (15 U.S.C. 637(b)(1)), they shall be carried out under this title.

#### TITLE IV—ADMINISTRATION AND COORDINATION

##### ESTABLISHMENT OF AGENCY

SEC. 401. There is hereby established in the executive branch of the Government an agency to be known as the ACTION Agency. Such Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. There shall also be in such Agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Deputy Director shall perform such functions

as the Director shall from time to time prescribe, and shall act as Director of the ACTION Agency during the absence or disability of the Director. There shall also be in such Agency four Associate Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code. Each such Associate Director shall perform such functions as the Director shall from time to time prescribe. There shall also be in such agency one Deputy Associate Director primarily responsible for programs carried out under parts A and B of title I of this Act and one Deputy Associate Director primarily responsible for programs carried out under title II of this Act, who shall be appointed by the Director.

#### AUTHORITY OF THE DIRECTOR

SEC. 402. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized to—

(1) appoint in accordance with the civil service laws such personnel as may be necessary to enable the ACTION Agency to carry out its functions, and except as otherwise provided herein, fix the compensation of such personnel in accordance with the provisions of title 5, United States Code;

(2) (A) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that no individual may be employed under the authority of this subsection for more than 100 days in any fiscal year; (B) compensate individuals so employed at rates not in excess of the daily equivalent of the rate payable to a GS-18 employee under section 5332 of such title, including traveltime; (C) allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently while so employed; and (D) contracts for such employment under this clause may be renewed annually;

(3) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act and, as necessary or appropriate, delegate any of his powers under this Act and authorize the re-delegation thereof subject to provisions to assure the maximum possible liaison between the ACTION Agency and such other agencies at all operating levels, which shall include the furnishing of complete operational information by such other agencies to the ACTION Agency and the furnishing of such information by the ACTION Agency to such other agencies;

(4) with their consent, utilize the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

(5) accept in the name of the ACTION Agency, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b));

(7) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary to carry out the provisions hereof, including (without regard to the provisions

of section 4774(d) of title 10, United States Code), expenditure for construction, repairs, and capital improvements;

(8) disseminate, without regard to the provisions of section 4154 of title 39, United States Code, data and information, in such forms as he shall deem appropriate, to public agencies, private organizations, and the general public;

(9) adopt an official seal, which shall be judicially noticed;

(10) collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection;

(11) expend funds made available for purposes of this Act as follows: (A) for printing and binding, in accordance with applicable law and regulation; and (B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Director shall not utilize the authority contained in this subclause (B)—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority;

(12) notwithstanding any other provision of law, make grants or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under this Act (except for volunteers serving under part A of title I thereof), which may provide that the agency or organization shall pay all or a part of the costs of the program;

(13) provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this Act to (A) encourage them to use in the national interest the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (B) promote the development, and the placement therein, of such volunteers, of appropriate opportunities for the use of such skills and experience;

(14) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organizations and persons, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of grants otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments); and

(15) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as he deems necessary or appropriate to carry out the provisions of this Act.

#### POLITICAL ACTIVITIES

SEC. 403. (a) No part of any funds appropriated to carry out this Act, or any program administered by the ACTION Agency, shall

be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the ACTION Agency, who, in his official capacity, as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971 (Public Law 92-225), and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

(b) Programs assisted under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. The Director, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for no more than 30 days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis.

#### SPECIAL LIMITATIONS

SEC. 404. (a) The Director shall prescribe regulations and shall carry out the provisions of this Act so as to assure that the service of volunteers assigned, referred, or serving pursuant to grants, contracts, or agreements made under this Act is limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this Act, shall be furnished at the lowest possible cost consistent with the effective operations of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder, shall request or receive any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or antilabor organization or related activity.

(e) Persons serving as volunteers under this Act shall provide such information concerning their qualifications, including their ability to perform their assigned tasks and their integrity, as the Director shall prescribe and shall be subject to such procedures for selection and approval as the Director determines are necessary to carry out the purposes of this Act. The Director may establish such special procedures for the recruitment, selection, training, and assignment of low-income residents of the area to be served by a program under this Act who wish to become volunteers as he determines will further the purposes of this Act.

(f) Notwithstanding any other provision of law and except as provided in the second sentence of this subsection, the Director shall assign or delegate any substantial responsibility for carrying out programs under this Act only to persons appointed or employed pursuant to clause (1) of section 402, and persons assigned or delegated such substantial responsibilities on the effective date of this Act and who are receiving compensation



in accordance with provisions of law other than the applicable provisions of title 5, United States Code, on such date shall, by operation of law on such date, be assigned a grade level pursuant to such provisions so as to fix the compensation of such persons under such authority at no less than their compensation rate on the day preceding such date. The Director may personally make exceptions to the requirement set forth in the first sentence of this subsection for persons who he finds will be assigned to carrying out functions under the Peace Corps Act (22 U.S.C. 2501 et seq.) within six months after the effective date of this Act.

(g) Notwithstanding any other provision of law except as may be provided expressly in limitation of this subsection, payments to volunteers under this Act shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such volunteers may be receiving under any other governmental program.

#### NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

Sec. 405. (a) There is hereby established in the ACTION Agency a National Voluntary Service Advisory Council (hereinafter referred to as the "Council") to be composed of not more than 25 members appointed by and serving at the pleasure of the President. Such members shall be representative of public and private organizations, groups, and individuals interested in serving and benefited by programs carried out under this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.). The President shall designate a temporary chairperson from such members and shall call the initial meeting of the Council within thirty days after establishment of such Council. Members of the Council shall designate a permanent chairperson from such members and shall meet at the call of such chairperson, but not less than four times in each year. Members of the Council, other than those regularly employed by the Federal Government, while attending meetings of such Council, shall be entitled to receive compensation and travel expenses as provided in section 402(2) of this Act with respect to experts and consultants. The Director and Deputy Director of the ACTION Agency shall be ex officio members of the Council.

(b) The Council shall—

(1) advise the Director with respect to policy matters arising in the administration of this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.); and

(2) upon the request of the Director, review the effectiveness and the operation of programs under this Act and the Peace Corps Act and make recommendations (including such proposals for changes in such Act as the Council deems appropriate) concerning (A) the improvement of such programs, (B) the elimination of duplication of effort, and (C) the coordination of such programs with other Federal programs designed to assist the beneficiaries of such Acts.

(c) Not later than the date of enactment of this Act of each calendar year beginning with the calendar year 1974, the Council shall make an annual report of its findings and recommendations to the President for transmittal by the President of the Congress together with his comments and recommendations.

#### LABOR STANDARDS

Sec. 406 All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accord-

ance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276c).

#### REPORTS

Sec. 407 Not later than one hundred and twenty days after the end of each fiscal year, the Director shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities of the ACTION Agency during such year.

#### JOINT FUNDING

Sec. 408. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, notwithstanding any other provision of law, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the ACTION Agency, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements under or pursuant to this Act.

#### PROHIBITION OF FEDERAL CONTROL

Sec. 409. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

#### COORDINATION WITH OTHER PROGRAMS

Sec. 410. The director shall take necessary steps to coordinate volunteer programs authorized under this Act with one another, with community action programs and with other related Federal, State, and local programs. The Director shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary pre-service orientation or training of volunteers serving pursuant to this Act.

#### PROHIBITION

Sec. 411. In order to assure that existing Federal agencies are used to the fullest extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

#### APPEALS, NOTICE, AND HEARING PROCEDURES

Sec. 412. The Director shall prescribe procedures to insure that—

(1) assistance under this Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for thirty days, nor shall an application for refunding under this Act be denied, unless the recipient has been given reasonable notice and opportunity to show cause why such action should not be taken; and

(2) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

#### DURATION OF PROGRAM

Sec. 413. The Director shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1974, and the three succeeding fiscal years. For each such fiscal year, only such sums may be appropriated as the Congress may authorize by law.

#### DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS

Sec. 414. The Director shall adopt appropriate administrative measures to assure that the benefits of this Act will be distributed equitably between residents of rural and urban areas.

#### APPLICATION OF FEDERAL LAW

Sec. 415. (a) Except as provided in subsections (b), (c), (d), and (e) of this section, volunteers under this Act shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal offices and employees and Federal employment.

(b) Individuals serving in programs authorized by parts A and B of title I of this Act, and individuals enrolled for a period of at least one year and serving as full-time volunteers in programs authorized by part C of title I of this Act shall, with respect to such service, including training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5, United States Code, persons employed in the executive branch of the Federal Government, (2) for the purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.) be deemed employees of the United States, and any service performed by an individual as a volunteer (including training) shall be deemed to be performed in the employ of the United States, (3) for the purposes of the Federal Tort Claims provisions of title 28, United States Code, be considered employees of the United States, and (4) for purposes of subchapter I of chapter 81 of title 5 of the United States Code (relative to compensation to Federal employees for work injuries), shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows: (A) in computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-7 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply, and (B) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(c) Any period of service of a volunteer under part A of title I of this Act, and any period of full-time service of a volunteer enrolled in a program of at least one year's duration established under parts B or C of title I of this Act, shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volun-

teer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

(d) Volunteers serving pursuant to part A of title I of this Act, and volunteers serving pursuant to title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d), including those whose service was completed under such Act, who the Director determines, in accordance with regulations he shall prescribe, have successfully completed their term of service, shall be eligible for appointment in the competitive service in the same manner as Peace Corps volunteers as prescribed in Executive Order Numbered 11103 (April 10, 1963).

(e) Notwithstanding any other provision of law, all references in any other law to persons serving as volunteers under title VIII of the Economic Opportunity Act of 1964, as amended, shall be deemed to be references to persons serving as full-time volunteers in a program of at least one year's duration under part A, B, or C of title I of this Act.

#### EVALUATION

SEC. 416. (a) The Director shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) The Director shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 407 shall describe the actions taken as a result of evaluations carried out under this section.

(c) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

(d) The Director shall publish summaries of the results of evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof.

(e) The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) The Director is authorized to use such sums as are required, but not to exceed 1 per centum of the funds appropriated under this Act, to conduct program and project evaluations (directly, or by grants or contracts) as required by this Act. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

#### NONDISCRIMINATION

SEC. 417. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, age, physical disability, or political affiliation.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subject to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act

shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.

#### LEGAL EXPENSES

SEC. 418. Notwithstanding any other provision of law and pursuant to regulations which the Director shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings to which full-time volunteers serving under this Act have been made parties.

#### GUIDELINES

SEC. 419. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date.

#### DEFINITIONS

SEC. 420. For the purposes of this Act—

(1) the term "Director" means the Director of the ACTION Agency;

(2) the terms "United States" and "States" mean the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, and American Samoa;

(3) the term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(4) the term "poor" or "low-income" persons, individuals, or volunteers means such individuals whose incomes fall at or below the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. —); *Provided*, That in determining who is "poor" or "low-income" the Director shall take into consideration existing poverty guidelines as appropriate to local situations.

#### TITLE V—AUTHORIZATION OF APPROPRIATIONS

##### NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 501. There are authorized to be appropriated \$37,600,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for the fiscal years ending June 30, 1975, and June 30, 1976, for the purpose of carrying out title I of this Act: *Provided*, That not less than \$22,300,000 be expended on programs authorized under part A of title I in each such fiscal year.

Any sums authorized to be appropriated for title I of this Act in excess of \$37,600,000 shall be reflected in a commensurate increase in the sums to be made available for part A of that title.

##### NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 502. (a) There are authorized to be appropriated, for grants or contracts under section 201 of this Act, \$17,500,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976, respectively.

(b) (1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 211, \$32,500,000 for the fiscal year ending June 30, 1974, and \$40,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, of which—

(A) \$26,500,000 for the fiscal year ending June 30, 1974, and \$32,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976,

respectively, shall be available for such years for grants or contracts under subsection (a) of section 211, and

(B) \$6,000,000 for the fiscal year ending June 30, 1974, and \$8,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection for fiscal years beginning after June 30, 1974, are not appropriated and made available in full for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equals \$25,000,000 shall be used for grants or contracts under such subsection; and

(B) any amounts appropriated in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equals \$31,000,000 for the fiscal year ending June 30, 1974, and \$33,000,000 for the fiscal years ending June 30, 1975 and 1976, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section.

##### NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTARY SERVICE BY BUSINESS PROPRIETORS

SEC. 503. There are authorized to be appropriated \$208,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for the fiscal years ending June 30, 1975 and June 30, 1976, respectively, for the purpose of carrying out programs under title III of this Act.

#### ADMINISTRATION

SEC. 504. (a) There are authorized to be appropriated such sums as shall be necessary for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for the administration of this Act as authorized in title IV of such Act.

#### AVAILABILITY OF APPROPRIATIONS

SEC. 505. (a) Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this Act or any predecessor authority shall remain available, in accordance with the provisions of this Act, for obligation and expenditure until expended.

#### TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

##### SUPPRESSION OF REORGANIZATION PLAN NUMBER 1 OF JULY 1, 1971

SEC. 601. (a) Sections 1, 2(a), and 4 of Reorganization Plan Number 1 of 1971 (July 1, 1971) are hereby superseded.

(b) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director of the ACTION Agency by sections 2(a) and 4 of such reorganization plan are hereby transferred to the ACTION Agency established by section 401. All grants, contracts, and other agreements awarded or entered into under the authority of such reorganization plan will be recognized under comparable provisions of this Act so that there is no disruption of on-going activities for which there is continuing authority.

(c) All official actions taken by the Director of the ACTION Agency, his designee, or any other person under the authority of such reorganization plan which are in force on the effective date of this Act and for which there is continuing authority under the provisions of this Act, and the length of the



period of service of volunteers serving or undergoing training under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d) on the effective date of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

(d) All references to ACTION, or the Director of ACTION in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall on and after the effective date of this Act, be deemed to refer to the ACTION Agency established by section 401 and the Director thereof.

(e) No suit, action, or other proceeding, and no cause of action, by or against the agency known as ACTION created by such reorganization plan, or any action by any officer thereof acting in his official capacity, shall abate by reason of enactment of this Act.

(f) Persons appointed by the President, by and with the advice and consent of the Senate, to positions requiring such advice and consent under such reorganization plan may continue to serve in the same capacity in the ACTION Agency without the necessity of an additional appointment by the President or further such advice and consent by the Senate.

#### CREDITABLE SERVICE FOR CIVIL SERVICE RETIREMENT

Sec. 602. Section 8332(b)(7) of title 5, United States Code (relating to creditable service to civil service retirement), is amended by inserting a comma and "or a period of service of a full-time volunteer enrolled in a program of at least one year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973 (— U.S.C. —)" after "Economic Opportunity Act of 1964."

#### REPEAL OF TITLE VIII OF THE ECONOMIC OPPORTUNITY ACT

Sec. 603. Title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d), is hereby repealed.

#### REPEAL OF TITLE VI OF THE OLDER AMERICANS ACT

Sec. 604. Title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044-3044e), is hereby repealed.

The SPEAKER. Is a second demanded? Mr. STEIGER of Wisconsin. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. HAWKINS. Mr. Speaker, today we are considering H.R. 7265, the Domestic Volunteer Service Act of 1973. This bill, I am pleased to report, has the unanimous bipartisan support of the Education and Labor Committee, as well as the support of the administration.

Mr. Speaker, allow me to give a little background information on this bill. The ACTION Agency was created through an executive reorganization plan in July of 1971, bringing together the Peace Corps and all the domestic volunteer programs sponsored by the Federal Government. These domestic programs include VISTA, the university year for action, the foster grandparent program, the retired senior volunteer program, the service corps of retired executives, and the active corps of executives. ACTION has been operating for the 2 years it has been in existence without legislative authorization. H.R. 7265 would provide that authorization, and, in addition, would consolidate all the domestic volunteer service programs un-

der one act, repealing title VIII of the Economic Opportunity Act, and title VI of the Older Americans Act.

H.R. 7265 was introduced on April 19, 1973 by Congresswoman PATSY MINK, Congressman WILLIAM STEIGER and myself. The bill as introduced was almost identical to an earlier version of S. 1148, which, in amended form, passed the Senate on July 18. Hearings were held on June 13 and July 11, at which cogent and thoughtful testimony was presented by the new Director of the ACTION agency, Michael P. Balzano, Jr., and other concerned persons. The subcommittee, in its consideration of H.R. 7265, took into account Mr. Balzano's testimony, as well as the testimony of program directors and volunteers. The bill was then amended by the subcommittee to respond to some of their concerns.

Early in the progress of the bill through subcommittee to full committee, a three-way process of cooperation was initiated. Democratic members, Republican members, and top-level representatives of the administration worked together to come up with a bill that would meet the needs of the Agency and the volunteers, and, most importantly, that would best serve the recipients of the services offered by ACTION volunteer programs.

The bill that is before us today is the product of that cooperation. I would especially like to mention the supportive efforts of the gentlewomen from Hawaii and New York, respectively, Mrs. MINK and Mrs. CHISHOLM, and the gentlemen from Wisconsin and Minnesota, Mr. WILLIAM STEIGER and Mr. QUIE, who, together, illustrate the kind of cooperation that prevailed in our consideration of this bill.

It is my hope that the same spirit of cooperation will help to speed this bill through unanimous passage by the House.

H.R. 7265, Mr. Speaker, provides the legislative framework for all federally funded volunteer efforts within the United States.

Title I emphasizes the antipoverty mission of ACTION, particularly through the well-established VISTA program, and university year for action, a new program similar to VISTA, but enrolling college students as volunteers. Persons serving in each of these programs are full-time volunteers, committed to helping to eliminate problems of poverty.

The bill provides for a 2-year term of service for VISTA volunteers rather than the 1-year term they now serve. The reported bill also requires that a university provide only 10 percent of the total cost of its university year for action program, rather than the 20 percent required in H.R. 7265 as introduced. Federal support for UYA is available to a sponsoring university for as many as 5 years.

In addition to these two programs, both currently authorized in title VIII of the Economic Opportunity Act, title I, part C, of H.R. 7265 provides for new voluntary activities and programs designed to place special emphasis on problems of poverty, and other human, social, and

environmental problems. This part provides the ACTION Agency with flexibility in the operation of some of its programs, to widen the impact and focus of those programs, while at the same time maintaining its current level of antipoverty efforts through VISTA, university year for action, and the foster grandparent program. The bill provides for programs such as but not limited to:

Providing alternatives to the incarceration of youthful offenders;

Promoting educational opportunities for veterans;

Promoting educational opportunities for veterans; and

Providing community-based peer group outreach and counseling for drug abusers.

Title II is virtually identical to title VI of the Older Americans Act, authorizing the foster grandparent program and the retired senior volunteer program, that were originally authorized in the 1969 amendments to the Older Americans Act. The Select Subcommittee on Education, chaired by Congressman BRADEMANS of Indiana, will retain its jurisdiction over the programs under this title, along with the remaining titles of the Older Americans Act, for it is in the interest of older Americans that their problems be addressed in a comprehensive manner.

Title III restates the division of authority between ACTION and the Small Business Administration concerning the Service Corps of Retired Executives—SCORE—and the Active Corps of Executives—ACE.

Title IV contains a unified set of provisions for administering the ACTION Agency. The authorities are drawn from both the Economic Opportunity Act and the Older Americans Act, and reflect recommendations from the Agency.

Title V contains authorizations of appropriations for each previous title of H.R. 7265. Authorization levels are as follows: For title I, \$37.6 million in fiscal year 1974, with such sums as may be necessary in fiscal years 1975 and 1976; for title II, \$50 million for fiscal year 1974, and \$60 million for 1975 and 1976; for title III, \$208 thousand in fiscal year 1974, and such sums as may be necessary in 1975 and 1976; for title IV, such sums as shall be necessary for each of the three fiscal years.

Title VI contains provisions to repeal title VIII of the Economic Opportunity Act, and title VI of the Older Americans Act as well as provisions to supersede appropriate sections of Reorganization Plan No. 1 of 1971, and provision for Civil Service retirement credit for VISTA, UYA, and other title I volunteers serving for at least 1-year terms.

Mr. Speaker, at this time I yield 5 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Speaker, I am very proud today to rise and join the chairman of the Subcommittee on Equal Opportunities of the Committee on Education and Labor to urge the passage of H.R. 7265, the Domestic Volunteer Service Act of 1973.

I am sure that many of the Members,

upon examination of the title of this bill, assumed that we were embarking upon an entirely new concept. Quite to the contrary, the committee's efforts have been almost totally confined to an effort to consolidate various existing volunteer efforts in the field of poverty and other social concerns.

Mr. Speaker, this bill attempts to carry forward the decision of the Congress which created the ACTION Agency under the Reorganization Plan and to provide administrative guidelines and requirements for the strengthening of the purposes of these programs.

We all know that VISTA, for instance, has been a highly successful program, one which was inaugurated under the Office of Economic Opportunity, whose authority will expire on June 30, 1974.

So in a sense the passage of this bill is urgent with respect to the continuation of this program.

One of the points which was raised at our hearings on the VISTA program by many of the volunteers and those who served in various capacities in the past with VISTA brought out the tremendous job that they performed in various kinds of services, particularly in rural America.

Mr. Speaker, I wish to stress one of the provisions in the bill which requires the Director of ACTION to make sure that all of the types of supportive services such as transportation, reimbursements, and so forth, are made available to the VISTA volunteers and not simply left up to the whim of the administering sponsor in a local community.

Mr. Speaker, I would like to emphasize the importance of section 105(b) in the pending legislation. This section defines the support services provided to VISTA volunteers. Specifically, I would like to comment on the requirement for transportation support as stated in the section.

The necessity for adequate transportation cannot be overemphasized. To define what adequate actually means we must consider the two distinct areas where a VISTA volunteer is assigned. These are rural and urban areas.

In a rural area communities may be spread out over a large area. Sometimes people are as far apart as 30 or 40 miles. Yet, they consider themselves part of the same community. One of the first jobs of a VISTA volunteer in the field is to meet the people he/she will serve. This, of course, requires home visits.

Depending on the community, the volunteer may find it necessary to make regular visits to establish trust-relationships necessary to begin adequately working in the community. The volunteer will also do a limited amount of service-type work such as transporting people to doctors, social agencies, et cetera. Again, this type of service-oriented work has a purpose in building a trusting, workable relationship between the VISTA volunteer and the community person. Once relationships are established, the volunteer may then proceed in working with the community people on the problems they feel are the most essential to be solved. Without

adequate transportation, this necessary process will not happen and the VISTA volunteer will be ineffective in his/her role.

The VISTA volunteer in an urban area will have the same process of getting to know his/her community as in a rural area. Ideally, the volunteer will live in the community in which he/she will work, but many times the housing will not be available and he/she will be forced to live outside the community. The volunteer will then have to rely on public transportation, if this is available. Many times this will not be sufficient for the volunteer to have easy access to the community. Also, it will cut down on his/her efficiency as time will be wasted.

In urban areas the governmental agencies, social service agencies, and sponsoring organization will be spread throughout the city. The VISTA volunteer will need easy access to these agencies to insure his/her effectiveness in the community.

Therefore, I would like to stress the need for transportation support as embodied in section 105(b) and to emphasize the responsibility of the Director to insure such support.

One other section of this bill with which I very closely identified is the university year for action. It is a program which has been extremely successful and which was the initiative of the current administration. We all acknowledge it as a very successful effort to enlist college students to go out into the community to strengthen the various kinds of services being provided by public and private agencies in the field of poverty.

We have also adopted an entirely new provision in this bill which would encourage not only the full-time concept of the university year of action or VISTA but part-time efforts on the part of many citizens in middle America to get involved in the spirit of volunteerism so that they can also make a contribution toward the alleviation of many kinds of social ills, not only in rural America but in the suburbs as well. So for a wide variety of reasons which have been underscored by the chairman of our committee, Mr. Speaker, I urge this House to give unanimous approval to this bill today and allow us to continue the marvelous work that has been going on in the past.

Title I of H.R. 7265 extends VISTA, provides authority for university year for ACTION and similar service-learning programs on the secondary, the secondary vocational, or postsecondary school levels, and provides the ACTION Agency with demonstration authority to develop special emphasis programs designed to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty. It also establishes special emphasis programs to provide alternatives to the incarceration of youthful law offenders, promote educational opportunities for veterans, and provide community-based peer group outreach and counseling and outpatient services for drug users.

Title II provides for the RSVP program, the foster grandparent program, and for new older American community service programs.

It also authorizes the Director of the agency to carry out programs similar to foster grandparents, but under the category of older American volunteer programs. In the latter new programs, low-income retired Americans aged 55 and over would work with underprivileged older persons in the same manner as foster grandparents work with children.

Title III continues the national volunteer programs to assist small businesses and promote voluntary service by small business proprietors. These are the Score/Ace programs under which retired businessmen use their knowledge and experience to assist small businessmen in carrying out successful business activities.

Title IV is the statutory authority for ACTION while title V authorizes program authorizations of \$87.808 million for fiscal year 1974. For fiscal years 1975 and 1976, the national volunteer antipoverty programs are authorized to spend such sums as may be necessary, the older American volunteer programs \$40 million, and Score/Ace, such sums as may be necessary for fiscal years 1974-76 may be expended. The authorizations are earmarked by program. Title VI contains miscellaneous provisions to repeal any existing statutory authority for the programs extended and make technical amendments.

I believe this legislation deserves the overwhelming support of my colleagues and I hope it is adopted today.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I urge my colleagues to support passage of this bill, H.R. 7265, the Domestic Volunteer Service Act of 1973. The bill would remove much of the legislative confusion that now exists with regard to domestic volunteers and provide, for the first time, a firm legislative basis for the several volunteer programs of ACTION.

This bill is the product of many hours of work and negotiation; in subcommittee, with many Members of this body, and with the administration. The gentleman from California (Mr. HAWKINS) has been exemplary as chairman of the subcommittee in insuring that all points of view were heard and that the resulting legislation was balanced, flexible, and reasonable.

The chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. PERKINS) has given leadership to this bill and his help has been very valuable.

Among other things, Mr. Speaker, the bill would provide for:

An expanded service concept for Vista volunteers;

A firm legislative base and a clarification of the university year for ACTION program;

Broader authority for pilot programs to expand the use of volunteers in our society. In that connection, I would like to introduce for the record at this point



a letter from Dr. Balzano, the Director of ACTION, that discusses one of the possible new approaches.

Further, the bill would provide for:

The consolidation of Older American Volunteer programs in ACTION;

A strengthening of the Score/Ace programs; and finally,

A unified administrative system that will do much to make ACTION a more effective agency and insure the volunteer resource is fairly and wisely used.

For the sake of legislative history, I am inserting into the RECORD background information on a section which was not included in the compromise bill worked out between the two Houses of the Congress and the Administration.

This section would have specifically provided for contract and grant audits by ACTION, and for access to contract and grant recipient records by the Comptroller General of the United States for the purpose of audit.

The compromise version of the Domestic Volunteer Service Act of 1973 did not include the section referred to because of assurances by ACTION that provisions are being and would continue to be fully complied with. I want to emphasize the legislative intent that recipients of ACTION assistance be required to keep records necessary for effective audits by both ACTION and by the Comptroller General. The records which the Director and the Comptroller General or their representatives shall have access to should disclose the amount and disposition by such recipient of the proceeds of assistance, the total cost of the project, and the portion of the cost of the project or undertaking supplied by other sources.

Mr. Speaker, I thank my many colleagues who have contributed so much to this legislation and I urge its speedy adoption.

ACTION,

Washington, D.C., June 7, 1973.

Hon. WILLIAM STEIGER,  
U.S. House of Representatives,  
Washington, D.C.

DEAR MR. STEIGER: I would like to apologize for not getting back to you sooner after our meeting.

As you will recall, I promised to review personally your "Community Services Fellowship" proposal which I have done. The idea appears to me to make great sense and is something which is worthy of study and which I will have staffed-out early in FY 1974 following enactment of H.R. 7265. I am certain that there are many important implications which will come from the study which are not now known by either of us, and I look forward to reviewing personally our study results with you.

When Eric Silberstein talked with you on Tuesday, he indicated that we were prepared to initiate the study and perform tests on probably two or three models which, I trust, will highlight the recommendations in your legislation. To this end, as I am sure Eric indicated, we do not need specific authority if H.R. 7265 is enacted. However, if you think some form of public recognition of the proposal is desirable, as I think it may be, then we will give you all the help you need to draft specific and appropriate report language.

Before closing, I would like to express my sincerest appreciation for your support of ACTION and your efforts and willingness to seek the elimination of the categorical

programs as well as the funding formula which we have discussed. I believe that your action will do much to streamline H.R. 7265 and provide the Agency with excellent, forward looking legislation.

With warmest personal regards,

Sincerely,

MICHAEL P. BALZANO, JR.,  
Director.

#### THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

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THE WHITE HOUSE,

Washington, D.C., June 21, 1973.

Congressman WILLIAM A. STEIGER,  
Banking Minority Member, Subcommittee on  
Equal Opportunity, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR BILL: We have reviewed the compromise version of HR 7265 developed by members of Congress working cooperatively with the Administration. We support this version of the Bill.

Our view is that, as a result of your commendable efforts, this compromise measure is a substantial improvement over existing legislation that authorizes ACTION's domestic programs. HR 7265, as modified, offers a strong foundation for ACTION's present and future programs and volunteers who will assist people in helping themselves solve the serious human and social problems related to poverty.

As you know, there is an urgent need to go forward with authorizing legislation for ACTION. Accordingly, the Administration will not propose additional amendments when HR 7265 comes up for a vote.

With best wishes,

Sincerely,

MELVIN R. LAIRD,  
Counselor to the President.

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

Mr. STEIGER of Wisconsin. I would be delighted to yield to the distinguished gentleman from Iowa (Mr. Gross).

Mr. GROSS. I thank the gentleman for yielding. This is called the Domestic Volunteer Service Act. Is that not euphonious in that you are apparently going to spend \$92.5 million in 1974, \$104 million plus in 1975, and \$115 million plus in fiscal year 1976? Why is it called a volunteer program under the circumstances?

Mr. STEIGER of Wisconsin. I thank the gentleman for his question. The

reason why it is called the domestic volunteer action program is because while the costs, in my judgment at least, are not great, it is necessary to support through stipends those who serve as volunteers, particularly in the Vista agency of Action. Much of what is done by the Action agencies, as the gentleman from Iowa knows, being on the domestic side or on the foreign service side, which is not included in this bill, stems from those who serve at a very modest rate in terms of assisting activities and programs across the United States.

And they are not, may I say to the gentleman from Iowa (Mr. Gross) true "volunteers," because they are in fact paid a very, very modest wage.

Mr. GROSS. And the top level is well paid, is it not?

Mr. STEIGER of Wisconsin. Yes, the top level of the ACTION agency obviously has a number of people in the GS-15—

The SPEAKER. The time of the gentleman has expired.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, as I started to say, the top level of the ACTION agency has a number of people at the GS-15, GS-16, GS-17, and GS-18 range. We do not count them as volunteers, may I say to the gentleman from Iowa.

Mr. GROSS. But the title gives the impression that this is a voluntary program. It is going to cost a lot of money over the next 3 years, and I note especially that the administrative costs are going up. So I must ask the question of whether this committee has some kind of a crystal ball by which they can read the future and determine the financial situation of this country over the next 3 years.

This Government is in serious financial straits now, and I wonder how the committee can project for another 3 years with any degree of certainty the ability of the people of this country to support these programs.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, may I say to the gentleman from Iowa (Mr. Gross) that we, of course, do not have a crystal ball in terms of how much we can look ahead and see with certainty what the affairs of this country will be at that time. But I will say very honestly to my friend, the gentleman from Iowa, that what happens in terms of the carrying out of the volunteer program in VISTA, RSVP, and the Score/Ace program of the Small Business Administration, that we get back far more than we ever expend in terms of the kind of voluntary assistance that is granted at the State and local levels for which no pay is granted through the kind of work done by these young men and women, and by older men and women who have given of themselves to serve and help others, to encourage the use of volunteers to expand the basis of the voluntary agency

across the United States. I think the cost to the taxpayers are infinitely less than they would be were we to abandon these kinds of programs, and therefore, lose the kind of work carried on through these programs across the United States.

Mr. GROSS. It is going to go up \$17 million for administrative expenses at the end of fiscal 1976, which is not an insignificant amount of money.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself an additional 30 seconds.

I would agree with the gentleman from Iowa that it is not an insignificant amount of money, and the subcommittee and the full committee looked hard, and will continue to look very closely at the administrative costs of the ACTION Agency.

Mr. GROSS. What about the Peace Corps, why is it not listed, and its expenditures for this year?

Mr. STEIGER of Wisconsin. Because that is not included in the authority of the Committee on Education and Labor, but rather is handled by the Committee on Foreign Affairs of the House.

Mr. GROSS. But it is a part of the ACTION setup, is it not?

Mr. STEIGER of Wisconsin. Yes, it is, but not on the domestic side.

Mr. GROSS. And the Peace Corps is being handed about \$80 million this year.

Mr. STEIGER of Wisconsin. Yes, I believe the gentleman from Iowa is correct in his figure.

Mr. GROSS. Which is a very substantial addition to the total appropriation called for in this bill.

Mr. STEIGER of Wisconsin. Yes, it is, but it is not included within our jurisdiction.

Mr. GROSS. I thank the gentleman.

Mr. ESHLEMAN. Mr. Speaker, I support the legislation before the House today. As other Members of this body know, I have often opposed social programs because I had the feeling that they generally produce little and often do more harm than good. Starting in 1966 I was appalled at some of the horror stories I heard about volunteer "efforts" to "help" the poor while they were promoting their own personal ideological interests.

But today I stand here supporting the very legislation designed to continue some of these programs and you might ask why. Well, the answer is quite simple. I have watched the ACTION Agency evolve over the past 2 years and the attempt to bring some order and control to its programs by recruiting more mature, skilled, and professional volunteers. Today I feel there is at least a possibility that much good results from ACTION's efforts. This change, to my way of thinking, can only be of benefit to the entire Nation.

The bill, of course, represents our words and intentions but these words and desires must be carried out by people. I think that ACTION now has some individuals on board and is attracting other competent persons who will be able to implement our goals and directives.

But let me tell you a more personal reason why I feel ACTION and its programs have a chance for success in the future. Many of you, I am sure, have read the summer 1973 edition of the Ripon Forum in which I was extremely critical of the executive branch's general inability to communicate and work with the legislative branch of Government. As the ranking member of the Select Education Subcommittee, I have complained repeatedly that I have not been consulted nor had any part in the development of administration proposals that come before our committee. More importantly, I have not even been able to find out the Administration's position on particular bills until the night before they were either going to testify or we were ready for final markup.

With the ACTION legislation it was different, much to my pleasure and surprise. First, ACTION's new Director, Mike Balzano, who by his own admission did not know much about the Hill when he first took the job, came up and spoke to me and every other member of the subcommittee. He related what the President wanted to do with the ACTION Agency, what he intended to do, and what he wanted to achieve in the legislation. He came up with a position that he had thought through and worked out but, more importantly, he took the time to ask us what we thought was necessary for the program and what we thought could be done to improve it. This is the way it should be with all of the agencies in the executive branch.

Building on this relationship, Balzano then sent Eric Silberstein, the director of congressional relations. His efforts should be singled out as the purest example of what can and should be done to accomplish good and meaningful legislation. Mr. Silberstein was given the task of getting the administration's amendments accepted as part of the legislation, and I must say there were many changes that had to be worked through before it was acceptable. He made himself available at all times. When we had a request he made an attempt to fill it immediately. He never told us that it would take 3 or 4 weeks to get even the simplest response. He was tough, but the mere fact that every administration request has been accommodated in the bill is a testament to his and Mike Balzano's superb work. I think it can be said that this bill before us today is truly the President's.

But the point of all this is that both men and many others at the Agency attempted to work with us and I think the fact that we come to the floor today with a bill that has support from the White House and both the Republican and Democratic leadership is a testament to the way they worked with us. Eric Silberstein was tough, fair, and honest, and when all is said and done, we do not ask any more from any bureaucrat than that.

One final thought, when Mike Balzano testified before our committee he talked about the "six great goals" he has for the ACTION Agency. I would only ask Mike Balzano to follow one goal, which by the way was not even on his list, that is, to make all of the programs

authorized in this legislation workable, valuable and of significant benefit to the poor of this Nation so that the investment that the taxpayers are making in it will be justified.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding to me. I want to commend the gentleman from Wisconsin and the other members of the subcommittee on the work they have done in bringing out this bill, and especially in working out the bill so that there is no difference between the desires of the administration and the committee. I think the whole operation will work extremely well with the passage of this legislation.

Mr. Speaker, the bill before us today represents the culmination of an idea developed by President Nixon over 3 years ago bringing all Government volunteer programs into one agency. As we give official statutory authority to that idea—ACTION—we are also extending an official mandate to the concepts of volunteerism and service to others.

The fact that the bill comes before this body today with complete bipartisan support illustrates the concern that we as legislators have of presenting opportunities to Americans, both young and old, to help solve human problems wherever they exist. It reflects not only our commitment to these ideals but those of the President as well. This bill is a compromise which has been developed by Members of Congress working cooperatively with the administration and is supported fully by all sides. Unlike most compromises which generally settle on a middle position in an effort to reach agreement, it is my feeling that the one worked out on this bill actually strengthens the original proposals set before us.

This bill reflects the efforts of many parties. In this regard I must pay personal tribute to Congressman BILL STEIGER—the ranking minority member of the subcommittee—and Congressman GUS HAWKINS—the subcommittee chairman—who along with Ed ESHLEMAN, PATSY MINK, and SHIRLEY CHISHOLM developed this bill. Because of their hard work it is my belief that H.R. 7265 represents significant and positive legislation that will insure domestic programs under ACTION will continue to develop and grow.

Mr. Speaker, I must also recognize the invaluable assistance extended by Mike Balzano, the Director of the ACTION Agency, and Eric Silberstein, the Agency's director of congressional relations. These two men worked untrillingly with members to bring about the final resolution of this bill. Cooperation came from many quarters and the Office of Management and Budget, of which Members of Congress are often critical, extended assistance to us which I believe greatly expedited the development of the final compromise.

Finally, I would like to extend tribute to our former colleague, Melvin Laird, who is now a counselor to the President, who provided support, guidance, and in-



sight to us and became the catalyst in helping us to forge the final compromise agreement. As everyone can see by the people that I have listed there were many parties involved in developing this truly significant bill. I am sure that with this statutory legislative base the Agency will go forward and reflect by deeds and great work the faith that we are placing in it today.

Mr. HAWKINS. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Speaker, I thank the distinguished chairman of the subcommittee, the gentleman from California (Mr. HAWKINS) for yielding to me.

Mr. Speaker, I am concerned about the language in section 404(f) which begins in line 19 on page 93 of the reported bill.

This language authorizes certain employees who, on the effective date of the act, are not receiving compensation in accordance with the classification and pay provisions of title 5 of the United States Code to be assigned grade levels pursuant to such provisions of title 5 which will permit them to receive rates of compensation which are not less than their existing rates of compensation.

It occurred to me that this language might result in assigning an employee to a grade level under the classification and general schedule pay provisions of title 5 which would be higher than the grade level justified for his position under such provisions.

In view of this possibility, I asked the chief counsel of the Post Office and Civil Service Committee for his opinion as to the legal effect of the language appearing in section 404(f) of the bill.

The chief counsel advised me that in his opinion such language authorizes the conversion of certain employees and their positions to the general schedule pay system. But the conversion could result in a position being placed in a grade higher than the grade justified for the duties of the position in order to save the existing rate of pay of the employee being converted.

Under existing law—5 United States Code 5334(d)—and regulations of the Civil Service Commission, an employee who together with his position is brought under the classification and general schedule pay provisions of title 5, is required to be assigned to the proper grade level in accordance with the position classification standards, but the employee is entitled to retain his existing rate of compensation if such rate exceeds the maximum rate of the grade in which his position is placed.

In view of the existing law and the regulations of the Civil Service Commission, there would appear to be no necessity for the language now contained in section 404(f).

I would hope that the Director of the ACTION Agency would not convert these positions to an improper grade just to save the employee's pay when such action is not justified or necessary.

I wonder if the gentleman can tell me whether these provisions are intended only to save the employee's rate of pay? If they are, then the Agency can do just

that under existing law and regulations and classify his position at the proper level.

Mr. Speaker, I yield to the distinguished chairman, the gentleman from California.

Mr. HAWKINS. Mr. Speaker, I can assure the gentleman from North Carolina that the provisions of section 404(f) are not intended to authorize the conversion of employees and their positions to improper grade levels under the classification and general schedule pay provisions of title 5, United States Code.

Rather, the primary intent of section 404(f) is to insure that the converted employees will not suffer a reduction in pay upon their conversions to the general schedule.

Since the existing law does permit converted employees to retain their existing rates of pay, I would see no reason why such employees should not be assigned to the grade levels that are justified for their positions.

I certainly agree with the position taken by the gentleman from North Carolina.

Mr. HENDERSON. Mr. Speaker, I thank the distinguished gentleman for his response and for his cooperation in this matter.

Mr. PERKINS. First, Mr. Speaker, let me take this opportunity to congratulate the distinguished gentlemen from California and the Subcommittee on Equal Opportunities for the job they have done in bringing this legislation before the House. The chairman has worked long and hard on this bill and in my judgment has brought to the House the best bill possible.

Mr. Speaker, I support the Domestic Volunteer Service Act.

The bill before us today is basically a consolidation of the several different legislative authorities that were reorganized back in 1971 into what is known as ACTION.

The bill authorizes for fiscal year 1974 the precise amount that was requested in the President's budget for domestic volunteer programs.

These programs are well known to all of us in this body. The foster grandparent program has provided many elderly citizens with opportunities to make their retirement years useful and productive. The programs that have been administered by the Small Business Administration, SCORE and ACE, have likewise provided people who have special talents in the business field with an opportunity to use their experience and talents for the benefit of those less fortunate. The university year for ACTION program, while of recent vintage, has proved to be a valuable addition in the collection of programs operated by the ACTION Agency. The bill also provides for a continuation of the authority to operate the VISTA program.

The bill provides for several new voluntary activities designed to place special emphasis on the problems of poverty and other human social and environmental problems. Among these are the senior companions program and a program for senior health aides.

Throughout the ACTION Agency there

is emphasis placed upon encouraging minority group participation in all of these programs.

Finally, Mr. Speaker, the bill consolidates into one title the administrative and coordination directions necessary to make the ACTION Agency function independently.

The bill we have before us represents a bipartisan effort to enact the best legislation possible to insure that the Federal Government continues its responsibility toward the multitude of people served by ACTION.

Mr. BELL. Mr. Speaker, the measure before the House today, H.R. 7265, provides for the operation of all domestic volunteer service programs by the Government agency, ACTION.

ACTION has served as the source of numerous antipoverty programs throughout the world. Many of us are aware of ACTION's role in relation to the worldwide responsibilities of the Peace Corps. We should also acquaint ourselves with the important role that ACTION plays in our own country.

ACTION concentrates on fighting poverty in the United States with programs such as VISTA and University Year in Action—UYA. In addition to these programs, the bill provides for many new volunteer activities, placing special emphasis on the poor.

The ACTION bill provides for the authorization and continuation of the Foster Grandparent program and the Retired Senior Volunteer Program originally authorized under the Older Americans Act amendments of 1969. These programs, together with the SCORE and ACE programs for retired executives, have grown substantially in recent years and have helped the senior citizens of the country become, once again, functioning and useful members of society.

Mr. Speaker, I believe that this bill deserves the unanimous support of my colleagues. The many programs authorized by the bill have become necessary tools in the Government's fight against poverty. This bill represents people helping others less fortunate than themselves. These programs and the persons involved now need and deserve our assistance. I sincerely hope that my colleagues join me in giving this agency, ACTION, the proper legislative framework from which it will be able to work properly and effectively.

Mr. HORTON. Mr. Speaker, I rise in support of H.R. 7265, the Domestic Volunteer Service Act. This bill provides new and comprehensive authorization for the domestic volunteer programs administered by the agency, ACTION. For me, this bill represents the completion of the reorganization of the volunteer programs started by Reorganization Plan No. 1 of 1971. The Government Operations Committee, which has responsibility for reviewing reorganization plans submitted by the President, worked long and hard to shape ACTION into an innovative and responsible organization. The volunteer programs involved in the reorganization were highly controversial, and it was with the utmost care that we molded them into this new Agency. At the time we presented the reorganization

plan to the House, we were confronted by those who had felt we were destroying the existing programs as well as those who thought we should be destroying the existing programs. Of course, we were trying to do neither. Our objective was to strengthen the programs mandated by the Congress through the means of reorganization.

I think the success of ACTION is now a matter of record and one of which we can all be proud. Several new programs have been developed by ACTION to provide more and better volunteer opportunities. A university year for ACTION program has been started involving 1,800 students in 44 universities. Another innovative program is the so-called program for local service, under which volunteers are recruited and placed by mail.

In the first mailing under this program, 1,200 people responded seeking the 350 volunteer positions available. I understand ACTION is also exploring the development of several new concepts for volunteer programs, which today's legislation will enable them to develop. All of this is possible, I think, because we created in 1971 an agency with a mandate to develop as fully as possible volunteer opportunities.

Also possible through the reorganization was the centralization of management and support services, and the efficiencies that resulted therefrom. For instance, the new programs are being developed by an Office of Policy and Program Development. An Office of Citizen Placement serves all of the domestic volunteer programs. And there is now in place a Management Information System to give a more comprehensive and thorough view of what is happening in Federal volunteer programs.

The Agency has been ably served by the two Directors it has known since its founding. Joe Blatchford, the first Director, was able to impart a spirit of vigor and innovation to the new Agency. Dr. Balzano, the present Director, has taken a number of steps to strengthen its operations; the most important, I think, being the decentralization funding decisions so that there is a closer contact between those Federal officials who make funding decisions and the people in the community who would receive the funding.

This bill marks the final rite of passage of the ACTION Agency. I wish the Agency great success in the future.

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

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HAWKINS) that the House suspend the rules and pass the bill H.R. 7265, as amended.

The question was taken.

Mr. HUNT. 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 Clerk called the roll, and there were—yeas 339, nays 14, not voting 81, as follows:

[Roll No. 458]

# YEAS—339

Abdnor	Frelinghuysen	Minish
Addabbo	Frenzel	Mink
Alexander	Frey	Mitchell, Md.
Anderson,	Fruehlich	Mitchell, N.Y.
Calif.	Fuqua	Mizell
Andrews, N.C.	Gaydos	Moakley
Andrews,	Gialmo	Mollohan
N. Dak.	Gibbons	Moorhead,
Annunzio	Gilman	Calif.
Archer	Ginn	Morgan
Arends	Goldwater	Moss
Armstrong	Gonzalez	Murphy, Ill.
Aspin	Goodling	Murphy, N.Y.
Bafalis	Grasso	Myers
Barrett	Green, Oreg.	Natcher
Bennett	Green, Pa.	Nedzi
Bergland	Grover	Nelsen
Bevill	Gubser	Nichols
Blaggi	Gude	Obey
Blester	Gunter	O'Brien
Bingham	Guyer	O'Hara
Boggs	Haley	Owens
Bolling	Hamilton	Parris
Bowen	Hammer-	Passman
Brademas	schmidt	Patten
Brasco	Hanley	Pepper
Bray	Hanrahan	Perkins
Breaux	Harsha	Pettis
Breckinridge	Harvey	Peyser
Brinkley	Hastings	Pickle
Brown, Calif.	Hawkins	Pike
Brown, Mich.	Hays	Poage
Brown, Ohio	Hechler, W. Va.	Podell
Broyhill, N.C.	Heckler, Mass.	Powell, Ohio
Buchanan	Heinz	Preyer
Burgener	Helstoski	Price, Ill.
Burke, Fla.	Henderson	Price, Tex.
Burke, Mass.	Hicks	Pritchard
Burleson, Tex.	Hillis	Qule
Burlison, Mo.	Hinshaw	Quillen
Burton	Hogan	Randall
Butler	Hollifield	Rangel
Byron	Holt	Regula
Carey, N.Y.	Holtzman	Reuss
Carney, Ohio	Horton	Rhodes
Carter	Hosmer	Riegle
Casey, Tex.	Huber	Rinaldo
Cederberg	Hudnut	Robinson, Va.
Chamberlain	Hungate	Rodino
Chappell	Hunt	Roe
Chisholm	Hutchinson	Rogers
Clancy	Ichord	Roncallo, Wyo.
Clark	Jarman	Roncallo, N.Y.
Clawson, Del.	Johnson, Calif.	Rooney, Pa.
Clay	Johnson, Colo.	Rose
Cleveland	Johnson, Pa.	Rosenthal
Cochran	Jones, Ala.	Rostenkowski
Cohen	Jones, N.C.	Roush
Collier	Jones, Okla.	Roy
Collins, Ill.	Jordan	Roybal
Collins, Tex.	Karth	Ruppe
Conable	Kastenmeier	Ruth
Conlan	Kazen	Ryan
Corman	Keating	St Germain
Cotter	Kemp	Sarasin
Coughlin	Ketchum	Sarbanes
Cronin	King	Satterfield
Daniel, Dan	Kluczynski	Saylor
Daniel, Robert	Koch	Scherle
W., Jr.	Kuykendall	Schneebell
Daniels	Latta	Schroeder
Dominick V.	Leggett	Sebelius
Davis, S.C.	Lehman	Seiberling
Davis, Wis.	Lent	Shipley
de la Garza	Long, La.	Shoup
Dellenback	Long, Md.	Shriver
Dellums	Lott	Shuster
Denholm	McClory	Sikes
Dennis	McCloskey	Sisk
Dent	McCollister	Skubitz
Derwinski	McCormack	Slack
Devine	McDade	Smith, Iowa
Dickinson	McFall	Smith, N.Y.
Diggs	McKay	Spence
Donohue	McKinney	Staggers
Drinan	McSpadden	Stanton,
Dulski	Macdonald	J. William
Edwards, Ala.	Madden	Stanton,
Edwards, Calif.	Madigan	James V.
Eilberg	Mahon	Stark
Erlenborn	Mailliard	Steed
Esch	Mallory	Steele
Evins, Tenn.	Martin, Nebr.	Steelman
Fascell	Martin, N.C.	Steiger, Ariz.
Findley	Mathias, Calif.	Steiger, Wis.
Fisher	Mathis, Ga.	Stephens
Flood	Matsunaga	Stokes
Flowers	Mayne	Stratton
Foley	Mazzoli	Stubblefield
Ford, Gerald R.	Metcalfe	Stuckey
Ford,	Mezvinsky	Studds
William D.	Millford	Sullivan
Forsythe	Miller	Talcott

Taylor, N.C.	Waggonner	Wright
Teague, Calif.	Walsh	Wyatt
Thompson, N.J.	Wampler	Wyllie
Thomson, Wis.	Ware	Wyman
Thone	Whalen	Yates
Thornton	White	Young, Alaska
Towell, Nev.	Whitehurst	Young, Ga.
Treen	Whitten	Young, Ill.
Udall	Widnall	Young, Tex.
Ullman	Williams	Zablocki
Van Deerlin	Wilson,	Zion
Vanik	Charles, Tex.	Zwach
Veysey	Winn	
Vigorito	Wolff	

# NAYS—14

Ashbrook	Gross	Snyder
Bauman	Landgrebe	Symms
Crane	Montgomery	Taylor, Mo.
Duncan	Roussot	Young, Fla.
Flynt	Runnels	

# NOT VOTING—81

Abzug	du Pont	Mills, Ark.
Adams	Eckhardt	Minshall, Ohio
Anderson, Ill.	Eshleman	Moorhead, Pa.
Ashley	Evans, Colo.	Mosher
Badillo	Fish	Nix
Baker	Fountain	O'Neill
Beard	Fraser	Patman
Bell	Fulton	Rallsback
Blackburn	Gettys	Rarick
Blatnik	Gray	Rees
Boland	Griffiths	Reid
Brooks	Hanna	Roberts
Broomfield	Hansen, Idaho	Robison, N.Y.
Brotzman	Hansen, Wash.	Rooney, N.Y.
Broyhill, Va.	Harrington	Sandman
Burke, Calif.	Hébert	Symington
Camp	Howard	Teague, Tex.
Clausen,	Jones, Tenn.	Tiernan
Don H.	Kyros	Vander Jagt
Conte	Landrum	Waldie
Conyers	Litton	Wiggins
Culver	Lujan	Wilson, Bob
Danielson	McEwen	Wilson,
Davis, Ga.	Mann	Charles H.,
Delaney	Maraziti	Calif.
Dingell	Meeds	Wylder
Dorn	Melcher	Yatron
Downing	Michel	Young, S.C.

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. Anderson of Illinois.  
 Mr. Hébert with Mr. Rallsback.  
 Mr. Rooney of New York with Mr. Conte.  
 Mr. Delaney with Mr. McEwen.  
 Ms. Abzug with Mr. Broomfield.  
 Mr. Kyros with Mr. Sandman.  
 Mr. Blatnik with Mr. Bob Wilson.  
 Mrs. Burke of California with Mr. Fish.  
 Mr. Culver with Mr. Bell.  
 Mr. Moorhead of Pennsylvania with Mr. Maraziti.  
 Mr. Charles H. Wilson of California with Mr. Lujan.  
 Mr. Teague of Texas with Mr. Michel.  
 Mr. Tiernan with Mr. Baker.  
 Mr. Fulton with Mr. Broyhill of Virginia.  
 Mr. Gray with Mr. Robison of New York.  
 Mrs. Hansen of Washington with Mr. Don H. Clausen.  
 Mr. Reid with Mr. Eshleman.  
 Mr. Waldie with Mr. Wylder.  
 Mr. Adams with Mr. Hansen of Idaho.  
 Mr. Brooks with Mr. Vander Jagt.  
 Mr. Bolland with Mr. Minshall of Ohio.  
 Mr. Nix with Mr. Wiggins.  
 Mr. Dingell with Mr. Brotzman.  
 Mr. Fountain with Mr. Mosher.  
 Mr. Hanna with Mr. Beard.  
 Mrs. Griffiths with Mr. Young of South Carolina.  
 Mr. Yatron with Mr. Blackburn.  
 Mr. Mann with Mr. Camp.  
 Mr. Ashley with Mr. du Pont.  
 Mr. Jones of Tennessee with Mr. Landrum.  
 Mr. Danielson with Mr. Davis of Georgia.  
 Mr. Rees with Mr. Downing.  
 Mr. Evans of Colorado with Mr. Eckhardt.  
 Mr. Dorn with Mr. Rarick.  
 Mr. Gettys with Mr. Harrington.  
 Mr. Howard with Mr. Mills of Arkansas.



Mr. Conyers with Mr. Symington.  
Mr. Badillo with Mr. Melcher.  
Mr. Meeds with Mr. Roberts.  
Mr. Litton with Mr. Fraser.

Mr. RUNNELS and Mr. LANDGREBE changed their vote from "yea" to "nay." The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of a similar Senate bill (S. 1148) to provide for operation of all domestic volunteer service programs by the ACTION Agency, to establish certain new such programs, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1148

*Be it enacted by the Senate and House of Representatives of the United States of America assembled, That this Act, with the following table of contents, may be cited as the "Domestic Volunteer Service Act of 1973";*

#### TABLE OF CONTENTS

##### TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS

- Sec. 101. Statement of purpose.
- Sec. 102. Authority to operate VISTA.
- Sec. 103. Assignment of volunteers.
- Sec. 104. Terms of service.
- Sec. 105. Support services.
- Sec. 106. Participation of beneficiaries.
- Sec. 107. Participation of older persons.

##### PART B—SERVICE-LEARNING PROGRAMS

- Sec. 111. Statement of purpose.
- Sec. 112. Authority to operate University year for Action.
- Sec. 113. Priorities.
- Sec. 114. Special conditions.
- Sec. 115. Special service-learning programs.

##### PART C—SPECIAL VOLUNTEER PROGRAMS

- Sec. 121. Statement of purpose.
- Sec. 122. Authority to establish programs.
- Sec. 123. Special emphasis program to provide alternatives to the incarceration of youthful offenders.
- Sec. 124. Special emphasis program to promote educational opportunities for veterans.
- Sec. 125. Special emphasis program to provide community-based peer group counseling and outreach for drug abusers.

##### TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

##### PART A—RETIRED SENIOR VOLUNTEER PROGRAM

- Sec. 201. Grants and contracts for volunteer service projects.

##### PART B—FOSTER GRANDPARENT PROGRAM AND OLDER AMERICAN COMMUNITY PROGRAMS

- Sec. 211. Grants and contracts for volunteer service projects.

- Sec. 212. Conditions of grants and contracts.

##### PART C—GENERAL PROVISIONS

- Sec. 221. Coordination with other Federal programs.
- Sec. 222. Payments.
- Sec. 223. Minority group participation.

##### TITLE III—NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTEER SERVICE BY SMALL BUSINESS PROPRIETORS

- Sec. 301. Authority to cooperate in the operation of SCORE/ACE.
- Sec. 302. Authority to establish terms and conditions of assignments.

##### TITLE IV—ADMINISTRATION AND COORDINATION

- Sec. 401. Establishment of agency.
- Sec. 402. Authority of the Director.
- Sec. 403. Political activities.
- Sec. 404. Special limitations.
- Sec. 405. National Voluntary Service Advisory Council.
- Sec. 406. Labor standards.
- Sec. 407. Reports.
- Sec. 408. Joint funding.
- Sec. 409. Prohibition of Federal control.
- Sec. 410. Coordination with other programs.
- Sec. 411. Prohibition.
- Sec. 412. Appeals, notice, and hearing procedures.
- Sec. 413. Duration of program.
- Sec. 414. Distribution of benefits between rural and urban areas.
- Sec. 415. Advance funding.
- Sec. 416. Application of Federal law.
- Sec. 417. Evaluation.
- Sec. 418. Nondiscrimination.
- Sec. 419. Eligibility for other benefits.
- Sec. 420. Legal expenses.
- Sec. 421. Guidelines.
- Sec. 422. Definitions.
- Sec. 423. Audit of the Comptroller General.

##### TITLE V—AUTHORIZATION OF APPROPRIATIONS

- Sec. 501. National volunteer antipoverty programs.
- Sec. 502. National older American volunteer programs.
- Sec. 503. National volunteer programs to assist small businesses and promote volunteer service by small proprietors.
- Sec. 504. Administration and coordination.
- Sec. 505. Availability of appropriations.

##### TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

- Sec. 601. Superseding of Reorganization Plan No. 1 of July 1, 1971.
- Sec. 602. Creditable service for civil service retirement.
- Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
- Sec. 604. Repeal of title VI of the Older Americans Act.

##### TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS

##### PART A—VOLUNTEERS IN SERVICE TO AMERICA STATEMENT OF PURPOSE

Sec. 101. This part provides for the Volunteers in Service to America (VISTA) program of full-time volunteer service, together with appropriate powers and responsibilities designed to assist in the development and coordination of such program. The purpose of this part is to strengthen and supplement efforts to eliminate poverty in the United States by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems.

##### AUTHORITY TO OPERATE VISTA

Sec. 102. The Director shall recruit, select, and train persons to serve in full-time volunteer programs consistent with the provisions and to carry out the purposes of this part.

##### ASSIGNMENT OF VOLUNTEERS

Sec. 103. (a) The Director, upon request of Federal, State, or local agencies, or private nonprofit organizations, shall assign such volunteers to work in the several States in appropriate projects and programs—

(1) in meeting the health, education, welfare, or related needs of Indians living on reservations or Federal trust lands, of migratory or seasonal farmworkers and their families, and of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(2) in the care and rehabilitation of mentally ill, developmentally disabled, and other handicapped individuals, especially those with severe handicaps, under the supervision of nonprofit institutions or facilities; and

(3) in connection with programs or activities authorized, supported, or of a character eligible for assistance under the Economic Opportunity Act of 1964, as amended.

(b) The Director, wherever feasible and appropriate, shall assign low-income community volunteers to serve in their home communities in teams with nationally recruited specialist volunteers. Prior to the assignment of any such community volunteer, the Director shall insure that each such volunteer is provided an individual plan designed to provide an opportunity for job advancement or for transition to a situation leading to gainful employment. One hundred and twenty days prior to the completion of such community volunteer's term of service, the Director shall insure that such plan is updated and reviewed with the volunteer.

(c) Except as provided in subsection (d), the assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities.

(d) Volunteers under this part shall not be assigned to duties or work in any State unless such program has been submitted to the Governor or other chief executive officer of the State concerned, and has not been disapproved by him within forty-five days of such submission. The assignment of a volunteer shall be terminated by the Director when so requested by the Governor or chief executive officer of the State concerned not later than thirty days after such request has been made, or at a time after such request has been made as agreed upon by such Governor or chief executive officer of the State concerned and the Director.

##### TERMS OF SERVICE

Sec. 104 (a) Volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty. To the maximum extent practicable, this shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave.

(b) Volunteers serving under this part shall be enrolled for two-year periods of service, including or excluding periods of time devoted to training as the Director may determine, except that volunteers serving under this part may be enrolled for periods of service of no less than one year when the Director determines, on an individual basis, that a period of service of less than two years is necessary to meet a critical skill need. Volunteers serving under this part may reenroll for no more than one two-year period of service. No volunteer shall serve for more than five years under this part.

(c) Volunteers under this part shall, upon enrollment, take the oath of office as prescribed in section 5(j) of the Peace Corps Act, as amended (22 U.S.C. 2504(j)): *Provided*, That persons legally residing within a State but who are not citizens of the United States, may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

(d) The Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances and to present their views in connection with the terms and conditions of their service. The Director shall promptly provide to each volunteer in service on the date of enactment of this Act, and to each such volunteer beginning service thereafter information regarding such procedure and the terms and conditions of their service.

#### SUPPORT SERVICES

SEC. 105. (a) (1) The Director shall provide a stipend to volunteers under this part while they are in training and during their assignments. Such stipend shall not exceed \$50 per month during the volunteer's service, except that the Director may provide a stipend not to exceed \$75 per month in the case of persons who have served for at least one year and who, in accordance with standards established in regulations which the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(2) Stipends shall be payable only upon completion of a period of service; except that in extraordinary circumstances the Director may from time to time advance all or a portion of the accrued stipend to or on behalf of a volunteer. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(b) The Director shall also provide volunteers such living, travel (including travel to and from places of training), and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, technical assistance, and such other support as he deems necessary and appropriate to carry out the purpose and provisions of this part, and shall insure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose and provisions of this part and to effectively perform the work to which such volunteer is assigned.

#### PARTICIPATION OF BENEFICIARIES

SEC. 106. To the maximum extent practicable, the poor of the communities to be served by volunteers under this part, under part B, and under any other provision of this title in programs serving the poor, shall participate in planning, developing, and implementing programs thereunder, and the Director, after consultation with sponsoring agencies (including volunteers assigned to them) and the poor served by such agencies shall take all necessary steps to establish, in regulations he shall prescribe, a continuing mechanism for the meaningful participation of such program beneficiaries.

#### PARTICIPATION OF OLDER PERSONS

SEC. 107. In carrying out this part and part C of this title, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under such parts and, because of the high

proportion of older persons within the poverty population, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that such persons are served in proportion to their need.

#### PART B—SERVICE-LEARNING PROGRAMS

##### STATEMENT OF PURPOSE

SEC. 111. This part provides for the University Year for Action (UYA) program of full-time volunteer service by students enrolled in institutions of higher learning, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to eliminate poverty by enabling students at such cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of such students' course work during their periods of service while attending such institutions, in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems. Its purpose further is to encourage other students and faculty members to engage, on a part-time, self-supporting basis, in such volunteer service and work along with volunteers serving under this part; and to promote participation by such institutions in meeting the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise. Its purpose further is to provide for a program of part-time or short-term service learning by secondary and post-secondary school students to strengthen and supplement efforts to eliminate poverty.

##### AUTHORITY TO OPERATE UNIVERSITY YEAR FOR ACTION

SEC. 112. Except as otherwise provided in this part, the Director shall conduct or make grants and contracts for, or both, programs to carry out the purposes of this part in accordance with the authorities and subject to the restrictions in the provisions of part A of this title, except for the provisions of subsections (b) and (d) of sections 103 and subsection (d) of section 104, and except that the Director may, in accordance with regulations he shall prescribe, determine to reduce or eliminate the stipend for volunteers serving under this part on the basis of the value of benefits provided such volunteers by the institution in question (including the reduction or waiver of tuition).

##### PRIORITIES

SEC. 113. In carrying out programs under this part, the Director shall insure that priority shall be given—

(1) to the enrollment of persons who have successfully completed their service as low-income community volunteers under part A of this title or under part A of title VIII of the Economic Opportunity Act of 1964, as amended, to military veterans (as defined in section 101 of title 38, United States Code), and to low-income persons;

(2) to arrangements with institutions agreeing to waive tuition for participants in such program, where such waiver is not prohibited by law; and

(3) to arrangements with institutions at which students and faculty, on a self-supporting basis, have carried out necessary and appropriate planning for such programs.

##### SPECIAL CONDITIONS

SEC. 114. (a) Volunteers serving under this part shall be enrolled for one-year periods of service and may receive academic credit for such service in accordance with the regulations of the sponsoring institution.

(b) Grants to and contracts with institutions to administer programs under this part

shall provide that prospective student volunteers shall participate substantially in the planning of such programs and that such institutions shall make available to the poor in the surrounding community all available facilities, including human resources, of such institutions in order to assist in meeting the needs of such poor persons.

(c) (1) In making grants or contracts for the administration of programs under this part, the Director shall insure that financial assistance under this Act to programs carried out pursuant to section 112 of this part shall not exceed 80 per centum of the total direct cost (including planning costs) of such program. Each such grant or contract shall require a commitment from the institution to assume the full cost of continuing a program (including the provision of any stipends, allowances, or other support to participating students), of at least the same size for at least one year, carrying out the purposes of this part after such institution has received support for three years, except that the Director may provide assistance for up to an additional two years in exceptional circumstances, under this part or title VIII of the Economic Opportunity Act of 1964, as amended, or both.

(2) The Director shall take necessary steps to monitor the extent of compliance by such institutions with commitments entered into under paragraph (1) of this subsection and shall advise the Secretary of the Department of Health, Education, and Welfare of the extent of each such institution's compliance.

##### SPECIAL SERVICE-LEARNING PROGRAMS

SEC. 115. (a) Of the funds appropriated for the operation of programs under this part, up to 10 per centum may be used, notwithstanding any other provision of this part, to encourage and enable students in secondary, secondary vocational, and post-secondary schools to participate in service-learning programs on an in- or out-of-school basis in assignments of a character and on such terms and conditions as described in subsections (a) and (c) of section 103.

(b) Persons serving as volunteers under this section shall not be deemed to be Federal employees for any purpose.

(c) Persons serving as volunteers under this section shall receive no living allowance or stipend and only such other support or allowances as the Director determines, pursuant to regulations which he shall prescribe, are required because of unusual or special circumstances affecting the program.

#### PART C—SPECIAL VOLUNTEER PROGRAMS

##### STATEMENT OF PURPOSE

SEC. 121. This part provides for special emphasis and demonstration volunteer programs, together with appropriate powers and responsibilities designed to assist in the development and coordination of such programs. The purpose of this part is to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs.

##### AUTHORITY TO ESTABLISH PROGRAMS

SEC. 122. (a) The Director is authorized to conduct or make grants or contracts, or both, for special volunteer programs or demonstration programs designed to stimulate and initiate improved methods of providing volunteer services, to identify particular segments of the poverty community which could benefit from volunteer and other antipoverty efforts, and to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part.

(b) Except as provided in subsection (c)



of this section, assignment of volunteers under this section shall be on such terms and conditions as the Director shall determine, pursuant to regulations which he shall prescribe.

(c) The Director, in accordance with regulations he shall prescribe, may provide to persons serving as full-time volunteers in a program of at least one year's duration under this part such allowances and stipends, to the extent and in amounts not in excess of those authorized to be provided under part A of this title, as he determines are necessary to carry out the purpose of this part.

**SPECIAL EMPHASIS PROGRAM TO PROVIDE ALTERNATIVES TO THE INCARCERATION OF YOUTHFUL OFFENDERS**

SEC. 123. (a) The Congress finds that the incarceration of youthful offenders under sentence and awaiting trial is often not successful in rehabilitating juvenile delinquents, generally falls to prevent juvenile crime, and is more costly than alternative approaches to corrections, and that a large proportion of adults arrested for serious crimes are individuals who society failed to rehabilitate as young offenders. It is the purpose of this section to provide for a special emphasis volunteer program to supplement and strengthen efforts to prevent delinquency through pretrial, community-based, and other alternatives to the incarceration of youthful offenders under sentence and awaiting trial.

(b) The Director, utilizing not less than 5 per centum of the funds made available pursuant to section 501 for carrying out programs under this part in each fiscal year and in consultation with the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, and appropriate State officials, shall conduct a program in furtherance of the purpose of this section under which—

(1) volunteers serving under part A, B, or C, of this title, with special emphasis on the recruitment, selection, training, and assignment as volunteers to such program under this section of persons who are themselves rehabilitated criminal offenders, are assigned to a department of corrections or a parole, probation, or other social services agency in a State, county, city, or school district to support and expand existing pretrial, community-based, and other alternatives to incarceration for delinquency prevention, and to foster the creation of such alternatives to incarceration where they do not yet exist; and

(2) such volunteers, wherever possible, work in cooperation with existing Federal agency and other personnel engaged in programs similar to those authorized by this section.

**SPECIAL EMPHASIS PROGRAM TO PROMOTE EDUCATIONAL OPPORTUNITIES FOR VETERANS**

SEC. 124. (a) The Congress finds that fewer than one-half of the Vietnam-era veterans eligible for educational assistance benefits under the GI Bill of Rights (chapter 31 and 34 of title 38, United States Code) are taking advantage of such benefits, that only 25 per centum of such eligible veterans who have not received a high school diploma or the equivalent are taking advantage of such benefits, and that many of such veterans are unemployed or underemployed and are unaware of the economic and social opportunities available to them under such law and other laws and programs. It is the purpose of this section to provide for a special emphasis volunteer program to supplement and strengthen efforts to provide outreach, counseling and other assistance to such veterans, particularly those who are educationally disadvantaged, in enrolling such veterans in academic or vocational institutions, on-job training programs, or farm cooperative programs, and in securing gainful employment for such veterans.

(b) The Director, in consultation with the Administrator of Veterans' Affairs, the Commissioner of Education in the Office of Education, Department of Health, Education, and Welfare, and the Secretary of Labor and utilizing not less than 5 per centum of the funds made available pursuant to section 501 for carrying out programs under this part in each fiscal year, shall conduct a program in furtherance of the purpose of this section under which—

(1) volunteers enrolled under part A, B, or C of this title are assigned, with special emphasis on the recruitment, selection, training, and assignment to programs under this section as volunteers of persons who themselves are military veterans of the Vietnam era (as defined in section 101 of title 38, United States Code); and

(2) such volunteers work in cooperation with existing Veterans' Administration (including veterans carrying out student services pursuant to section 1685 of title 38, United States Code), institution of higher education, veterans' organization, or other personnel engaged in programs similar to those authorized by this section.

**SPECIAL EMPHASIS PROGRAM TO PROVIDE COMMUNITY BASED PEER GROUP COUNSELLING AND OUTREACH FOR DRUG ABUSERS**

SEC. 125. (a) The Congress finds that one of the most successful methods of helping persons, especially younger persons, suffering from all forms of drug addiction and abuse (including alcoholism) is to provide concerned, sympathetic peer-group members to conduct outreach, counselling and related activities in community-based drug treatment and rehabilitation programs. It is the purpose of this section to provide for a special emphasis volunteer program to supplement and strengthen drug treatment and rehabilitation efforts in communities by providing outreach, counselling, followup, and related services for persons (especially younger persons and military veterans of the Vietnam era (as defined in section 101 of title 38, United States Code)) suffering from drug addiction or drug abuse (including alcoholism).

(b) The Director, utilizing not less than 5 per centum of the funds made available pursuant to section 501 for carrying out programs under this part in each fiscal year and in consultation with the Director of the Special Action Office on Drug Abuse Prevention in the Executive Office of the President (or his successor as Federal Government program coordinator), the Director of the National Institute of Mental Health in the Department of Health, Education, and Welfare, and the Administrator of Veterans' Affairs, shall conduct a program in furtherance of the purpose of this section under which—

(1) volunteers enrolled under part A, B, or C of this title are assigned, with special emphasis on the recruitment, selection, training, and assignment as volunteers to such program under this section of persons (particularly such military veterans of the Vietnam era) who are themselves considered by competent medical authority as recovered addicts or abusers; and

(2) such volunteers, whenever possible, work in cooperation with existing Federal agency and other personnel engaged in programs similar to those authorized by this section.

**TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS**

**PART A—RETIRED SENIOR VOLUNTEER PROGRAM**  
**GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS**

SEC. 201. (a) In order to help retired persons to avail themselves of opportunities for voluntary service in their community, the Director shall make grants to State agencies (established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a)(1)))

or grants to or contracts with other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer service programs under this section, if he determines, in accordance with regulations he shall prescribe, that—

(1) volunteers will not be reimbursed for other than transportation, meals, and other out-of-pocket expenses incident to the provision of services under this part;

(2) only individuals aged sixty or over will be enrolled as volunteers to provide services under this part (except for administrative purposes), and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

(3) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of participating volunteers and individuals, and provides for the payment of the reasonable expenses of such volunteers while undergoing such training;

(4) the program is being established and will be carried out with the advice of persons competent in the field of service involved, and of persons with interest in and knowledge of the needs of older persons; and

(5) the program is coordinated with other related Federal and State programs.

(b) The Director shall not award any grant or contract under this part for a project in any State to any agency or organization unless, if such State has a State agency established or designated pursuant to section 304(a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a)(1)), such agency itself is the recipient of the award or such agency has been afforded at least sixty days in which to review the project application and make recommendations thereon.

**PART B—FOSTER GRANDPARENT PROGRAM AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS**

**GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS**

SEC. 211. (a) The Director shall make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to volunteers serving under this part) designed for the purpose of providing opportunities for low-income persons aged sixty or over to serve as volunteers to provide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as Foster Grandparents to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs. The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if he determines, in accordance with regulations he shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965, as amended (42 U.S.C. 3044b) or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the

Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

(b) The Director is also authorized to make grants or contracts to carry out the purpose described in subsection (a) of this section in the case of persons (other than children) having exceptional needs, including services by volunteers serving as Senior Health Aides to work with persons receiving home health care, nursing care, or meals on wheels or other nutritional services, and as Senior Companions to persons having developmental disabilities or other special needs for companionship.

#### CONDITIONS OF GRANTS AND CONTRACTS

Sec. 212. (a) (1) In carrying out this part, the Director shall insure that volunteers receiving assistance in any project are older persons of low income who are no longer in the regular work force.

(2) The Director shall not award a grant or contract under this part which involves a project proposed to be carried out throughout the State or over an area more comprehensive than one community unless—

(A) the State agency established or designated under section 304(a) (1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a) (1)) is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which clause (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurances that the project has been developed, and will to the extent appropriate be conducted, in consultation with or with the participation of, such agency.

(3) The Director shall not award a grant or contract under this part which involves a project proposed to be undertaken entirely in a community served by a community action agency unless—

(A) such agency is the applicant for such grant or contract or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project;

(B) in cases in which such agency is not the grantee or contractor (including cases to which clause (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurances that the project has been developed, and will to the extent appropriate be conducted in consultation with, or with the participation of, such agency; and

(C) if such State has a State agency established or designated pursuant to section 304(a) (1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3024(a) (1)), such agency has been afforded at least forty-five days in which to review the project application and make recommendations thereon.

(b) The term "community action agency" as used in this section means a community action agency as defined in title II of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2781-2837).

#### PART C—GENERAL PROVISIONS

##### COORDINATION WITH OTHER FEDERAL PROGRAMS

Sec. 221. In carrying out this title, the Director shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs, and shall promote the coordination

of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Director in disseminating information about the availability of assistance under this title and in promoting the identification and interest of low-income and other older persons whose services may be utilized under this title.

#### PAYMENTS

Sec. 222. Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine.

#### MINORITY GROUP PARTICIPATION

Sec. 223. The Director shall take appropriate steps to insure that special efforts are made to recruit, select, and assign qualified individuals sixty years and older from minority groups to serve as volunteers under this title.

#### TITLE III—NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTEER SERVICE BY SMALL BUSINESS PROPRIETORS

##### AUTHORITY TO COOPERATE IN THE OPERATION OF SCORE/ACE

Sec. 301. In order to assist persons engaged or seeking to engage in small business enterprises, especially economically disadvantaged persons, the Director, pursuant to agreements with the Administrator of the Small Business Administration (hereinafter referred to as the "Administrator") which shall be published in the Federal Register, shall cooperate with the Administrator in carrying out the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) program pursuant to section 8(b) (1) of the Small Business Act, as amended (15 U.S.C. 637(b) (1)), by—

(1) conducting a national publicity and recruitment effort to encourage eligible businessmen to serve as volunteers in the SCORE/ACE program and to form SCORE chapters;

(2) providing general budgetary planning for the SCORE/ACE program and such logistical support (including office space and clerical services, and supplies when not available from the Small Business Administration), subject to the provisions of subsection (c) of section 302 of this title, to SCORE/ACE volunteers serving Small Business Administration clients as the Administrator, with the concurrence of the Director, determines are necessary and appropriate to carry out such section 8(b) (1); and

(3) expanding the application of the expertise of such SCORE/ACE volunteer business proprietors to other projects and agencies to carry out other programs authorized in this Act and the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2781-2837) (particularly title VII thereof), and budgeting and planning for and carrying out such expanded projects.

##### AUTHORITY TO ESTABLISH TERMS AND CONDITIONS OF ASSIGNMENTS

Sec. 302. (a) Except as provided in subsection (c) of this section, the assignment of volunteers enrolled in programs carried out pursuant to clause (3) of section 301 shall be on such terms and conditions as the Director, in consultation with the Administrator, shall determine.

(b) Such volunteers, while engaged in programs under this title or under section 8(b) (1) of the Small Business Act (15 U.S.C. 637(b) (1)), shall be considered employees of the Federal Government for the purposes of the provisions relating to compensation to Federal employees for work injuries in subchapter I of chapter 81 of title 5, United States Code.

(c) The Director is authorized to reimburse SCORE/ACE volunteers serving pursuant to agreements entered into under section 301 only for transportation, meals, telephone calls, and other out-of-pocket expenses incident to their provision of services or coordination of programs under this Act or the Small Business Act (15 U.S.C. 637(b) (1)).

(d) Notwithstanding any other provision of law, in order to exercise the authority to reimburse expenses of volunteers serving pursuant to section 8(b) (1) of the Small Business Act, as amended (15 U.S.C. 637(b) (1)), the Administrator shall delegate payment responsibility to the Director, making reimbursement to the ACTION Agency in connection with subsequent expenditures by such Agency.

(e) Volunteers serving pursuant to agreements entered into under section 301 shall in no event (1) participate on behalf of the Small Business Administration (rather than on behalf of their clients) in any screening or evaluation activities in connection with applications for loans from such Administration, or (2) provide services to a client of such Administration with a delinquent loan outstanding, except upon a specific request signed by such client for assistance in connection with such matter.

#### TITLE IV—ADMINISTRATION AND COORDINATION

##### ESTABLISHMENT OF AGENCY

Sec. 401. There is hereby established in the executive branch of the Government an agency to be known as the ACTION Agency. Such Agency shall be headed by a Director who shall be appointed by the President\*, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level III of the Executive Schedule under section 5314 of title 5, United States Code. There shall also be in such agency a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Deputy Director shall perform such functions as the Director shall from time to time prescribe, and shall act as Director of the ACTION Agency during the absence or disability of the Director. There shall also be in such agency two Associate Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code. One such Associate Director shall be designated "Associate Director for Domestic and Anti-Poverty Operations" and shall carry out operational responsibility for all programs authorized under this Act and the other such Associate Director shall be designated "Associate Director for International Operations" and shall carry out operational responsibility for all programs authorized under the Peace Corps Act (22 U.S.C. 2501 et seq.). There shall also be in such agency no more than two Assistant Directors appointed by the President by and with the advice and consent of the Senate, who shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code. Each such Assistant Director shall perform such staff and support functions for such Associate Directors as the Director shall from time to time prescribe. There shall also be in such agency one Deputy Associate Director, under the Associate Director for Domestic and Anti-Poverty Operations, primarily responsible for programs carried out under parts A and B of title I of this Act and one Deputy Associate Director, under the Associate Director for Domestic and Anti-Poverty Operations, primarily responsible for programs carried out



under title II of this Act, who shall be appointed by the Director.

#### AUTHORITY OF THE DIRECTOR

SEC. 402. In addition to the authority conferred upon him by other sections of this Act, the Director is authorized to—

(1) appoint in accordance with the Civil Service laws such personnel as may be necessary to enable the ACTION Agency to carry out its functions, and, except as otherwise provided herein, fix the compensation of such personnel in accordance with chapter 51 of title 5, United States Code;

(2) (A) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that no individual may be employed under the authority of this subsection for more than 100 days in any fiscal year; (B) compensate individuals so employed at rates not in excess of the daily equivalent of the rate payable to a GS-18 employee under section 5332 of such title, including travel-time; (C) allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently, while so employed; and (D) annually renew contracts for such employment under this clause;

(3) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act and, as necessary or appropriate, delegate any of his powers under this Act and authorize the redelegation thereof subject to provisions to assure the maximum possible liaison between the ACTION Agency and such other agencies at all operating levels, which shall include the furnishing of complete operational information by such other agencies to the ACTION Agency and the furnishing of such information by the ACTION Agency to such other agencies;

(4) with their consent, utilize the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

(5) accept in the name of the ACTION Agency, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise;

(6) accept voluntary and uncompensated services;

(7) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code), expenditure for construction, repairs, and capital improvements;

(8) disseminate without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as he shall deem appropriate to public agencies, private organizations, and the general public;

(9) adopt an official seal, which shall be judicially noticed;

(10) collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations in accordance with Federal Claims Collection Act of 1966 (31 U.S.C. 951-53);

(11) expend funds made available for purposes of this Act as follows: (A) for printing and binding, in accordance with applicable law and regulation; and (B) without regard to any other law or regulation, for rent of buildings and space in buildings and for

repair, alteration, and improvement of buildings and space in buildings rented by him; but the Director shall not utilize the authority contained in this subclause (B)—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the items, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority;

(12) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under this Act (except for volunteers serving under part A of title I thereof), which may provide that the agency or organization shall pay all or a part of the costs of the program;

(13) provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this Act to (A) encourage them to use in the national interest the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (B) promote the development, and the placement therein of such volunteers, of appropriate opportunities for the use of such skills and experience;

(14) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organizations and persons, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of grants otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments); and

(15) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as he deems necessary or appropriate to carry out the provisions of this Act.

#### POLITICAL ACTIVITIES

SEC. 403. (a) No part of any funds appropriated to carry out this Act, or any program administered by the ACTION Agency, shall be used to finance, directly or indirectly, and activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the ACTION Agency, who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971 (Public Law 92-225), and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

(b) Programs assisted under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or

similar assistance in connection with any such election, or (3) any voter registration activity. The Director, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance for no more than 30 days until notice and an opportunity to be heard can be provided or other action necessary to permit enforcement on an emergency basis.

#### SPECIAL LIMITATIONS

SEC. 404. (a) The Director shall prescribe regulations and shall carry out the provisions of this Act so as to assure that the service of volunteers assigned, referred, or serving pursuant to grants, contracts, or agreements made under this Act is limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this Act, shall be furnished at the lowest possible cost consistent with the effective operation of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder, shall request or receive any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or antilabor organization or related activity.

(e) Persons serving as volunteers under this Act shall provide such information concerning their qualifications, including their ability to perform their assigned tasks, and their integrity, as the Director shall prescribe and shall be subject to such procedures for selection and approval as the Director determines are necessary to carry out the purposes of this Act. The Director may establish such special procedures for the recruitment, selection, training, and assignment of low-income residents of the area to be served by a program under this Act who wish to become volunteers as he determines will further the purposes of this Act.

(f) Notwithstanding any other provision of law and except as provided in the second and third sentences of this subsection, the Director shall assign or delegate any substantial responsibility for carrying out functions under this Act only to persons appointed or employed pursuant to clauses (1) and (2) of section 402, and persons assigned or delegated such substantial responsibilities on the effective date of this Act and who are receiving compensation in accordance with provisions of law other than the applicable provisions of title 5, United States Code, on such date shall, by operation of law on such date, be assigned a grade level pursuant to such latter provisions so as to fix the compensation of such persons under such authority at no less than their compensation rate on the day preceding such date. Notwithstanding any other provisions of law, in order to achieve the appointment of personnel pursuant to clause (1) of section 402 and title 5, United States Code, as directed by the first sentence of this subsection, the number of positions authorized by section 5108(a) of title 5, United States Code, and assigned to the ACTION Agency, is increased by a number equal to the number of persons whose level of compensation on the day prior to the effective date of this Act requires their assignment to such positions. The Director may personally make exceptions to the requirement set forth in the first sentence of this subsection for persons he finds will be assigned to carrying out functions under the Peace Corps Act (22 U.S.C. 2501 et seq.) within six months after

the effective date of this Act. This subsection shall not apply in the case of persons carrying out administrative functions in support of other than program-related activities described in section 504.

(g) Notwithstanding any other provision of law except as may be provided expressly in limitation of this subsection, payments to volunteers under this Act shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such volunteers may be receiving under any other governmental program.

#### NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

SEC. 405. (a) There is hereby established in the ACTION Agency a National Voluntary Service Advisory Council (hereinafter referred to as the "Council") to be composed of 25 members appointed, not later than sixty days after the date of the enactment of this Act, by and serving at the pleasure of the President. Such members shall be representative of public and private organizations, groups, and individuals interested in serving and benefited by programs carried out under this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.), including, in approximately equal numbers, representatives of beneficiaries of programs established under this Act, nations hosting Peace Corps volunteers, present and former volunteers, and national coalitions representing such groups. The President shall designate a temporary chairperson from such members and shall call the initial meeting of the Council within thirty days after appointment of such Council. Members of the Council shall designate a permanent chairperson from such members and shall meet at the call of such chairperson, but not less than four times in each year. Members of the Council, other than those regularly employed by the Federal Government, while attending meetings of such Council, shall be entitled to receive compensation and travel expenses as provided in section 402(2) of this Act with respect to experts and consultants. The Director and Deputy Director of the ACTION Agency shall be ex officio members of the Council.

(b) The Council shall—

(1) advise the Director with respect to policy matters arising in the administration of this Act and the Peace Corps Act (22 U.S.C. 2501 et seq.); and

(2) upon the request of the Director, review the effectiveness and the operation of programs under this Act and the Peace Corps Act and make recommendations (including such proposals for changes in such Acts as the Council deems appropriate) concerning (A) the improvement of such programs, (B) the elimination of duplication of effort, and (C) the coordination of such programs with other Federal programs designed to assist the beneficiaries of such Acts.

(c) Not later than March 31 of each calendar year beginning with the calendar year 1974, the Council shall make an annual report of its findings and recommendations to the President for transmittal by the President, within thirty days of the receipt thereof, to the Congress together with his comments and recommendations.

#### LABOR STANDARDS

SEC. 406. All laborers and mechanics employed by contractors and subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are federally assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Re-

organization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, ch. 482, as amended; 40 U.S.C. 276c).

#### REPORTS

SEC. 407. Not later than one hundred and twenty days after the end of each fiscal year, the Director shall prepare and submit to the President for transmittal by the President, within thirty days of the receipt thereof, a full and complete report to the Congress on the activities of the ACTION Agency during such year.

#### JOINT FUNDING

SEC. 408. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, notwithstanding any other provision of law, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the ACTION Agency, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements under or pursuant to this Act.

#### PROHIBITION OF FEDERAL CONTROL

SEC. 409. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

#### COORDINATION WITH OTHER PROGRAMS

SEC. 410. The Director shall take necessary steps to coordinate volunteer programs authorized under this Act with one another, with community action programs, and with other related Federal, State, and local programs. The Director shall also consult with the heads of other Federal, State, and local agencies responsible for programs related to the purposes of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of volunteers serving pursuant to this Act.

#### PROHIBITION

SEC. 411. In order to assure that existing Federal agencies are used to the fullest extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

#### APPEALS, NOTICE, AND HEARING PROCEDURES

SEC. 412. The Director shall prescribe procedures to insure that—

(1) assistance under this Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations for thirty days, nor shall an application for refunding under this Act be denied, unless the recipient has been given reasonable notice and opportunity to show cause publicly why such action should not be taken; and

(2) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

#### DURATION OF PROGRAM

SEC. 413. The Director shall carry out the programs provided for in this Act during the

fiscal year ending June 30, 1974, and the three succeeding fiscal years. For each such fiscal year, only such sums may be appropriated as the Congress may authorize by law.

#### DISTRIBUTION OF BENEFITS BETWEEN RURAL AND URBAN AREAS

SEC. 414. The Director shall adopt appropriate administrative measures to assure that the benefits of and services under this Act will be distributed equitably between residents of rural and urban areas.

#### ADVANCE FUNDING

SEC. 415. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

#### APPLICATION OF FEDERAL LAW

SEC. 416. (a) Except as provided in subsections (b), (c), (d), and (e) of this section, volunteers under this Act shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal officers and employees and Federal employment.

(b) Individuals serving in programs authorized by parts A and B of title I of this Act, and individuals serving in programs authorized by part B or C of title I of this Act who are enrolled as full-time volunteers in a program established as a program of at least one year's duration, shall, with respect to such service or training, (1) for the purposes of subchapter III of chapter 73 of title 5, United States Code, be deemed persons employed in the executive branch of the Federal Government, and (2) for the purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.) be deemed employees of the United States, and any service performed by an individual as a volunteer, trainee, or volunteer leader shall be deemed to be performed in the employ of the United States, and (3) for the purposes of the Federal Tort Claims provisions of title 28, United States Code, be deemed employees of the United States, except that for the purposes of computation, the monthly pay of a volunteer serving for one year or less shall be deemed to be that received under the entrance salary for GS-7 under section 5332 of such title.

(c) Any period of service of a volunteer under part A of title I of this Act, and any period of full-time service of a volunteer enrolled in a program of at least one year's duration established under part B or C of title I of this Act, shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purpose of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

(d) Volunteers serving pursuant to part A of title I of this Act, and volunteers serving pursuant to title VIII of the Economic Opportunity Act of 1964, as amended (42



U.S.C. 2991-2994d), including those whose service was completed under such Act, who the Director determines, in accordance with regulations he shall prescribe, have successfully completed their periods of service, shall be eligible for appointment in the competitive service in the same manner as Peace Corps volunteers as prescribed in Executive Order Number 11103 (April 10, 1963).

(e) Notwithstanding any other provision of law, all references in any other law to persons serving as volunteers under title VIII of the Economic Opportunity Act of 1964, as amended, shall be deemed to be references to persons serving as full-time volunteers in a program of at least one year's duration under part A, B, or C of title I of this Act.

#### EVALUATION

SEC. 417. (a) The Director shall periodically measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) Before funds are released or assistance is provided for the programs and projects covered by this Act after January 1, 1974, the Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. Reports submitted pursuant to section 407 shall describe the actions taken as a result of evaluation carried out under this section.

(c) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of such programs and projects.

(d) The Director shall publish summaries of the results of evaluations of program and project impact and effectiveness no later than sixty days after the completion thereof.

(e) The Director shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(f) The Director is authorized to use such sums as are required, but not to exceed 1 per centum of the funds appropriated under this Act, to conduct program and project evaluations (directly, or by grants or contracts) as required by this Act. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriate therefor) shall be reduced accordingly.

#### NONDISCRIMINATION

SEC. 418. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, age, physical or mental disability, political affiliation, or belief.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in con-

nection with any program or activity receiving assistance under this Act.

#### ELIGIBILITY FOR OTHER BENEFITS

SEC. 419. Notwithstanding any other provision of law, no payment for supportive services or reimbursement of out-of-pocket expenses made to persons serving pursuant to titles II and III of this Act shall be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment, temporary disability, retirement, public assistance, or similar benefit payments, or minimum wage laws. This section shall become effective with respect to all payments made after the effective date of this Act.

#### LEGAL EXPENSES

SEC. 420. Notwithstanding any other provision of law and pursuant to regulations which the Director shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings to which full-time volunteers (or part-time volunteers when such proceeding arises directly out of the performance of activities pursuant to this Act or section 8(b)(1) of the Small Business Act, as amended (15 U.S.C. 637(b)(1)) serving under this Act have been made parties.

#### GUIDELINES

SEC. 421. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register and submitted to the appropriate committees of the Congress at least thirty days prior to their effective date.

#### DEFINITIONS

SEC. 422. For the purposes of this Act—

(1) the term "Director" means the Director of the ACTION agency;

(2) the terms "United States" and "States" mean the several States, the District of Columbia, territories of the United States, the Virgin Islands, Puerto Rico, Guam, and American Samoa and, for the purposes of title II of this Act, the Trust Territory of the Pacific Islands;

(3) the term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(4) the term "poor" or "low-income" persons, individuals, or volunteers means such individuals whose incomes fall at or below the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. 2971d).

#### AUDIT OF THE COMPTROLLER GENERAL

SEC. 423. (a) Each recipient of Federal assistance under this Act, pursuant to grants, subgrants, contracts, subcontracts, loans, or other arrangements, entered into other than by formal advertising, and which are otherwise authorized by this Act, shall keep such records as the Director shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any

books, documents, papers, and records of such recipients which in the opinion of the Director or the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, loans or other arrangements referred to in subsection (a).

#### TITLE V—AUTHORIZATION OF APPROPRIATIONS

##### NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 501. (a) There are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1974, \$61,000,000 for the fiscal year ending June 30, 1975, and \$76,000,000 for the fiscal year ending June 30, 1976, respectively to be used for the purpose of carrying out title I of this Act of which (1) the amount of \$30,000,000 for the fiscal year ending June 30, 1974, \$35,000,000 for the fiscal year ending June 30, 1975, and \$45,000,000 for the fiscal year ending June 30, 1976, respectively, shall be available for carrying out full-time volunteer programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title; (2) the amount of \$12,000,000 for the fiscal year ending June 30, 1974, \$15,000,000 for the fiscal year ending June 30, 1975, and \$20,000,000 for the fiscal year ending June 30, 1976, respectively, shall be available for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title; and (3) the amount of \$8,000,000 for the fiscal year ending June 30, 1974, and the amount of \$11,000,000 for the two succeeding fiscal years shall be available for carrying out programs under part C of such title: *Provided*, That not less than 12 per centum of the sums appropriated for carrying out programs under such part C shall be used for carrying out programs, on a cost-reimbursable basis, authorized by part A of such title.

(b) If the sums authorized to be appropriated under subsection (a) of this section are not appropriated and made available in full, then such sums as are so appropriated and made available for such fiscal year shall be allocated so that (1) any amounts appropriated not in excess of \$22,300,000 for the fiscal year ending June 30, 1974, \$25,000,000 for the fiscal year ending June 30, 1975, and \$26,000,000 for the fiscal year ending June 30, 1976, respectively, shall be used for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title; (2) any amounts appropriated in excess of \$22,300,000 for the fiscal year ending June 30, 1974, \$25,000,000 for the fiscal year ending June 30, 1975, and \$26,000,000 for the fiscal year ending June 30, 1976, respectively, but not in excess of \$29,600,000, \$33,500,000, and \$34,500,000 for each such fiscal year, respectively, shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title; (3) any amounts appropriated in excess of \$29,600,000 for the fiscal year ending June 30, 1974, \$33,500,000 for the fiscal year ending June 30, 1975, and \$34,500,000 for the fiscal year ending June 30, 1976, respectively, but not in excess of \$37,600,000, \$44,500,000 and \$45,500,000 for each such fiscal year, respectively, shall be used for carrying out programs under part C of such title; and (4) any amounts appropriated in excess of \$37,600,000 for the fiscal year ending June 30, 1974, \$43,500,000 for the fiscal year ending June 30, 1975, and \$44,500,000 for the fiscal year ending June 30, 1976, respectively, shall be apportioned for use for carrying out parts A and B, respectively, of this title for each such fiscal year in an amount for each such part bearing the same ratio to the total of such excess amount made available for each such year as the amount set aside for use for each such year under each such part in clauses (1), (2), and (3), respectively, of this subsection bears to the total of such amounts set aside for use for each such fiscal year under each such part.

# NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS

SEC. 502. (a) There are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1974, \$40,000,000 for the fiscal year ending June 30, 1975, and \$50,000,000 for the fiscal year ending June 30, 1976, respectively, to be used for the purpose of carrying out programs under part A of title II of this Act.

(b) (1) There are authorized to be appropriated \$52,000,000 for the fiscal year ending June 30, 1974, \$63,000,000 for the fiscal year ending June 30, 1975, and \$74,000,000 for the fiscal year ending June 30, 1976, respectively, for the purpose of carrying out programs under part B of such title of which (A) \$45,000,000 for the fiscal year ending June 30, 1974, \$55,000,000 for the fiscal year ending June 30, 1975, and \$65,000,000 for the fiscal year ending June 30, 1976, respectively, shall be available for such years for grants or contracts under subsection (a) of section 211 of part B of such title and (B) \$7,000,000 for the fiscal year ending June 30, 1974, \$8,000,000 for the fiscal year ending June 30, 1975, and \$9,000,000 for the fiscal year ending June 30, 1976, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full for each such fiscal year, then such sums as are appropriated and made available for each such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equals \$25,000,000 shall be used for grants or contracts under such subsection; and

(B) any amounts appropriated in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 211 equals \$32,000,000 for the fiscal year ending June 30, 1974, \$33,000,000 for the fiscal year ending June 30, 1975, and \$34,000,000 for the fiscal year ending June 30, 1976, respectively, shall be used for grants or contracts for such fiscal years under such subsection.

## NATIONAL VOLUNTEER PROGRAMS TO ASSIST SMALL BUSINESSES AND PROMOTE VOLUNTEER SERVICE BY SMALL BUSINESS PROPRIETORS

SEC. 503. There are authorized to be appropriated \$1,000,000 for the fiscal year ending June 30, 1974, \$1,500,000 for the fiscal year ending June 30, 1975, and \$2,000,000 for the fiscal year ending June 30, 1976, for the purpose of carrying out programs under title III of this Act.

### ADMINISTRATION AND COOPERATION

SEC. 504. (a) There are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1974, \$18,000,000 for the fiscal year ending June 30, 1975, and \$17,000,000 for the fiscal year ending June 30, 1976, for the administration of this Act as authorized in title IV of such Act: *Provided*, That amounts expended for such purpose in any such fiscal year shall be used for salaries and expenses of persons carrying out functions under this Act only if the Director determines, in accordance with regulations he shall prescribe, that such persons are engaged in carrying out such functions for a substantial portion of their time and that such functions constitute a substantial portion of their responsibilities.

(b) The total administrative expenditures in support of other than program-related activities, including the compensation of Federal employees, incurred under the authority of this Act for any fiscal year shall not exceed the lesser of (1) 10 per centum of the total amount appropriated and made available pursuant to this title for such year, or (2) an amount which bears the same pro-

portion to the total amount appropriated and made available for such expenditures in such year from (A) amounts appropriated and made available pursuant to this Act, (B) amounts appropriated and made available pursuant to the Peace Corps Act (22 U.S.C. 2501 et seq.), and (C) amounts appropriated and made available pursuant to any other law for which implementing responsibility is delegated or transferred to the Director in such year as the total amount appropriated and made available pursuant to this title bears to the total amount appropriated and made available pursuant to the authorizations specified in subclauses (A), (B), and (C) of this clause: *Provided*, That grants, subsidies, and contributions, and payments to individuals, other than Federal employees, shall not be counted as an administrative expenditure.

### AVAILABILITY OF APPROPRIATIONS

SEC. 505. (a) Notwithstanding any other provision of law, unless enacted in express and specific limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any program under this Act or any predecessor authority shall remain available, in accordance with the provisions of this Act, for obligation and expenditure until expended.

(b) There shall be no limitation on the use of funds appropriated to carry out any program under this Act other than limitations imposed by or pursuant to the provisions of this Act; nor shall any funds appropriated to carry out any program under this Act be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified or provided in this Act.

### TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

#### SUPERSEDEANCE OF REORGANIZATION PLAN NUMBER 1 OF JULY 1, 1971

SEC. 601. (a) Sections 1, 2(a), and 3 of Reorganization Plan Numbered 1 of 1971 (July 1, 1971) are hereby superseded.

(b) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Director of the ACTION Agency by sections 2(a) and 4 of such reorganization plan are hereby transferred to the ACTION Agency established by section 401. All grants, contracts, and other agreements awarded or entered into under the authority of such reorganization plan will be recognized under comparable provisions of this Act so that there is no disruption of on-going activities for which there is continuing authority.

(c) All official actions taken by the Director of the ACTION Agency, his designee, or any other person under the authority of such reorganization plan which are in force on the effective date of this Act and for which there is continuing authority under the provisions of this Act, and the length of the period of service of volunteers serving or undergoing training under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d) on the effective date of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

(d) All references to ACTION, or the Director of ACTION in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after the effective date of this Act, be deemed to refer to the ACTION Agency established by section 401 and the Director thereof.

(e) No suit, action, or other proceeding, and no cause of action, by or against the agency known as ACTION created by such reorganization plan, or any action by any officer thereof acting in his official capacity,

shall abate by reason of enactment of this Act.

(f) Persons appointed by the President, by and with the advice and consent of the Senate, to positions requiring such advice and consent under such reorganization plan may continue to serve in the same capacity in the ACTION Agency without the necessity of an additional appointment by the President or further such advice and consent by the Senate.

### CREDITABLE SERVICE FOR CIVIL SERVICE RETIREMENT

SEC. 602. Section 8332(b) (7) of title 5, United States Code (relating to creditable service to civil service retirement), is amended by inserting a comma and "or a period of service of a full-time volunteer enrolled in a program of at least one's year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973 (— U.S.C. —)" after "Economic Opportunity Act of 1964."

### REPEAL OF TITLE VIII OF THE ECONOMIC OPPORTUNITY ACT

SEC. 603. Title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d), is hereby repealed.

### REPEAL OF TITLE VI OF THE OLDER AMERICANS ACT

SEC. 604. (a) Title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3044-3044e), is hereby repealed.

(b) Section 908 of the Older Americans Comprehensive Services Amendments Act of 1973 (Public Law 93-29) is amended by striking out "1973," and "1974," and inserting in lieu thereof "1974," and "1975," respectively.

### MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HAWKINS moves to strike out all after the enacting clause of S. 1148 and insert in lieu thereof the provisions of H.R. 7265, as passed by the House.

The motion was agreed to.

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

The title was amended so as to read: "To provide for the operation of programs by the ACTION Agency, to establish certain new such programs, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 7265, was laid on the table.

### GENERAL LEAVE

Mr. HAWKINS. 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. 7265, just passed by the House.

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

There was no objection.

### FEDERAL PRISONERS FURLOUGH

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7352) to amend section 2082 (c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners, as amended.

The Clerk read as follows:



H.R. 7352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 4082(c), title 18, United States Code, is amended to read as follows:

"(1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, the establishment or reestablishment of family and community ties or for any other significant correctional reason consistent with the public interest; or".

The SPEAKER. Is a second demanded?

Mr. SMITH of New York. Mr. Speaker, I demand a second.

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

There was no objection.

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

Mr. Speaker, H.R. 7352 was introduced at the request of the administration in a letter to the Speaker from the Attorney General of the United States. The sponsorship of the bill is bipartisan. It was introduced jointly by the distinguished chairman of the Committee on the Judiciary, Mr. ROBINO, and the ranking minority member, Mr. HUTCHINSON.

At the hearing before a Judiciary Subcommittee in July, the bill had the full support of the Director of the U.S. Bureau of Prisons who urged its enactment.

H.R. 7352 would amend existing law which provides for extensions of limits of confinement—also called furloughs—available to inmates at Federal prisons. The legislation would expand these provisions so as to enable fuller utilization of furloughs as a means of assisting prisoners to adjust from institution to community life.

Under present law (18 U.S.C. 4082), Federal prison inmates are eligible for furloughs, not to exceed 30 days in duration, but for limited purposes only. These purposes are largely of an emergency character or for work or training. There is no provision for visits to establish or reestablish family or community ties. H.R. 7352, as amended, would retain the 30-day limitation on the length of furloughs but would expand the provisions of existing law to permit release for these purposes or for any other significant reasons consistent with the public interest.

The committee amendments are of a clarifying character. They permit furloughs for the purpose of initial establishment as well as reestablishment of family and community ties and they avoid the necessity of defining a reason as "correctional."

The Attorney General advises us that even within the present narrow confines of authorized furloughs, furlough utilization is one of the best means of helping a prisoner to make this adjustment.

He has assured the committee that release on furlough would continue to be

allowed only in carefully selected cases for individuals who can be trusted and that furloughs pursuant to the amended section will be granted only for nondangerous inmates.

The Honorable Norman Carlson, Director of the Bureau of Prisons, testified as to the number of furloughs granted and the number of furloughed inmates who failed to return. He indicated that in fiscal year 1971, the Bureau granted 2,103 furloughs and had 25 escapes; and in fiscal year 1972 there were 4,126 furloughs granted and 32 escapes. In other words, the escape rate for the most recent period for which figures exist was less than 1 percent.

Mr. Carlson also advised us that no additional funds will be required or sought for the implementation of this bill.

I cannot close without a word of appreciation and commendation of our colleague from New York (Mr. KOCH), who is the author of similar legislation and who was a tireless worker in developing the concept of family visitation furloughs.

I urge prompt and favorable consideration of the legislation.

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

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

Mr. GROSS. I thank the gentleman for yielding.

Is it indicated by how much this bill will increase the number of furloughs as compared with the present time?

Mr. KASTENMEIER. This legislation will grant wider discretion in the issuance of furloughs. There is no firm evidence that there will be any particular number of furloughs above the present level. In the fiscal year ending 1973 there were 5,522 furloughs. The bill would enable the Director of the prison system and the superintendents of institutions to have somewhat wider discretion in the use of this as a tool for rehabilitation.

Granted that the total number of prisoners within the U.S. prison system is not large, I would not expect that the number of furloughs would be increased radically.

Mr. GROSS. Who is to be the final arbiter as to whether a prisoner gets a furlough—the Attorney General, or who?

Mr. KASTENMEIER. The Attorney General, yes, but in effect in practice, a furlough determination is made by the Director of the Bureau of Prisons, Mr. Carlson, or his immediate subordinate, or by the superintendent, director, or warden of an institution, or his immediate subordinate officer.

Mr. GROSS. Does he not now have that power to furlough or to liberate, and specify the period of time?

Mr. KASTENMEIER. He does under certain circumstances under law. Those circumstances are in the case of a dying member of his family, in the case of a funeral of a member of his family, in the case where medical attention is required that is not available at the institution where he is incarcerated, or for purposes of training, or for seeking work, or for

other compelling purposes consistent with the public interest.

This is regarded by the Bureau of Prisons and by the Attorney General to be somewhat restrictive in terms of the full use of the program which has been so successful as a rehabilitative tool, so this bill merely changes the language to grant the Director of the Bureau of Prisons wider discretion in terms of employment of the program.

Mr. GROSS. The words "establishment or reestablishment of family and community ties" just about cover the waterfront, do they not?

Mr. KASTENMEIER. One of the purposes of course in rehabilitative work, as I am sure the gentleman from Iowa well understands, is to permit an individual who has been separated from society to reestablish a relationship with his community or in some cases with a new community, a community in which he has not lived before. Perhaps he has a job offer from that community. This program will aid the man in establishment of that sort of tie.

Mr. GROSS. Obviously it will require money to support a prisoner who is furloughed for 30 days. Who is going to underwrite the cost of this accelerated or liberalized program?

Mr. KASTENMEIER. The prisoner or any outside sources that may assist the prisoner in this respect. The Bureau of Prisons or the U.S. Government or the U.S. taxpayers do not assist the inmate in this respect. Once he is let outside the institution he pays his own transportation and he is responsible for his own maintenance.

We are, practically speaking, talking not about 30 days but about 3 days for furloughs, which is the most common furlough period utilized presently, and this is what is contemplated. These are not long or extended periods of time even though for purposes of discretion they are permitted. But the prisoner must support himself for that 3-day furlough or whatever the time of the furlough is.

Mr. GROSS. In the gentleman's opinion this is not the forerunner for another bill to tap the Federal Treasury for funds to take care of this liberalized program for the furloughing of prisoners?

Mr. KASTENMEIER. Indeed it is not. I say to the gentleman from Iowa as a matter of fact we are told and advised that no additional funds will be required nor sought.

Mr. GROSS. I will say to the gentleman from Wisconsin that we have been told in many other instances and on other bills that the door would not be opened for further Federal expenditure, but all too often we have found we were misled. I simply want to make a record here and now as to how it will work.

Mr. KASTENMEIER. I appreciate the apprehension of the gentleman from Iowa, but in this program we do have experience. This program has been in operation since 1965. For 8 years the Bureau of Prisons has not sought any public money for this purpose and I believe they will not do so. That is the assurance we have.

Mr. SMITH of New York. Mr. Speaker, I rise in support of H.R. 7352. This bill would give the Bureau of Prisons greater flexibility in the use of furloughs for Federal prisoners. This legislation is not likely to change the course of correctional history or eliminate recidivism completely, but to that inmate with a wife and child or that inmate having other family responsibilities or to that inmate seeking to establish for the first time meaningful community ties, this bill is very important.

In a letter to our Subcommittee on Courts, Civil Liberties, and the Administration of Justice, dated April 17, 1973, the Attorney General stated that even within the present narrow confines of existing law, the use of furloughs is one of the best means of helping a person in the adjustment from the institution to the community. In this regard, as the Ramseyer points out on page 4 of the House report (No. 93-425), the only substantive change in existing law is the addition of the words "the establishment or reestablishment of family and community ties" and the deletion of the word "only."

Mr. Speaker, furlough programs are not new. In March of this year, Mr. Carson Markley, who is associate warden at the Federal Reformatory for Women in Alderson, W. Va., published in the Federal Probation magazine his findings from a survey and analysis of furlough programs in adult correctional institutions in each of the 50 States, the District of Columbia, and the Federal Bureau of Prisons. He found that better than one-half of the States—29 States or 57 percent—have furlough programs, with 16 States planning to implement programs and only 6 States without programs or plans for such programs. Fifty percent of the States anticipate some minor changes in their furlough programs. Correctional administrators in 82 percent of the States—23—currently conducting furlough programs stated that they have experienced no serious problems since introducing furloughs in their institutions.

An offender's problems in a community are what caused him to be incarcerated and, in my opinion, a prime objective of any meaningful correction program should be to help the offender become a responsible and productive member of society upon returning to the community. I urge the Members to vote favorably for the passage of the bill, H.R. 7352.

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

Mr. COHEN. Mr. Speaker, I rise in support of the bill introduced by the distinguished chairman of the Judiciary Committee (Mr. RODINO) and the distinguished ranking minority member (Mr. HUTCHINSON).

H.R. 7352, which was proposed by the Attorney General, would allow the Bureau of the Prisons greater flexibility in the use of furloughs for Federal prisoners. There is no doubt in my mind that the furlough, when applied appropriately, can serve as an important correc-

tional device by helping offenders to maintain and strengthen ties with communities and with their families.

As Norman Carson, the distinguished Director of the Federal Bureau of Prisons, pointed out in testimony, we must never forget that the offender's difficulties in the community are what caused him to be incarcerated in the first place. Certainly, a major purpose of any correctional program should be to help the offender become a responsible and productive citizen upon returning to the community. I therefore support the enactment of legislation which aids in fostering community relationships.

Under the Prisoner Rehabilitation Act of 1965 (section 4082 of title 18, United States Code) the Bureau of Prisons was authorized to implement for the first time a work and study release program. Authority was also granted to place adult offenders in halfway houses or community treatment centers which previously had been utilized only for youthful and juvenile offenders. In addition, the 1965 act made it possible to begin a furlough program for limited purposes only. Prisoners may be granted leave from their place of confinement primarily for the purpose of visiting a dying relative, attending a funeral of a relative, obtaining medical services not otherwise available, contacting a prospective employer, or for other compelling reasons. The legal language and legislative history clearly indicate that furloughs were to be granted essentially for emergencies specifically spelled out in the act. Certainly, the term "compelling reasons" was written to account for situations similar to the specific reasons.

The legislation we are considering today would expand the provisions of the 1965 law to allow furloughs for the purpose of establishing or reestablishing family and community ties and for any other significant reason consistent with the public interest. The reasons for reforming our furlough policy are numerous. One particular advantage was well articulated by the Director of the Bureau of Prisons in his recent testimony before the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice:

I think we all recognize the important role that constructive family relationships can play in the overall favorable adjustment of offenders. There are times when periodic home visits can be justified for reasons other than emergencies. The opportunity to participate in special religious holidays and many other important family functions that mean so much to all of us can be a critical step in changing attitudes and developing positive behavior.

Furloughs also serve to reinforce the self-esteem of the inmate since he finds that he is dealt with as someone who is responsible for himself and can be trusted on leave. My home State of Maine, in a policy statement on the "granting of furloughs," concluded in 1969 that furloughs provide the offender with the opportunity to do things for himself, rather than having them done for him by institution officers or parole officers, and

this tends to lessen his dependence on others and preserves his ability to make decisions concerning his own actions and conduct—an ability often atrophied through institutionalization.

Furloughs can also be effectively used in assisting prisoners in bridging the gap from the institution to the community. This transition has proven extremely difficult for many inmates because they frequently lack self-confidence and need help in finding those job opportunities which will allow them to operate as responsible and productive members of society. It is significant to point out that even within the present narrow confines of authorized furloughs, the Attorney General has advised us that their utilization is one of the best means of helping a person in this regard. A more flexible furlough policy would allow prisoners to gradually assume some of their responsibilities, search for the opportunities they will need, reestablish family and community relationships, and establish a degree of confidence and direction before their actual release.

Expanded furlough legislation would also enhance the flexibility of existing community programs. To cite one example, an offender on work or study release is permitted to leave the prison each day for his job or school assignment but if his wife or family comes to the prison he is not permitted to visit with them outside the institution. This bill will allow those individuals who are doing well and meeting their responsibilities in such community programs the added opportunity of an occasional home visit or weekend with their families.

Greater flexibility also relates to community treatment centers and halfway houses. While offenders in these programs already have considerably more freedom than is allowed in institution-centered work and release programs, furloughs can only be granted in accordance with the narrowly authorized provisions of existing law. The Bureau of Prisons believes, and I concur, that it would be beneficial for some inmates to be able to spend the last few days of their sentence with their families. Even those who lack immediate family ties are faced with problems of finding a place to live and of settling themselves.

Mr. Speaker, I cannot overemphasize the importance of the community in our consideration of Federal prisoner furloughs. Only last week, the Judiciary Subcommittee on Crime, of which I am a member, began hearings on the Community Anticrime Assistance Act of 1973. In hearing our first two witnesses, one point came through again and again—the police cannot function without the support of the community. As an attorney, as a former county prosecutor, and as one who is interested in all the components of our criminal justice system, I submit that in a likewise manner the prisoner cannot be rehabilitated without the support of the community.

The acceleration of furlough programs is not a new idea. In 1967, the President's Commission on Law Enforcement and Administration of Justice issued a re-



port, "The Challenge of Crime in a Free Society," in which it urged that—

Graduated release and furlough programs should be expanded. They should be accompanied by guidance and coordinated with community treatment services.

Furlough programs have been implemented in many States. In March of this year, Carson Markley, associate warden at the Federal Reformatory for Women in Alderson, W. Va., published a report he wrote as a Harvard fellow at the Center for the Advancement of Criminal Justice which summarizes the features of existing furlough programs. This well-developed article appears in the March 1973 edition of Federal Probation, and I believe it would be of considerable interest to my colleagues in the House.

Mr. Markley found that of the 50 States, plus the District of Columbia, 29 departments of correction indicated they now have furlough programs. Others plan to institute programs, and only six States indicated they had no such plans.

I am pleased to report that in my home State of Maine a furlough program has been underway since 1969 with numerous participants who occasionally leave the institution for the purposes of home visits, job or school interviews, and illness and funeral trips. According to Mr. Markley's study, Maine has not encountered any problems and does not anticipate any program changes.

The Attorney General has assured the Judiciary Committee that, as under the present act, release would be permitted only in carefully selected cases and for individuals who can be trusted. He has emphasized that release pursuant to the expanded legislation will be utilized only for nondangerous inmates. Normally, prisoners are not approved for furloughs until they have served substantial portions of their sentences.

In this connection, the Bureau of Prisons has made considerable use of furloughs since 1965 and has found the results to be most encouraging. In fiscal year 1971, the Bureau granted 2,103 furloughs and had 25 escapes; in fiscal year 1972, there were 4,126 furloughs granted and 32 escapes. In short, for the most recent period for which figures exist, less than 1 percent failed to return to their institutions. In such cases, a report is made immediately to the FBI. The offender is subject to prosecution as an escapee for which he can receive up to 5 years in prison.

No additional costs will be required to implement this program. It is estimated that the savings in operating a prison some of whose inmates are absent on furloughs would be just about offset by clerical costs involved in screening, analyzing, and providing probation officer contacts. Under any circumstances, the Director of the Bureau of Prisons has assured the House that he will not be requesting additional funds because of this program.

Before closing, I cannot help but refer to the severe problem of recidivism. As I indicated in my floor statement when in-

troducing the Offender Employment and Training Act, the startling fact is that 80 percent of all crimes in this country are committed by people who have previously been convicted of another crime. If we are truly serious about dealing with the alarming recidivist trend, then we should act favorably on this small but significant expansion of the furlough program.

A reformed furlough program could also serve as a check on prisoners to meet their motivational needs. This point was well argued by Eddie Harrison, director of a juvenile diversion program in Baltimore, who once spent 8 years in prison as a result of convictions. In testimony before the Judiciary Subcommittee, Mr. Harrison stated:

In terms of the application of the program or its potential to be an extremely positive motivational factor and having a large impact on criminal justice in general, I think it offers a tremendous amount of motivation to maintain good conduct but also, to create within the inmate a chance for correctional treatment programs to be implemented. That is just one of the aspects of the inmates' knowing that a program is available to them, it does make them maintain their conduct.

Certainly, the furlough could provide a key element in motivating the offender by giving him something to look forward to. In the same way that each individual looks forward to his vacation, the prisoner in good conduct could look forward to his furlough. The Director of the Bureau of Prisons put it this way:

I think the furlough is a correctional tool which serves as a positive reinforcer to the offender, motivating him to maintain a conduct record which is appropriate and to avail himself, of the various programs in the institution.

Mr. Speaker, to sum up, I could not agree more with the Attorney General that "from a correctional standpoint, emergencies are not the only times when a home visit can be justified." I urge favorable consideration of this bill.

Mr. SMITH of New York. Mr. Speaker, I yield such time as he may require to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I rise in support of H.R. 7352. The effect of this legislation is to expand the provisions of title 18, United States Code, section 4082(c), by permitting prisoner release for the establishment or reestablishment of family and community ties or for any other significant reason consistent with the public interest. We have been assured by the Attorney General in a letter to the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, dated April 17, 1973, and the Director of the Bureau of Prisons in testimony before the subcommittee (page 22 of the hearings, serial No. 11, July 1973), that release on furlough would be allowed only in carefully selected cases and for individuals who can be trusted. We have been assured, as in the present law, release pursuant to this legislation will be utilized only for nondangerous prisoners.

Mr. Speaker, during the last 2 years

over 9,000 furloughs have been granted by the Director of the U.S. Bureau of Prisons and from this number less than 1 percent escaped. An escape is rigidly defined to also include those who are only late in returning. I believe this record compiled by the Federal Bureau of Prisons has demonstrated that they can administer community programs without creating additional risks to community safety.

I urge the Members to vote favorably for the enactment of this legislation.

Mr. SMITH of New York. Mr. Speaker, I reserve the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I yield such time as he may require to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I support H.R. 7352, the prisoners' furlough bill. I support it now, on the floor of the House, I supported it in my Judiciary Committee Subcommittee. The bill will give the Bureau of Prisons greater flexibility in the use of furloughs for Federal offenders.

The use of furlough is an effective tool in easing the transition from confinement in Federal correctional institution to a life in the community. The bill expands the existing provisions of the law (18 U.S.C. 4082) by permitting the release of Federal prisoners on furloughs for the purpose of establishing or reestablishing family and community ties or for any other significant reason consistent with the public interest.

The Honorable Norman Carlson, Director of the U.S. Bureau of Prisons, testified before the subcommittee in favor of this legislation. He stated:

The Bureau of Prisons has made substantial use of work and study release, community centers and furloughs since 1965 and [has] found the results to be most encouraging.

In 1972, 4,126 furloughs were approved by the Bureau of Prisons. Of that number, less than one percent failed to return to their institutions. In the same fiscal year, only about 5 percent of some 2,800 individuals placed into community treatment centers were reported as missing; and only 2.2 percent of about 1,500 work and study releases failed to return from their community activities.

Under existing law, prison inmates are eligible for furloughs for limited purposes, such as family emergencies, school and employment interviews. This bill will liberalize the purposes for which an inmate can obtain a release. I am hopeful that the Bureau of Prisons will utilize the greater authority and flexibility which this legislation grants to them in a manner which will be beneficial to both the institutions and the prison inmates.

Mr. KASTENMEIER. Mr. Speaker, I yield such time as he may require to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Speaker, I rise in support of H.R. 7352. This bill amends the Prisoner Rehabilitation Act of 1965, and would permit the release of Federal prisoners on furloughs for the purpose of establishing or re-establishing family

and community ties. While Federal law presently provides for a limited furlough program of not more than 30 days, leave is only granted on an emergency basis primarily to visit a dying relative, attend a funeral, obtain medical care not available at the institution, or to contact prospective employers.

This bill would expand the current law to assist prisoners in readjusting to the family and community by permitting them up to 30 days furlough.

The administration had requested this legislation. The Attorney General specified that release would only be granted in carefully selected cases of nondangerous inmates. In February 1972 I introduced the initial legislation, H.R. 12923, which would afford prisoners in Federal institutions a minimum of 13 and up to 30 days of furlough during each year of his or her incarceration. The administration subsequently introduced its bill, the one before us which covers the same subject. I support the bill as a long-awaited step in fostering constructive family relationships of offenders.

We all know that the prison system leaves much to be desired and recidivism is rampant. A recent report from the House Select Committee on Crime, which recommends that work release, education and home furlough programs be expanded, states that two-thirds of all offenders released from prison are rearrested within 4 years—a nationwide recidivism rate of 66½ percent.

The recidivism rate is very high and something has got to change. With a growing awareness of the importance of the family to the rehabilitation of an offender, our correctional institutions can and must use this very valuable resource to help the inmate, the family and the community.

Studies conducted in California and Oregon, the only States to do followup evaluations of their furlough programs, showed that offenders having contact with the community before their release recidivate at lower rates than those not having such contact.

Since 1965, the Federal Bureau of Prisons furlough program has granted hundreds of inmates leave each year. In fiscal year 1972, less than 1 percent of the 4,126 furloughed failed to return to the institution.

What better restraint is there on a prisoner to keep himself in check than if he knows that if he does not he would not be entitled to visit his family for up to 30 days during the year.

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

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill H.R. 7352, as amended.

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.

#### OAS DIPLOMATIC IMMUNITY

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.

5943) to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States.

The Clerk read as follows:

H.R. 5943

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of July 10, 1952 (66 Stat. 516, 22 U.S.C. 288g), is amended as follows:

(a) The title of the Act is amended to read as follows:

"An Act to extend certain privileges to the representatives of member states and permanent observers to the Organization of American States."

(b) The body of the Act is amended to read as follows:

"That, under such terms and conditions as he shall determine, the President is hereby authorized to extend, or to enter into an agreement extending, to the representatives of member states (other than the United States) to the Organization of American States and to permanent observers to the Organization of American States, and to members of the staffs of said representatives and permanent observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, the purpose of the bill is to give the President authority to extend diplomatic privileges and immunities to Permanent Observers to the Organization of American States and their staffs.

In 1971 the OAS created a new status at that organization, that of Permanent Observer. Two categories of countries are eligible for such status: Hemisphere countries which are not members of the OAS and countries which participate in OAS activities. A total of sixteen countries now qualify for Permanent Observer status.

The problem that this bill seeks to remedy is that, under existing law, the President does not have authority to extend diplomatic privileges and immunities to Permanent Observers and their staffs.

The legislation is needed at this time basically to accommodate two countries, Canada and Spain, which have decided to establish Permanent Observer missions to the OAS separate and apart from their missions to the United States. The other seven countries which have been granted Permanent Observer status have designated as observers members of their missions to the United States who already have diplomatic privileges.

The United States supported creation of Permanent Observer status because it is believed in our national interest to encourage the active involvement of non-member countries in the activities of the organization—and especially in helping pay for OAS programs. Now we find that the two countries which have most fully responded to the OAS' initiative find themselves unable to have the benefits of

diplomatic privileges. This bill would resolve their dilemma and help insure that the United States accords similar privileges to all OAS Permanent Observers.

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

Mr. Speaker, I support passage of H.R. 5943, which would extend diplomatic privileges to Permanent Observers to the Organization of American States.

In my opinion it is important that Permanent Observers participate actively in the OAS. The extension of diplomatic privileges authorized by this bill will help encourage such participation.

As the committee report noted, most countries that have been approved for Permanent Observer status have designated their Ambassadors to the United States as their Permanent Observer. These Ambassadors already receive diplomatic privileges because of their accreditation to the United States. However, there are a few permanent observers who are not part of their country's diplomatic mission to the United States and, as a result, are not entitled to diplomatic privileges under existing authority. It is to this small group that this legislation would authorize the President to extend the same privileges and immunities enjoyed by Permanent Observers who are accredited to both the United States and the OAS.

I believe it is in the national interest of the United States that this legislation be approved so that the OAS may benefit from the active participation of all of its Permanent Observers.

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

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

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

Mr. WYLIE. What is the reason for granting diplomatic immunity to these observers to the OAS?

Mr. FASCELL. It is just as we explained.

Mr. WYLIE. Why do we need to extend diplomatic immunity to these four?

Mr. FASCELL. Because these are separate missions by the countries of Canada and Spain, not a part of the regular diplomatic missions which have under other law the immunities and privileges we are talking about here. In order to treat all of the countries the same and because we feel it is important to upgrade the status of the Permanent Observers of those countries either in the Western Hemisphere and not members or outside the Western Hemisphere, the administration felt this was the right thing to do, to put them all on the same level in terms of the Diplomatic Corps.

Mr. WYLIE. Did the gentleman say Canada is one of the countries involved?

Mr. FASCELL. Canada is one of the two countries affected.

Mr. WYLIE. Canada is in the Western Hemisphere, and other nations in the Western Hemisphere have observers to the OAS.

Mr. FASCELL. Yes.

Mr. WYLIE. Do all other observers to the OAS qualify for diplomatic immunity?

Mr. FASCELL. Under other law, yes.



Mr. WYLIE. I do not understand why these four men are not included under the existing law pertaining to diplomatic immunity.

Mr. FASCELL. Because these missions to the OAS on a Permanent Observer status are not a part of the regular country mission to the United States.

Mr. WYLIE. Is one country likely to have more people who qualify for diplomatic immunity than another country?

Mr. FASCELL. No, sir; because if they do not want to have somebody designated with two hats they would just name another person under the regular law. This only affects four people, two from Canada and two from Spain. They are trying to put them on the same basis as every other diplomat.

Mr. WYLIE. What benefits would be bestowed upon them that they do not get now?

Mr. FASCELL. There is immunity from arrest, and other privileges as set forth in present law.

Mr. WYLIE. Parking violations?

Mr. FASCELL. Excise taxes.

Mr. WYLIE. Parking violations?

Mr. FASCELL. Only if they claim immunity. Neither one of these countries has abused the privilege.

Mr. WYLIE. I thank the gentleman.

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

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

Mr. GROSS. As a cold matter of fact, this is a "keep up with the Joneses" bill, is it not?

Mr. FASCELL. I think the gentleman could put it that way.

Mr. DERWINSKI. Mr. Speaker, the bill before us, H.R. 5943, is important to the national interest of the United States.

It will contribute to the effective operation of the Organization of American States, which in turn, will contribute to more harmonious relations with our neighbors in Latin America. In my opinion, such a development is very much in our national interest.

The bill we are considering today would grant the President authority to extend diplomatic privileges and immunity to OAS permanent observers and their staffs. Most of the permanent observers already have diplomatic status since they are also Ambassadors serving in Washington, who have been designated by their governments for the additional assignment as a permanent observer to the OAS. However, permanent observers who are not part of their country's regular diplomatic mission do not have diplomatic privileges and immunities. For example, Canada and Spain have appointed separate permanent observers and alternates.

In order that all OAS permanent observers may have the same diplomatic privileges and immunity, I urge passage of this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL), that the House suspend the rules and pass the bill H.R. 5943.

The question was taken; and (two-thirds having voted in favor thereof) the

rules were suspended and the bill was passed.

#### GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the bill just passed.

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

There was no objection.

#### HUD LOAN INSURANCE

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 719) to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes.

The Clerk read as follows:

H.J. RES. 719

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### EXTENSION OF FHA INSURANCE PROGRAMS

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "October 1, 1973" in the first sentence and inserting in lieu thereof "October 1, 1974".

(b) Section 217 of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "October 1, 1974".

(c) Section 221(f) of such Act is amended by striking out "October 1, 1973" in the fifth sentence and inserting in lieu thereof "October 1, 1974".

(d) Section 235(m) of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "October 1, 1974".

(e) Section 236(n) of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "October 1, 1974".

(f) Section 809(f) of such Act is amended by striking out "October 1, 1973" in the second sentence and inserting in lieu thereof "October 1, 1974".

(g) Section 810(k) of such Act is amended by striking out "October 1, 1973" in the second sentence and inserting in lieu thereof "October 1, 1974".

(h) Section 1002(a) of such Act is amended by striking out "October 1, 1973" in the second sentence and inserting in lieu thereof "October 1, 1974".

(i) Section 1101(a) of such Act is amended by striking out "October 1, 1973" in the second sentence and inserting in lieu thereof "October 1, 1974".

#### PUBLIC HOUSING AUTHORIZATION

SEC. 2. Section 10(e) of the United States Housing Act of 1937 is amended by striking out "and \$150,000,000 on July 1, 1972" and inserting in lieu thereof "\$150,000,000 on July 1, 1972, and \$140,000,000 on July 1, 1973".

#### FLEXIBLE INTEREST RATE AUTHORITY

SEC. 3. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "October 1, 1973" and inserting in lieu thereof "October 1, 1974".

#### TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO GNMA

SEC. 4. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, as amended, is amended by striking out "October 1, 1973" and inserting in lieu thereof "October 1, 1974".

#### URBAN RENEWAL AUTHORIZATION

SEC. 5. The first sentence of section 103(b) of the Housing Act of 1949 is amended by striking out "and by \$250,000,000 on July 1, 1972" and inserting in lieu thereof "by \$250,000,000 on July 1, 1972, and \$664,000,000 on July 1, 1973".

#### MODEL CITIES AUTHORIZATION

SEC. 6. Section 111(c) of such Act is amended by striking out "September 30, 1972" and inserting in lieu thereof "July 1, 1974".

#### OPEN SPACE LAND AUTHORIZATION

SEC. 7. The first sentence of section 708 of the Housing Act of 1961 is amended by inserting before the period at the end thereof the following: ", plus not to exceed \$63,000,000 for the fiscal year beginning July 1, 1973".

#### NEIGHBORHOOD FACILITY GRANT AUTHORIZATION

SEC. 8. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "In addition, there are authorized to be appropriated for the fiscal year commencing July 1, 1973, not to exceed \$40,000,000 for grants under section 703.".

(b) Section 708(b) of such Act is amended by striking out "September 30, 1972" and inserting in lieu thereof "July 1, 1974".

#### WAIVER OF CERTAIN REQUIREMENTS APPLICABLE TO GRANTS FOR BASIC WATER AND SEWER FACILITIES

SEC. 9. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "September 30, 1972" and inserting in lieu thereof "June 30, 1974".

#### REHABILITATION LOAN AUTHORIZATION

SEC. 10. Section 312(h) of the Housing Act of 1964 is amended by striking out "October 1, 1973" and inserting in lieu thereof "October 1, 1974".

#### COMPREHENSIVE PLANNING AUTHORIZATION

SEC. 11. Section 701(b) of the Housing Act of 1964 is amended by inserting after the fifth sentence the following new sentence: "In addition, there is authorized to be appropriated for such purposes not to exceed \$110,000,000 for the fiscal year commencing July 1, 1973."

#### NEW COMMUNITY DEVELOPMENT

SEC. 12. Section 713(e) of the Housing and Urban Development Act of 1970 is amended by inserting before the period at the end thereof the following: ", which amount shall be increased by \$195,500,000 on July 1, 1973".

#### RURAL HOUSING AUTHORIZATIONS

SEC. 13. (a) Section 513 of the Housing Act of 1949 is amended by striking out "October 1, 1973" each place it appears and inserting in lieu thereof "October 1, 1974".

(b) Section 515(b)(5) of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "October 1, 1974".

(c) Section 517(a)(1) of such Act is amended by striking out "October 1, 1973" and inserting in lieu thereof "October 1, 1974".

(d) Section 523(f) of such Act is amended by striking out "1973" each place it appears and inserting in lieu thereof "1974".

ADMINISTRATIVE PRIORITY FOR APPLICATIONS  
RELATING TO ACTIVITIES IN AREAS AFFECTED  
BY BASE CLOSINGS

SEC. 14. The Secretary of Housing and Urban Development, in processing applications for assistance under section 103 of the Housing Act of 1949, section 111 of the Demonstration Cities and Metropolitan Development Act of 1966, section 708(a) (1) and (2) of the Housing and Urban Development Act of 1965 (for grants authorized under sections 702 and 703 of such Act), section 312 of the Housing Act of 1964, section 701(b) of the Housing Act of 1954, and section 708 of the Housing Act of 1961, shall give a priority to any State or unit of local government or agency thereof which is severely and adversely affected by a reduction in the level of expenditure or employment at any Department of Defense installation located in or near such State or unit of local government.

The SPEAKER. Is a second demanded? Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered. There was no objection.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution which we are now presenting.

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

There was no objection.

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

Mr. Speaker, this resolution is similar to House Joint Resolution 512 which the House on September 5, 1973, voted to recommit to conference. Our conferees went back to conference with the Senate over two issues in disagreement, the so-called Proxmire antimoratorium provision and the so-called Stevenson provision to direct the Secretary of HUD to compensate those people who purchased defective homes under the various FHA insurance programs. Senate conferees refused to modify or drop these two provisions. The House conferees, following the directions received by a vote on the House floor, insisted that these two provisions be dropped. Since the Senate refused to drop these provisions, conferees broke up in disagreement.

Mr. Speaker, this resolution is similar to House Joint Resolution 512 except that it does not contain the Proxmire antimoratorium provision and the Stevenson compensation provision. House Joint Resolution 719 would extend the authority of the Secretary of HUD with respect to a number of expiring authorities and authorizations in the field of housing and urban development. The resolution would extend to October 1, 1974, the authority of the Secretary of HUD to insure mortgage loans on various FHA programs, and would also extend to October 1, 1974, the authority of the Secretary to set the maximum interest rates on FHA insured mortgages.

House Joint Resolution 719 also provides specific new authorizations for fiscal year 1974 for the following programs:

First, \$140 million for annual contributions for the low-rent public housing program;

Second, \$664 million for the urban renewal program;

Third, \$63 million for the open space program; and

Fourth, \$40 million for the neighborhood facilities program.

House Joint Resolution 719 has bipartisan support and I would urge that the House quickly act on this resolution so that these authorities might be extended before their expiring date on October 1.

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

Mr. PATMAN. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the language found on page 6, line 19, of the joint resolution reads as follows:

Shall give a priority to any State or unit of local government or agency thereof which is severely and adversely affected by a reduction in the level of expenditure or employment at any Department of Defense installation located in or near such State or unit of local government.

Mr. Speaker, I will ask the gentleman, is that new language and, if so, what is the purpose of the language?

Mr. PATMAN. Mr. Speaker, I apologize to the gentleman. I did not understand his entire question.

Mr. GROSS. Mr. Speaker, I am referring to the language which is found on page 6, line 19, of the joint resolution. I would rather not read it again, but I will ask the gentleman this:

Is that language new? And, if so, what is the purpose of it?

Mr. PATMAN. Mr. Speaker, I will state to the gentleman that I do not know of any substantive new language in this joint resolution.

We are trying to get one down to bare bones that both Houses will approve. I am quite sure there is nothing in this bill that is objectionable for that reason.

We went over there with the Senate conferees. Although they only lacked one vote on agreement in the conference, they just could not get that one vote.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield to me?

Mr. PATMAN. I yield to the gentleman.

Mr. ROUSSELOT. I thank the gentleman for yielding.

To answer our colleague from Iowa, this is new language. It was basically recommended by Senator PELL to cover those areas where there have been substantial military base closings. It does not put a mandate on the Secretary, but it does require him to give a high priority in those areas where there have been base closings.

My understanding is this is the only new language in this particular bill before the House today. It excludes the Proxmire and Stevenson concepts which we had voted down.

So the gentleman from Iowa is correct that this language to which he refers on page 6 of the bill is new language; but to the best of our knowledge it will not require any substantial funding, because it is totally within the discretion of the Secretary as it would relate to any housing programs.

Mr. GROSS. Will the gentleman yield so that I might ask the gentleman from California a question?

Mr. PATMAN. Certainly.

Mr. GROSS. Does this mandate the location of housing? In any way does it mandate the location of housing?

Mr. ROUSSELOT. If the gentleman will yield, no, it does not. At least our understanding of the language is it does not mandate housing. It is left to the discretion of the Secretary.

Mr. PATMAN. May I say to the gentleman from Iowa I appreciate his concern; I am glad he brought up the question. But we worked on this pretty hard, because we wanted to stay 100 percent with what the House voted. In doing that we had an awfully hard time with the Senate conferees. I am sure there is nothing in here that we have not approved in one way or another in the past, and the Senate did the same thing. I know if we were to pass this, it would be new to the Senate, and if there is anything bad about it, they would be also concerned about it. This is the question. It is really must legislation. The law expired. They cannot do anything; they cannot make loans. It is really a bad and difficult situation which is existing over the entire Nation. This will open up the housing business and put people to work and houses will be constructed. However, without this bill, until we do it we will still be on dead center.

Mr. ROUSSELOT. Will the gentleman yield further?

Mr. PATMAN. Yes. I yield to the gentleman.

Mr. ROUSSELOT. I thank the gentleman for yielding.

I would like to assure my colleague from Iowa and other Members of the House that I was especially pleased that our conferees from the House stood very firm to support the position that the House was taking on the original legislation to extend certain housing programs including FHA—especially in excluding from the original bill the Stevenson and Proxmire concepts. So the bill before us is, with the one exception that is brought out by the gentleman from Iowa, which costs no additional money—this legislation is exactly what the House asked us to do in the extension of the FHA authority.

So I wish to compliment the conferees who were so willing, especially my colleagues on the Democratic side, some of whom did not agree but stood firm for the House position. I think the gentleman from Iowa can join me in saying or in expressing thanks, for a change, for the fact that we took a tough stand in the conference. This legislation represents that position.

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

Mr. PATMAN. I yield to the gentleman.

Mr. WYLIE. I wonder if the gentleman from California would like to have a colloquy among the three of us so that we can establish legislative history?

On page 4, line 14, the wordage used is—plus not to exceed \$63,000,000 for the fiscal year beginning July 1, 1973.

At other places in the bill the word "plus" is not used to extend the authorizing authority. By using the word "plus" does that mandate a level of spending?

Mr. PATMAN. This was reported between the House and the Senate con-



ferees unofficially because we had to get a bill ready, because it is so pressing that we just must get the housing industry back on the track, and to put people to work in building homes, and I am sure it would work out as well. But the main thing was to stand for the House position on its enormous vote here, and we stood by that position 100 percent.

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

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

Mr. ROUSSELOT. Since we are amending section 708 of the Housing Act of 1961, in the first sentence as stated on line 12, I believe that the "plus" is merely an add-on to section 708. And so I do not believe as my colleague, the gentleman from Ohio does, who has raised the point that this is confusing language. It is merely an add-on to section 708 as described.

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

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

Mr. WYLIE. Mr. Speaker, I think the gentleman is correct that no spending level is mandated, but I thought since we are making legislative history here—and I would add that I am for the housing bill before us today. But, I believe, the distinguished chairman of the Banking and Currency Committee made the statement that there is no mandatory spending language in this bill, if the word "plus" were not there. The point I am trying to make here is that the language on page 4, lines 12 to 15, does allow the Secretary of Housing and Urban Development some degree of latitude in the use of the money. This bill merely authorizes an amount over which the Secretary of Housing and Urban Development, plus \$63 million, has some discretion.

Mr. ROUSSELOT. If the gentleman will yield still further, but not to exceed \$63 million. I do not really believe that any Secretary, and certainly not the present one, could construe that to be additional amounts, or confusing language.

Mr. WYLIE. Which would mandate him to spend the whole amount.

Mr. ROUSSELOT. And that certainly, I do not believe, is our intent.

Mr. PATMAN. That is correct. That is the legislative history.

Mr. WYLIE. I thank the gentleman.

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

Mr. Speaker, the chairman of the committee has correctly reported the results of our conference with the Senate. The Senate remained adamant on two amendments as sponsored in the bill by Senator STEVENSON and by Senator PROXMIER. We felt that we could not reach an agreement and came back with this bill that is before us now, with just one piece of added material which has been described by the gentleman from California (Mr. ROUSSELOT), and clearly stated to the Members as to its application.

Mr. Speaker, I believe that this is the best we can get under the circumstances for the authority for FHA to continue, and which is so urgently needed at this

time, so as to help to break the logjam that has taken place with regard to mortgage money throughout the United States.

I urge the adoption of the joint resolution.

Mr. BARRETT. Mr. Speaker, this resolution was introduced last week to avoid another crisis in the FHA insurance programs. It has the strong support of Members on both sides.

After the recommitment of the conference report on House Joint Resolution 512, we met promptly with the Senate conferees and urged them to agree to an extension bill that could be supported by the House. The Senate conferees, however, remained adamant in support of the two provisions in disagreement—the Proxmire antimoratorium provision and the Stevenson compensation for defects provision.

Mr. Speaker, a resolution identical to House Joint Resolution 719 has been introduced in the Senate by Senators TOWER and SPARKMAN. We are hoping that we can get this resolution accepted in the Senate and avoid an impasse which could put FHA out of business again; at a time when FHA is especially needed to help provide financing in a tight money market.

I urge that the House act on House Joint Resolution 719 now so that we may have a better chance of getting a resolution enacted before the expiration date of the FHA program on October 1.

Mr. ROSTENKOWSKI. Mr. Speaker, the fact that the House of Representatives is today considering a new version of the legislation to extend the insuring authority of the FHA, rather than attempt to come to an acceptable compromise on the original resolution (H.J. Res. 512) is indeed a disappointment to me.

The rejection of the conference report to the earlier version of the legislation, which included a provision designed to aid homeowners who had been victimized both by negligent FHA investigations as well as fraudulent practices by local real estate dealers, was in my mind, a refusal by the Congress to recognize our responsibility to take appropriate steps to rectify grave injustices that have arisen in certain of our Federal housing programs.

I hope that this passage of a simple extension of the FHA's insuring authority will not be taken by the Department of Housing and Urban Development as a mere ratification of the status quo in this area. Passage of the FHA reimbursement provisions by the Senate and their subsequent acceptance by the House conferees, demonstrated that there is much concern in the Congress for rectifying the inequities which have developed in many of the FHA's programs.

Many of us in the Congress have worked very hard in an effort to convince a majority of our colleagues in the House of Representatives of the need for and the fairness of, the reimbursement provisions. I would like to assure my colleagues that we shall continue to work for legislation designed to promote more equity in Federal housing programs in an effort to stabilize changing urban communities.

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 joint resolution (H.J. Res. 719).

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

A motion to reconsider was laid on the table.

#### ECONOMIC PRIORITIES IN VOTE SUSTAINING PRESIDENTIAL VETO

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

Mr. ICHORD. Mr. Speaker, last Wednesday I cast my vote against overriding the veto of the President of the United States of S. 504, a bill prohibiting the closing of certain Public Health Service hospitals and establishing a new emergency medical service program. S. 504 sowed the seeds of a very worthwhile program which is likely to result eventually in the expenditure of billions of dollars. I was one of six Democrats to so vote and have been criticized for not following most of the members of my party. On the other hand, I have been praised for following President Nixon. At the risk of offending both sides, may I state that I voted to sustain the veto in keeping with a commitment that I made to my constituents on April 17 this year which was broadcast on most of Missouri's television stations. I made the commitment and voted to sustain the veto because I have no doubt that irresponsible deficit spending is the principal cause of inflation and our serious monetary problems.

I strongly believe that the paramount concern of this Congress should be to take the steps toward putting our fiscal house in order by adopting effective budgetary and appropriation procedures along the line contained in the Whitten-Ullman proposal. That commitment was kept and I reiterate today that until something similar to the Whitten-Ullman proposal is adopted I will not vote to override any spending vetoes. A text of my April 17 statement will follow my remarks.

Let me remind my colleagues that history is strewn with the remains of civilizations which failed to manage their fiscal affairs responsibly. Many democracies of the past have perished because of the failure of their elected representatives to resist spending pressures, and at the risk of being called a doomsayer, let me say that unless we change our ways, we are certain to meet the same fate.

Our appropriations and budgetary procedures which we used quite well in the past are not only unworkable today, they are virtually inane. They worked satisfactorily in the days before the Federal Government undertook to solve so many of the problems of people, but they are unworkable today in an era where the traditional jurisdictional lines of responsibilities of the Federal, State, and local governments are no longer maintained. We have survived this long only

because we emerged from World War II with a high tax structure that was instituted to finance the war. With the end of the war we had an abundance of tax revenues to play around with and we used that money to finance a multitude of meritorious projects and to meet the financial burdens of the new responsibilities we assumed. But we have long since scratched the bottom of the barrel. During and after World War II we spent all of our revenues and \$480 billion more. The sum of \$480 billion is now our national debt—one-fourth of which has been accumulated in the last 5 years. We now pay in excess of \$26 billion in interest alone on the national debt and it has been estimated that the interest cost will rise to \$31 billion a year because of the recent astronomical increase in interest rates. It was not very many years ago that the sum of \$31 billion was less than all Federal expenditures. This is fiscal insanity, and we have paid the price with two devaluations of the dollar and runaway inflation. Our appropriation and budgetary procedures are so inadequate that every Member is left to write his own record of fiscal responsibility. I imagine that most of the Members of this body have compiled a voting record of balancing expenditures with revenues, but the final result is more and more deficits.

Every Member can balance his own budget by voting for defense and against foreign aid and social services or vice-versa thus having a record of balancing expenditures with revenues. No wonder we hear the jestful statement that a fiscal conservative is one who votes against spending in someone else's district.

Let no one construe my remarks as praise for the fiscal policies of the Nixon administration. Exactly the opposite is intended. The two Nixon administrations have been the wildest spending administrations in history. The hands of the President are just as dirty as ours. The facts are these: The President has proposed deficit budgets which the Congress adopted with some changes. It cut approximately \$30 billion in certain areas, but it added back some \$30 billion in other areas. The Congress continued to adopt new programs and the President continued to submit deficit budgets each year just as he did this year. Both branches of Government have thus been irresponsible. Adding more than \$120 billion to the national debt in the last 5 years can be described in no other terms than irresponsible. If my computations are correct, this administration created a larger deficit in the first 4 years than the combined deficits after World War II of the Truman, Eisenhower, Kennedy, and Johnson administrations.

Mr. Speaker, it is not my intention by the words I have spoken today to be critical of any Member's vote. Because of the complexity of the underlying issues, the inadequacies of our budgetary and appropriation procedures, the meritorious services proposed to be extended to our people, and the parliamentary maneuvering so accurately explained by the gentleman from North Carolina (Mr. FOUNTAIN) principles became submerged

in political emotions. I am content to leave every Member to explain his vote, but my vote was cast following the commitment I made to my constituents on April 17 and in recognition that the day has come that we must put our fiscal house in order. The emergency is so great, I believe, that the day is long past that either branch can afford to blame the other. There is enough fault for both branches to share. My fervent hope is that we will do our job by adopting effective appropriation procedures such as contained in the Whitten-Ullman proposal regardless of how painful the procedures may be and that the executive will take the steps to correct its past mistakes. To put our fiscal house in order, all of us will have to make sacrifices. Deficit spending cannot be continued. We must either vote against programs we would like to vote for or close the gap between expenditures and revenues by an increase in taxes. There are no other alternatives available.

The text of the April 17 statement follows:

#### TEXT OF APRIL 17, 1973, STATEMENT

The vote tomorrow to override the Presidential veto involves two questions: (1) the need to balance the budget and (2) who shall determine the priority of spending.

In my opinion, there has been an excess of posturing, politicking and demagoging on both sides of the issue and as is often the case, the truth lies somewhere between the two extremes, as both the Congress and the President have dirty hands. There is a need to balance the budget. Deficit spending is the major cause of inflation and other financial problems. On the other hand, the Congress should establish spending priorities.

But to exercise the right to determine priorities, Congress should first set expenditure limitations. As yet this has not been done. It is not my intention to vote to override any Presidential spending vetoes until a spending limitation has been established.

#### ECONOMY

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

Mr. ANNUNZIO. Mr. Speaker, I am delighted that the gentleman from Missouri (Mr. ICHORD) is so concerned about fiscal and monetary policies, as we all should be. There are too many committees in this House who are special and select committees and who are spending altogether too much money. After listening to his speech I want to assure all the Members of this House that I am never going to vote for another dime for a select or a special committee of this House, because we have enough committees of this House now to do the regular work of the House. If we are going to restore fiscal and monetary sanity, let us start right here in the House of Representatives.

#### ECONOMY

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

Mr. HAYS. Mr. Speaker, I generally

concur with what the gentleman from Chicago said.

I would like to point out to the gentleman from Missouri that one of the biggest spending committees in the House is the so-called committee that used to be the House Un-American Activities Committee and now is called something else, which keeps or did keep and still has dossiers on every Congressman.

I think after his speech we will try to cut down on the amount of money that committee gets next year as one way to save money. As chairman of the Committee on House Administration, I pledge to do the best I can to cut down.

Mr. ICHORD. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. ICHORD. It is immaterial to me as long as the gentleman votes his conscience and keeps his commitment to the people that he represents; I have no complaint about the vote of the gentleman from Ohio.

Mr. THOMPSON of New Jersey. Will the gentleman yield to me?

Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I have never known the gentleman from Ohio to vote any way except that dictated by his conscience and the best interests of his constituency.

As the chairman of the Subcommittee on Accounts of the Committee on House Administration, I note with great interest the absolute and total lack of legislative activity in the form of legislation or any other constructive activity by the House Committee on Internal Security. In years they may have produced one or two bills, but I think it is a good place to start paring, and I am going to continue it. As a matter of fact I would abolish the committee or turn its functions over to the Committee on the Judiciary. At the very least the Internal Security Committee should have little or no operating funds.

#### THE NEED FOR CARRYING OUT DEMOCRATIC PARTY POLICIES

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

Mr. KOCH. Mr. Speaker, I would like to add a comment to the colloquy that has just taken place between the gentleman from Ohio (Mr. HAYS) and the gentleman from Missouri (Mr. ICHORD).

I think there is something wrong with chairmen and subcommittee chairmen voting against bills representing the legislative program of the Democratic Party. In the case of the attempts to override the President's Emergency Medical Services Act, the Speaker's Steering Committee and the Democratic leadership had requested party unity in support of the bill. I think there is something wrong with our failing to override the veto by five votes because seven Democrats, including committee chairmen, voted with the opposition. Those chairmen and subcommittee chairmen hold their positions of power as a result of the Democratic majority in the House and at



the behest of the Democratic Caucus. They are sent to Congress by their constituents, but it is the Democratic Caucus that gives them their committee chairmanships. It is time that the Democratic Caucus give its positions of leadership to Members who reflect and support Democratic Party policy.

If Members cannot in good conscience support the Democratic Party's legislative program, then they should not accept a position of party leadership in the House—and the Democratic Caucus should not offer it to them.

#### COMMENDING WASHINGTON POST FOR ITS EDITORIAL ON AN AGRICULTURAL PROBLEM AFFECTING FOOD PRODUCTION

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

Mr. POAGE. Mr. Speaker, I want to commend the Washington Post for its editorial today on an agricultural problem that bears directly on food production and, of course, on prices the consumer pays.

It deals with shortages of fertilizer, and while no solution is readily apparent, the editorial quite properly alerts the urban readers to the fact that modern farming is an expensive business.

If it is not run in a modern, efficient manner, a lot of retail grocery shelves will be bare. In today's issue of the Wall Street Journal there is also a news article on the fertilizer shortage situation, which I might note has been the subject of a study just completed by the staff of the House Agriculture Committee on my instruction. If we are to get the full production necessary to meet consumer demand and keep prices reasonable, farmers will simply have to have the materials to get the job done.

I ask that the Washington Post editorial, with its accompanying letter from a Kansas housewife, be printed in the RECORD. I commend its reading to my colleagues. The editorial and letter follow:

#### A LETTER FROM THE WHEAT BELT

A number of people here in Washington have begun to see the danger in the fertilizer shortage, but no one has put the case better than Mrs. Dixon. Her letter arrived the other day from southeastern Kansas, where the ground is now being prepared for planting the wheat. Fertilizer supplies this month will affect not only grain prices next summer, but beef prices next spring. Modern fertilizers enable farmers like the Dixons to graze beef cattle all winter on the growing wheat, sell the cattle in the spring, and a few weeks later harvest a normal wheat crop. But that takes a lot of nitrogen in the soil.

The Dixon family's troubles are a brilliantly clear illustration of the desperate dilemmas into which the country has fallen in its struggles with food and prices. The Nixon administration is trying to hold down the cost of food by expanding production. The Dixons' wheat acreage this October will be 30 per cent greater than last year's. Bigger crops require more fertilizer and the producers cannot meet the soaring demand. Nitrogen fertilizer is made from natural gas, already severely in shortage.

In the Dixons' area, one major supplier is W. R. Grace and Co., which operates a

plant nearby in Joplin, Mo. The plant manager, D. E. Warren, says that his gas supply was cut off 46 days last winter and was reduced by 9 per cent last month. Since his gas suppliers have warned him to expect similar disruptions again this winter, Mr. Warren is installing propane tanks for supplementing the natural gas flow. But, he points out, propane is also in shortage and it is six times as expensive as natural gas.

The domestic price of nitrogen fertilizer is held down to \$40 a ton by the federal price controls. But the export price is uncontrolled and it is now about \$75. That is why manufacturers give preference to foreign buyers. Mrs. Dixon complained to her congressman, Joe Skubitz (R. Kans.), who talked to the Agriculture Department. Subsequently a large oil company made some unexpected deliveries in Mr. Skubitz's district, but that was only temporary relief. Mr. Skubitz favors decontrol of the price, on grounds that his constituents would rather pay more than be crippled by shortages in the crucial planting weeks.

The real crisis is coming next spring, when fertilizer demand will reach its annual peak. American farmers will need about 10.1 million tons of nitrogen fertilizer for the year ending next June, the Agriculture Department estimates, but supplies will be only about 9.1 million tons. This means a shortage of 1 million tons here in the United States. Meanwhile our exports are projected at 1.7 million tons.

Sens. Hubert Humphrey (D-Minn.) and Robert J. Dole (R-Kans.) called a meeting last Monday at which they pressed the administration and the industry for a solution. Senator Humphrey asserted that a million-ton shortfall of fertilizer would reduce American production of feed grains next year by 20 million tons: "If this occurs," he said, "the effects will be catastrophic. Retail prices will go into the stratosphere." The Agriculture Department is supposed to come up with an answer. But, in truth, the possibilities are neither numerous nor attractive. Decontrol would contribute to inflation immediately. Continued price control would mean shortages now, causing further inflation later. The only other choice would be export controls which, as the administration has learned, are fearfully destructive of our relations with other nations that count on us for vital supplies. Senator Humphrey took the issue into the hearings on the confirmation of Henry Kissinger as Secretary of State. Dr. Kissinger apparently had not anticipated questions on fertilizer. But he may discover that it has more to do with his work over the coming years than many of the more conventional preoccupations of diplomacy.

When the Nixon administration began to push for maximum farm production, no one gave much thought to fertilizer requirements. Now that the industry needs more gas, the government still is not prepared to say who should have less. Nobody in Washington worried much about rising fertilizer exports until the word of shortages began to trickle back from the farm states. City dwellers, bewildered and outraged by the cost of food, are demanding explanations. Those explanations might well start with the Dixon family, scouring southeastern Kansas for dealers able to sell them anhydrous ammonia for their fields before the winter wheat goes in.

SEPTEMBER 3, 1973.

DEAR SIR: My husband and two sons farm approximately 2,000 acres of wheat land in Sumner County, Kansas. We are not big farmers, nor are we small.

There is now a widespread and critical shortage of fertilizer and planting time is near. If we do not get enough fertilizer, we will not be able to produce much wheat. Thousands of farmers are in the same boat. (Also we cannot get, at any price, tractors, tractor tires, rims, wheat drills, baling wire,

machinery parts, to mention a few, and we are rationed on gasoline—alho, as a housewife, I can fill up at any major station 20 miles away with no questions asked.)

Oil companies make fertilizer. We are told by our suppliers that they cannot get fertilizer (anhydrous ammonia) because: 1. There is a shortage of natural gas needed to make it. 2. Forty-five per cent of the fertilizer is being shipped overseas at much higher profits. (A dealer of some 30 years told us that when he sent his trucks to Houston, the supplier refused to fill them while his driver watched the fertilizer being loaded on ships for export.) 3. The railroads are weeks delivering railroads that should arrive in days.

Excuses will not grow crops.

Meanwhile, you city people had better get off your office chairs and start writing your congressmen too (or anyone else that you think might help) or next year there may not be any food.

Respectfully,

S. J. DIXON.

#### THE NEED FOR RESPONSIBLE ACTION TO FIGHT INFLATION

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

Mr. O'BRIEN. Mr. Speaker, last spring I joined with the great majority of my colleagues in both political parties to extend the President's authority to impose wage and price controls under the Economic Stabilization Act until April 30, 1974. I supported this extension reluctantly. I have always been skeptical of the effectiveness of economic controls to accomplish their intended purposes.

The experience of the past few months has proved to me that my long-standing fear of wage-price controls was justified. The present fiasco over the cost of living council's imposition of rigid price controls on gasoline retailers is only the latest example of the injustices involved in such policy.

The price freeze initiated on June 13 postponed, but did not prevent, price rises. The rapid jump in the price of such staples as pork, bacon and eggs, following the end of the freeze, underscores the inability of controls to contain inflation in the long-run. The freeze did result in widespread economic dislocation, in food shortages, in the closing of numerous businesses, and in the consequent unemployment of thousands of American workers.

The Cost of Living Council's singling out gas and diesel oil for rigid price controls has threatened the existence of many independent service stations. It does nothing to discourage the use of fuel at a time when we need to do everything possible to conserve petroleum products.

The time has come to end controls and return to a free market. Neither wishful thinking nor bureaucratic regulations will solve our economic ills. The only solution is fiscal responsibility. A responsibility that must be shared by all citizens as consumers as well as by officials and legislators at all levels of Government.

We in Congress must attack inflation at one of its most important sources—excessive Federal spending. This means some hard choices. We cannot afford all the good ideas, all the good programs,

that we would like to support under more favorable conditions.

It is also time for Congress to act responsibly in its own operation. I am concerned by the delay in establishing appropriate mechanisms in the House and Senate for setting an annual ceiling on Federal spending and for budgeting expenditures within that limit.

Discipline and responsible voting by the people's representatives in Congress and in the State legislatures—not economic controls—are needed to fight inflation.

#### FERTILIZER SHORTAGE

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

Mr. ARENDS. Mr. Speaker, under leave to extend my remarks in the Record, I include the following editorial from today's edition of the Washington Post.

This editorial so pointedly warns of a food crisis which could face the American people in the year ahead if immediate steps are not taken to assure an adequate supply of fertilizer for the Nation's farmers.

Those who complain about the price of food today may see something even worse if the lack of fertilizer forces what could be a very substantial cutback in production in the coming crop year. It is time we in the Congress become realistic about this possibility.

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The real crisis is coming next spring, when fertilizer demand will reach its annual peak. American farmers will need about 10.1 million tons of nitrogen fertilizer for the year ending next June, the Agriculture Department estimates, but supplies will be only about 9.1 million tons. This means a shortage of 1 million tons here in the United States. Meanwhile our exports are projected at 1.7 million tons.

Sens. Hubert Humphrey (D-Minn.) and Robert J. Dole (R-Kans.) called a meeting last Monday at which they pressed the administration and the industry for a solution. Senator Humphrey asserted that a million-ton shortfall of fertilizer would reduce American production of feed grains next year by 20 million tons. "If this occurs," he said, "the effects will be catastrophic. Retail prices will go into the stratosphere." The Agriculture Department is supposed to come up with an answer. But, in truth, the possibilities are neither numerous nor attractive. Decontrol would contribute to inflation immediately. Continued price control would mean shortages now, causing further inflation later. The only other choice would be export controls which, as the administration has learned, are fearfully destructive of our relations with other nations that count on us for vital supplies. Senator Humphrey took the issue into the hearings on the confirmation of Henry Kissinger as Secretary of State. Dr. Kissinger apparently had not anticipated questions on fertilizer. But he may discover that it has more to do with his work over the coming years than many of the more conventional preoccupations of diplomacy.

When the Nixon administration began to push for maximum farm production, no one gave much thought to fertilizer requirements. Now that the industry needs more gas, the government still is not prepared to say who should have less. Nobody in Washington worried much about rising fertilizer exports until the word of shortages began to trickle back from the farm states. City dwellers, bewildered and outraged by the cost of food, are demanding explanations. Those explanations might well start with the Dixon family, scouring southeastern Kansas for dealers able to sell them anhydrous ammonia for their fields before the winter wheat goes in.

SEPTEMBER 3, 1973.

DEAR SIR: My husband and two sons farm approximately 2,000 acres of wheat land in Sumner County, Kansas. We are not big farmers, nor are we small.

There is now a widespread and critical shortage of fertilizer and planting time is near. If we do not get enough fertilizer, we will not be able to produce much wheat. Thousands of farmers are in the same boat. (Also we cannot get, at any price, tractors, tractor tires, rims, wheat drills, baling wire, machinery parts, to mention a few, and we are rationed on gasoline—alho, as a housewife, I can fill up at any major station 20 miles away with no questions asked.)

Oil companies make fertilizer. We are told by our suppliers that they cannot get fertilizer (anhydrous ammonia) because: 1. There is a shortage of natural gas needed to make it. 2. Forty-five percent of the fertilizer is being shipped overseas at much higher profits. (A dealer of some 30 years told us that when he sent his trucks to Houston, the supplier refused to fill them while his driver watched the fertilizer being loaded on ships for export.) 3. The railroads are weeks delivering loads that should arrive in days.

Our wheat will not grow crops. Our city people had better get

off your office chairs and start writing your congressmen too (or anyone else that you think might help) or next year there may not be any food.

Respectfully,

S. J. DIXON.

#### A QUESTION OF ECOLOGY

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

Mr. MILFORD. Mr. Speaker, this great nation faces many problems today—real problems that call for immediate solutions.

If each Member of this House spent every moment of the day, either in committee or on the floor, we would be unable to solve even the vital problems that face us today.

Therefore, it is imperative that we carefully evaluate every issue that comes before us and evaluate it to determine whether or not the problem is real, emotional, false, or not properly identified.

Many of our committees are spending hours of time considering ecological problems. My training as a scientist has revealed that much of the work we are doing is unnecessary, some is actually counterproductive, and a little is actually damaging the very people we are trying to help.

In this light, I would like to read into the Record the speech by Dr. A. L. Jones, entitled "A Question of Ecology," that he recently made before a scientific seminar.

If each Member will read this, I think it will help in identifying some of the problems we face in the ecology field.

The article follows:

#### A QUESTION OF ECOLOGY

(By Dr. A. L. Jones)

For several years I have been deeply concerned about reports of the destruction of our environment as a result of technological recklessness, overpopulation and a religious and philosophical outlook that gives little consideration to the preservation of nature. My studies in this area of concern have turned up evidence that I feel compelled to share with you.

Three years ago I started to evaluate the premises upon which some of our major environmental concerns are based. The evidence that I have been able to find has proved to be quite encouraging to me. My findings have changed my attitude from one of pessimism for the future of mankind to one of confidence that we can solve our major environmental problems if we are willing to use rational approaches and pay the cost. This is what I want to talk to you about.

I wish to make it quite clear that I am speaking to you as a scientist and not as an emotional supporter of any particular "side" of ecology. I would like to remind you that useful science is based on reproducible evidence or principles that can be repeated and verified by others. As scientists we must work in terms of what we know rather than what we do not know. Unless the pronouncements we make are verifiable by others, they are worthless. Our job is to seek the truth. Our success as scientists depends on finding the truth and relating it to the needs and interests of man.

Some of the facts I present today may surprise many of you. I can assure you my conclusions are supported by evidence that is difficult to interpret in any other way. They can be verified by anyone who wishes to do so.

My first surprise concerns the air we



breathe. Throughout my formal education I have been taught that the oxygen in our atmosphere is supplied by green plants using the process of photosynthesis. It is known that plants take in carbon dioxide and, through activation by sunlight, combine it with water to make starches and cellulose and give off oxygen. In this way the whole chain of plant and animal life is sustained by energy from the sun. When the vegetable or animal materials thus produced are eaten, burned, or allowed to decay they combine with oxygen and return to the carbon dioxide and water from which they came. We all know this. What is the surprise?

The surprise is that most of the oxygen in the atmosphere doesn't come from photosynthesis. The evidence is now overwhelming that photosynthesis is quite inadequate to have produced the amount of oxygen that is present in our atmosphere. The reason is that the amount of oxygen produced by photosynthesis is just exactly enough to convert the plant tissue back to the carbon dioxide and water from which it came. In other words, the net gain in oxygen due to photosynthesis is extremely small. The oxygen of the atmosphere had to come from another source. A most likely possibility involves the photodissociation of water vapor in the upper atmosphere by high energy rays from the sun and by cosmic rays. This process alone could have produced, over the history of the earth ( $4.5 \times 10^9$ ), about seven times the present mass of oxygen in the atmosphere.

Two important articles on this subject have been published in *Science* within the last 18 months by Professors Leigh Van Valen of the University of Chicago and W. S. Broecker of Columbia University.

I have been searching for data regarding samples of air from ancient atmospheres that might have been trapped in some geological formation. I recently learned that Dr. R. C. Robbins of the Stanford Research Institute was analyzing trapped air in ice cores from the ice caps of Greenland and Antarctica. His samples date back to 500 B.C. Dr. Robbins has made available to me his oxygen analyses. It is identical with that in the air today. This is direct evidence that the industrial activities of man have produced no measurable change in the percentage of oxygen in the atmosphere.

The significance of this information is that the supply of oxygen in the atmosphere is virtually unlimited. It is not threatened by man's activities in any significant way. If all of the organic material on earth were oxidized it would reduce the atmospheric concentration of oxygen by less than 1 percent. We can forget the depletion of oxygen of the atmosphere and get on with the solution of more serious problems.

We have heard much in recent years about the death of Lake Erie. It is true that the beaches are no longer swimmable in the Cleveland area and that the oxygen content of the bottom of the lake is decreasing. This is called eutrophication. Heavy blame has been placed on phosphates as the cause of this situation. Housewives have been urged to curb their use of phosphate detergents. The State of New York has signed into law a measure to forbid the sale of detergents containing phosphates by 1973. Many other areas of the country have similar regulations.

The scientific evidence I have been able to acquire on this subject shows that the cause of the eutrophication of Lake Erie has not been properly defined. This evidence suggests that if we totally stopped using phosphate detergents it would have no effect whatever on the eutrophication of Lake Erie. Many experiments have now been carried out which show that it is the organic carbon content from sewage that is using up the oxygen in the lake and not the phosphates in detergents. The reason the Cleveland area beaches are not swimmable is that the coliform bacterial count, from feces, is too high, not that there is too much detergent in the

water. Enlarged and improved sewage treatment facilities by Detroit, Toledo, and Cleveland will be required to correct this situation. Our garbage disposal units do far more to pollute Lake Erie than do the phosphate detergents. If we put in the proper sewage treatment facilities, the lake will sparkle blue again in a very few years.

As many of you know, the most toxic component of automobile exhaust is carbon monoxide. Each year mankind adds over two hundred millions tons of carbon monoxide to the atmosphere. Most of this comes from automobiles. Until recently I had been concerned about the accumulation of this toxic material because I use it daily in my research and know that it has a life in dry air of about 3 years in the laboratory. For the past several years, monitoring stations on land and sea have been measuring the carbon monoxide content of the atmosphere. Since the ratio of automobiles in the northern and southern hemispheres is 9:1 respectively, it was expected that the northern hemisphere would have a much higher concentration of atmospheric CO. Measurements show that there is no difference in CO amounts between the hemispheres and that the overall concentration in the air is not increasing at all.

Early in 1971, scientists at the Stanford Research Institute in Palo Alto disclosed that they had run some experiments in smog chambers containing soil. They reported that carbon monoxide rapidly disappeared from the chamber. They next sterilized the soil and found that now the carbon monoxide did not disappear. They quickly identified the organisms responsible for CO removal to be fungi of the *aspergillus* (bread mold) and *penicillium* types. These organisms, on a world wide basis, are using all of the 200 million tons of CO made by man for their own metabolism, thus enriching the soils of the forests and the fields. More recently, scientists at Queens University in Canada have found that green plants, such as beans, use CO in their metabolism and that they consume as much atmospheric CO as do the fungi in the soils.

This does not say that carbon monoxide is any less toxic to man. It does say that, in spite of man's activities, this material will never build up in the atmosphere to dangerous levels except on a localized basis. To put things in perspective, let me point out that the average concentration of carbon monoxide in the open air is less than 1 part per million. In downtown Cleveland, in heavy traffic, it sometimes builds up to 15 to 20 ppm. In Los Angeles it gets to be 35 ppm. In parking garages and tunnels it is sometimes 50 parts per million. These are the worst conditions.

Here is another surprise for many of you. Do you know that the carbon monoxide content of cigarette smoke is 42,000 parts per million? The CO concentration in practically any smoke filled room grossly exceeds the safety standards we permit in our laboratories (10 ppm). I do not mean to say that many of us subject ourselves to CO concentrations voluntarily (and involuntarily) that are greater than those of our worst polluted cities, including those in the Holland Tunnel in New York, without any catastrophic effects. It is not at all unusual for CO concentrations to reach the 100-200 ppm range in poorly ventilated smoke filled rooms. If a heavy smoker spends several hours without smoking in polluted city air containing 35 ppm of CO, the concentration of CO in his blood will actually decrease! In the broad expanse of our natural air, CO levels are totally safe for human beings.

No one in his right mind would condone air pollution. But we must think of things in their proper perspective. We need to ask the question about whether the air in our living rooms presents a greater hazard to health than does the outside city air. I think we should strive to clean up both of them.

One of the problems of considerable inter-

national interest concerns the use of the pesticide DDT. I find that DDT has had a miraculous impact on arresting insect borne diseases and increasing grain production from fields once ravaged by insects. According to the World Health Organization, malaria fatalities alone dropped from 4 million a year in the 1930's to less than 1 million per year in 1968. Other insect borne diseases such as encephalitis, yellow fever and typhus fever showed similar declines. It has been estimated that 100 million human beings who would have died of these afflictions are alive today because of DDT.

DDT and other chlorinated compounds are supposedly endangering bird species by thinning of the egg shells. I am not sure this is true. The experiments I found concerning this were not conducted in such a manner that positive conclusions could be drawn from them. (The evidence is that Dieldrin, PCB, and other pesticides are more likely responsible for it, not DDT). Even if it is true, I believe that the desirable properties of DDT so greatly outnumber the undesirable ones that it might prove to be a serious mistake to ban entirely this remarkable chemical.

The United States has banned the use of DDT as of the beginning of 1973. This is a clear-cut example of modern day decision based more on fear than it is on knowledge. We know that DDT has saved the lives of 100 million people. We know that food production is increased in both quantity and quality through use of DDT. We know that there is not a single fatality of man that can be attributed to DDT in the food chain. We know that no effective substitute has been discovered for DDT.

DDT was banned because we fear that, in spite of not having done so after 23 years of use, we may find that "man may be exposing himself to a substance that may ultimately have a serious influence on his health". Can a modern society afford to use fear and speculation rather than knowledge as a sound basis for decision making on matters that will affect the lives and welfare of millions?

Many people feel that mankind is responsible for the disappearance of animal species. I find that in some instances man may hasten the disappearance of certain species. However, the abundance of evidence indicates that he has little to do with it. About 50 species are expected to disappear during this century. But it is also true that 50 species became extinct last century and the century before that. Dr. T. H. Jukes of the University of California points out that about 100 million species of animal life have become extinct since life began on this planet about 3 billion years ago. Animals come and animals disappear. This is the essence of evolution as Mr. Darwin pointed out many years ago. Mankind is a relatively recent visitor here. He has had nothing to do with the disappearance of millions of species that preceded him.

It is of interest to note that man has not been successful in eliminating a single insect species, in spite of this all-out war on certain undesirable ones in recent years. He also has not felt kindly towards snakes and rats, but no species of them have disappeared to my knowledge.

For those who wish to return to the "good old days" when we didn't have dirty industries and automobiles to pollute the air, let's consider what life was really like in America before the Civil War. For one thing, life was very brief. The life expectancy for males was less than 40 years. Those 40 years were exhaustive, back-breaking years. The work week was 72 hours. The average pay was \$300 per year. The life of a woman was far from "women's lib". They worked 98 hours a week, scrubbing floors, making and washing clothes by hand, bringing in firewood, cooking in heavy iron pots and fighting off insects without screens or pesticides. Most of the

clothes were very inferior by present day standards. There were no fresh vegetables in winter. Vitamin deficiency diseases were prevalent. Homes were cold in winter and sweltering in summer.

Every year an epidemic could be expected and chances were high that it would carry off someone in your immediate family. If you think that water pollution is bad now, it was more deadly then. In 1793, one person in every five in the city of Philadelphia died in a single epidemic of typhoid fever as a result of polluted water. I wonder how many informed people want to return to the "paradise" of the good old ante-bellum days. Perhaps the simple life is not so simple.

Many of us are alarmed by the dire announcements made by technically untrained people and by scientists who have not bothered to check their assumptions against the evidence. These alarms have made us go off half-cocked with expensive measures in some cases to solve problems that are sometimes more imaginary than real. For example, the construction of some nuclear power plants have been held up because of the fear of thermal pollution by the effluent cooling water. In some cases, multimillion dollar cooling towers have been required before construction could proceed. The evidence I can find is that when the plants are located on large bodies of water, such as Lake Erie, cooling towers represent expensive monuments to misinformation. The public will have to pay for these and will receive no measurable benefit from the expenditure.

My investigation of the thermal pollution problem reveals that, beyond any question of doubt, the sun is by far the greatest thermal polluter of Lake Erie. Governor Gilligan of Ohio announced that he would "back legislation making it unlawful to increase the temperature of the (effluent) water by more than one degree over the natural temperature." As we all know, the natural temperature of the lake is changed by the sun more than 40°F every year between winter (33°) and summer (75+°). The natural life in the lake accommodates this drastic change in great fashion, as it has for many thousands of years.

I have determined that if we could store up all of the electricity produced in Ohio in a whole year and use it exclusively for heating Lake Erie all at one time, it would heat the entire lake less than three tenths of one degree (0.3°F).

In terms of localizing heating, we must remember that we already have many hundreds of power plants pouring warm water into streams and lakes. Twenty-five of these are nuclear power plants. Evaluation of the effect of these from an ecological point of view is that "thermal pollution" is a less descriptive and less appropriate term than is "thermal enrichment". There are no species disappearing. No ecological catastrophes or problems have appeared. Some of the best fishing locations in the country are near the warm water outlets of power plants. An excellent scientific report on this subject may be found in the March 1972 issue of *Environmental Science and Technology*.

In every age we have people practicing witchcraft in one form or another. I used to think that the people of New England were particularly irrational in accusing certain women of being witches without evidence to prove it. Suppose someone accused you of being a witch. How could you prove you were not? It is impossible to prove negative evidence. Yet this very tactic is being used to deter the construction of nuclear power plants. The opponents are saying, in effect, that these plants are witches and it is up to the builders to prove that they are not.

The positive scientific evidence is that the nuclear power plants, constructed to this date, are the cleanest and least polluting devices for generating electricity so far developed by man. Lightning and snakebite

have proven to be greater hazards to the health and safety of the public than nuclear power plants. The amount of radiation escaping from a well designed nuclear plant is less than that from the cosmic rays to which I was exposed on the jet aircraft flight to this conference.

Carelessness and irresponsibility are inexcusable in potentially hazardous operations. I can find no evidence of any such behavior in our industrial nuclear operations.

The energy crisis in the United States is quite real. If we are to maintain our standard of living and avoid a rapidly increasing deficit in our balance of payments, because of greater oil imports, we must construct nuclear power plants with the greatest of urgency. They are the only demonstrated and economically feasible alternative we have for electric power generation. We cannot afford to let fear and superstition impede the attainment of the improved quality of living which we can achieve.

For what we read and hear it would seem that we are on the edge of impending doom. A scientific evaluation of the evidence does not support this conclusion. We clearly have some undesirable problems attributed to technological activities. The solution of these problems will require a technical understanding of their nature. The problems cannot be solved unless they are properly identified. This will require more technically trained people not less. These problems cannot be solved by legislation unless the legislators understand the technical nature of the problem. In my estimation, the most serious problem we face is the rapidly increasing human population on a world-wide basis. The pollution of our natural waters with sewage and chemicals is perhaps the second most serious one. Nothing good has been found for either sulfur oxides or particulate matter in our air. Hydrocarbon emissions from our automobiles can be hazardous, especially in poorly ventilated locations. I have not been able to identify any problems that we do not already know how to solve. It is strictly a question of economics. The back to nature approach of withdrawing from reality will accomplish nothing.

I believe, as Thomas Jefferson did, that if the public is properly informed, the people will make wise decisions. I know that the public has not been getting all of the scientific facts on many matters relating to ecology. That is why I am speaking out on this subject today as a scientist and as a citizen. Some of the information I have given you may be contrary to the things you are being led to believe but I am willing to support my conclusions on evidence good enough for me to urge any of you to evaluate it for yourselves. I have no fear of staking my reputation on what I have presented to you.

We are all familiar with the Aesop fable about the shepherd boy and the wolf. The moral for the fable is: those who are found to misrepresent facts are not believed even when they speak the truth.

In recent months, we have heard cries of wolf with respect to our oxygen supply, the build-up of carbon monoxide, the disappearance of species, DDT, phosphates in the lake, thermal pollution, radiation effects on health from nuclear power plants, the Anichitka nuclear tests, lead in gasoline, and mercury in fish, to name a few. For the most part, these cries have not been malicious but have been based largely on fear, ignorance, or misinformation. The people have listened to these cries and have come running to the rescue but they are not finding many wolves.

Let us not cry wolf until we are reasonably certain that we have done enough homework to know what a wolf looks like. Otherwise we may undermine our credibility and not be believed by the people when we warn them of the real wolves that do exist.

In summary let me remind you that my

studies suggest that we are not on the brink of disaster. The world's oxygen supply is secure. There will be no build-up of poisonous carbon monoxide. Our waters can be made pure again by adequate treatment plants. The disappearance of species is natural. We cannot solve our recognized problems unless we attack them on the basis of what we know rather than what we don't know. We must use our knowledge and not our fears to solve the real problems of our environment. Our future can be better than most of our past if we choose it so.

#### BIOGRAPHICAL SKETCH OF DR. A. L. JONES

Dr. A. L. Jones is a native Virginian. He earned a B.S. degree at Hampden-Sydney College and received his Ph.D. at the University of Virginia. He served as a faculty member of Hampden-Sydney College and Cornell University.

In 1946, Dr. Jones joined the Standard Oil Company (Ohio). His responsibilities have included research section supervisor, coordinator of long-range planning for research and development, and organizer of Sohio's satellite tracking station prior to its relocation at Ohio University. He serves presently as senior research associate.

Dr. Jones is the author of published papers on organic analytical reagents, magnetic susceptibility, hydrocarbon separations, liquid thermal diffusion, physical techniques in petroleum research, fuel cells, and radio satellite tracking. He has invented and co-invented several types of thermal diffusion apparatus. He was recipient of the Aerospace award in 1963. He is listed in *World Who's Who in Science*.

Currently Dr. Jones is President of the Tuberculosis and Respiratory Disease Association of Cleveland; member and past president of the Cleveland Astronomical Society; member of the Ministerial Relations Committee, Cleveland Presbytery, and a recent trustee of the Church of Covenant.

Dr. Jones and his wife, Ellen, have four daughters. The family lives at 32340 Wooddale Lane, Solon, Ohio 44139.

#### FORTHCOMING DECLARATION OF INDEPENDENCE IN GUINEA-BISSAU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Dicks) is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, the PAIGC, liberation movement in Portuguese-occupied Guinea-Bissau, on the West Coast of Africa, has made enormous advances in the last few months, not only on the military front, but also politically. A United Nations delegation has confirmed that they have established a basic administration over most of the territory outside the larger towns, and that they have introduced medical, educational, agricultural, and other services which the people had never received from Portuguese colonial administration—paragraph 78 of the Report A/AC.109/L.804 of July 3, 1972—in spite of the overwhelming difficulties, including complicated organizations, the constant threat of air bombardment and the lack of any means of transportation, the PAIGC has held its second Congress with elected representatives, in the liberated area of western Guinea-Bissau.

The second Congress states, among other things, that the convocation of the Popular National Assembly will meet in the course of this year to proclaim the independent State of Guinea-Bissau, the creation of an executive for this state,



and the adoption of the first Constitution in the nation's history. The parallel with the Declaration of Independence of our own country is striking. I therefore include the PAIGC communique on its second Congress in the RECORD at this point:

COMMUNIQUE ON THE SECOND CONGRESS OF THE AFRICAN PARTY FOR THE INDEPENDENCE OF GUINEA AND CAPE VERDE (PAIGC), JULY 18-22, 1973

From the 18th to the 22nd of July 1973, the Second Congress of the PAIGC was held in the liberated zones of western Guinea-Bissau. Comrade Aristides Pereira, one of the founders of the Party and assistant of Amilcar Cabral, our beloved leader, assassinated by the criminal hand of the Portuguese colonialists, was unanimously elected Secretary General of the PAIGC. Proceeding with a review of the Party statutes, the Congress decided to create a Permanent Secretariat composed of four members, replacing the Permanent Commission of the Executive Committee of the Struggle (CEL). In addition to Secretary General Aristides Pereira, the Permanent Secretariat is composed of Luiz Cabral, Assistant Secretary General, and two Secretaries: Francisco Mendes (Chico Te) and Joao Bernardo Vieira (Nino). The Congress also enlarged the Superior Council for the Struggle (CSL) from 81 to 85 members. The Executive Council for the Struggle, elected from within the Superior Council for the Struggle, maintains its former composition of 24 members.

The Congress was held with the participation of 138 delegates and 60 representative observers, representing all the regions, zones and sections of the organization of the Party, the National Armed Forces (Popular Army and Navy) as well as the National Reconstruction Workers. Among the Delegates and Observers were Regional Counsellors and Deputies elected by the Popular National Assembly.

After having appraised reports on political military activities, national reconstruction of the liberated regions, as well as the other departments of the Party, the Congress adopted resolutions with a view to the strengthening of our operations in Guinea-Bissau and the acceleration of the struggle in the Cape Verde Islands. Proclaiming the loyalty of the Party to the principles inscribed in the Charters of the Organization of African Unity and the United Nations, the Second Congress:

Expressed the determination of the PAIGC to contribute by all means to the strengthening of the bonds of friendship and fighting solidarity uniting our people and our Party with the fraternal peoples of the other Portuguese colonies and their liberation movements within CONCP (Conference of Organizations of the Portuguese Colonies).

Emphasized the value of the support, political and military, of the Organization of African Unity, as well as the bilateral aid given to our Party by numerous independent states of Africa, particularly by the Republic of Guinea and the Republic of Senegal, neighboring countries whose aid and fraternal support has been and remains the decisive factor for the victorious development of our national liberation struggle.

Expressed the recognition of our people and our Party of the multifaceted aid of the socialist countries, particularly the Soviet Union, and for the important humanitarian aid that the Swedish Government gives our Party. It equally expressed thanks to all the governments and anti-colonialist organizations of Europe, Asia, and America; to the humanitarian institutions; and to the national committees of support created throughout the world from which political, moral, and material aid has continually grown, gaining an increasingly important

place in the ranks of international support for our struggle.

Proclaimed the solidarity in combat of our Party towards the anti-colonialist and anti-fascist forces of Portugal, whose concrete action against the criminal war, contributing to the acceleration of the liquidation of Portuguese colonialism in Africa, is a factor in preserving the ties of friendship between the Portuguese people and our people.

Having proceeded with an analysis of the circumstances surrounding the cowardly assassination of our mourned comrade Amilcar Cabral, the Congress condemned vigorously and with indignation this monstrous crime. The Congress further proclaimed that none of the activities of our Party, particularly those of its Secretary General, could justify such an ignoble crime, whose responsibility rests entirely on the colonialist Portuguese government. The Congress unanimously approved the exemplary punishment inflicted by our popular justice on the traitors and criminals who executed the crime at the service of the enemy of our people and of Africa.

In homage to the immortal work of Amilcar Cabral, hero of our people, artisan of our national liberation, the Second Congress decided to give him the title of Militant Number One of the PAIGC. His portrait will be placed in all the work places of our Party. The Congress also decided to create an Amilcar Cabral medal for the decoration of the heroes of our armed struggle for national liberation.

The Congress set the convocation of the Popular National Assembly, which will meet in the course of this year to accomplish its primary historic mission: the proclamation of the Independent State of Guinea-Bissau, the creation of an Executive for this State, and the adoption of the first Constitution in our history.

The Second Congress, taking place under the triple motto of Unity, Struggle, and Vigilance, took place in an atmosphere of high responsibility, criticism and self-criticism, of patriotic ardor, and partisan spirit.

Done the 24th of July, 1973. The Executive Committee for the Struggle of PAIGC.

#### DIEZ Y SEIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, occasionally an event takes place that stirs the hearts of men and sets loose forces of enormous importance. Those who are present might not realize the magnitude of it, and it may be so isolated that it seems unimportant. But the judgment of history may find that the witnesses were wrong, and did not know the importance of what they saw.

Who could have ever known that a simple priest in the Spanish empire could utter the words that sounded the beginning of the end of New Spain, and unleashed the revolution that gave independence to Mexico? Yet that is precisely what happened when Father Hidalgo denounced the oppression of his people and called for independence from Spain. It must have seemed a forlorn hope, because Father Hidalgo's call for independence has always been known as "el grito de Dolores"—the cry of Dolores—named for the place, which itself means "sorrows." But however forlorn it might have seemed, the words of Father Hidalgo gave birth to forces of revolution that proved inexorable, and

ended the Spanish Empire in the new world.

Father Hidalgo never lived to see his country free and independent. That did not take place until the Republic was declared in 1824—some 14 years after Father Hidalgo's brave and seemingly futile act.

Ever since Mexico achieved independence, the date of Father Hidalgo's cry for freedom has been celebrated as independence day—September 16, or *Diez y Seis*.

All over the Southwest, and indeed anywhere there are significant numbers of people of Mexican descent, *Diez y Seis* is celebrated. It is a day to remember, a day for the dignity of man, a day for humility and pride. In San Antonio this week and in every other town and city where you find people of Mexican heritage, *Diez y Seis* is celebrated with parades, speeches, and every other kind of holiday festivity, and this is appropriate, because it marks the celebration of a date when the human dream of liberty found expression.

*Diez y Seis* reminds everyone of Mexican descent from whence they came, and is a reminder that human freedom never came easily, and especially not for their ancestors.

There are unfortunately many who do not understand the true meaning of *Diez y Seis*. These are people who think that the United States opposed independence for Mexico, which is untrue. They do not know that the flame of independence burned as brightly in San Antonio as it did anywhere else. Nor do they remember, or perhaps ever know, that gaining independence in Mexico was as much a matter of a civil war over the aims of the revolution as it was a contest against European powers. In that sense, they should recall that the first Republic was declared in 1824, but was riven by all manner of struggles, so that when the battle of the Alamo was fought, the defenders there flew the Mexican flag with the legend "1824" meaning that they were for the Constitution of 1824, not the government of Santa Ana. Whatever the motives of the Texans may have been, the truth is that the Revolution had yet to come to Mexico, and that even as late as 1836 the Republic had not found its identity and meaning.

And the struggle continued after the Mexican War. Modern Mexico did not emerge until the country was literally destroyed by civil war extending into the 20th century. Today the Republic of Mexico is vital and its Government stable, but it is not without troubles.

Celebrating Mexican independence is really celebrating the human drive for liberty—that is what "el grito de Dolores" sprang from—one person's fervent cry for freedom and human dignity. It did not give rise to a coherent revolution, nor did a democratic republic spring from it overnight. It did set forth the momentum that led to the emergence of a modern and proud country, but that took generations of conflict and civil war that too many romanticists would like to ignore or forget.

Those of us whose parents came from Mexico, or who are from Mexico, are not

likely to go back. We are proud of our ancestry, and proud of that determined spirit that Father Hidalgo called from us—but we are prouder still that we are citizens of this country, the United States. Diez y Seis makes us doubly lucky, because it gives us the unique opportunity to celebrate not once, but twice every year, our liberty and renew in ourselves the determination to live and be free people.

Diez y Seis calls upon all of us to say "Viva Mexico," and we do that proudly. But even deeper in our hearts, we say "Viva Libertad" and for us, that means we are brothers in the spirit of freedom. We are not claiming to be citizens of another land, but celebrants of a joint spirit that unites all mankind.

Those of us who are of Mexican descent are proud of our heritage. We have much to cherish in the literature and history of Mexico. But we have come a long way here in the United States. We have enhanced our lives, and every day shows us greater promise. And where our fathers might have dreamed of returning to Mexico, we do not, for we know that this is our country, and this is our home.

#### ANNOUNCEMENT OF HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of California. Mr. Speaker, the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary will commence hearings on House Joint Resolution 703 (268), to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts, on September 20. Witnesses on that date will be Congressman CHARLES C. DINGS, Jr., chairman of the Subcommittee on Africa, House Foreign Affairs Committee, and Thulani W. Gcabashe, Esq., of Spaulding, LaSonde and Associates, Atlanta, Ga. On September 21, Mr. Paul Neuhauser, professor of law at the Iowa University College of Law and chairman of the Committee on Social Criteria in Investments, Executive Council of the Protestant Episcopal Church of the United States of America, will testify.

For subsequent hearings, the dates of which are to be announced, representatives from the Department of State, the business community, and the labor movement will be called.

Persons interested in submitting statements for the record may address their inquiries to the House Committee on the Judiciary, 2137 Rayburn House Office Building, Washington, D.C. 20515.

#### CARL ROWAN ON THE MINIMUM WAGE VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, last week the syndicated columnist Carl T. Rowan

attacked the veto of the minimum wage bill as an "atrocious."

He says that the wage contained in the bill was "Scrooge-level to begin with" and that the veto—

Further oppresses and disheartens the nation's poor.

Mr. Rowan condemns the \$68-a-week subminimum for youth as a danger to society at large. It is, he says, one more reason for crime by young persons who would rather "rob or steal" than work for such disgracefully low pay.

Mr. Speaker, this Wednesday the House will vote on the question of overriding the veto of H.R. 7935, the minimum wage bill. The points made by Mr. Rowan are well worth considering, and I am asking unanimous consent that the entire column be printed in the RECORD.

#### MINIMUM-WAGE VETO ATROCITY

(By Carl T. Rowan)

There is no polite or respectful way to discuss President Nixon's notions of how to fight inflation. So I make no pretense at politeness in reacting to his veto of the congressional measure to lift the minimum wage from \$1.60 to \$2.20 an hour after a year.

It is a mean, contemptible act which further oppresses and disheartens the nation's poor and it is inimical to the well-being of all of us. To describe it any other way would be cowardly.

How in the name of heaven does the President of the rich United States, himself raking in 200,000 bucks a year, with plush pads in California, Florida and elsewhere, tell the Congress that it may not guarantee the grimmest, sweating workers in this land a piddling \$88 a week?

There is no place in this blessed land that any family can live a decent life, with even the minimum opportunity for the children, on \$88 a week.

And to veto even this Scrooge-level minimum with the argument that it is inflationary bespeaks the worst kind of White House contempt for those millions of Americans who need desperately to have friends in the highest councils of government.

It might be understandable if Nixon could argue that the employers of America are in a bind, and that to make them pay higher wages would push the nation into economic disaster. But American corporations made a record \$52.6 billion in profits last year. Second-quarter after-tax earnings suggest a new record for 1973 in the neighborhood of \$70 billion.

It's surely not the farmer that Nixon is protecting. Farming has become more and more a corporation matter in this country, and profits have soared there, too.

Maybe what bothers the President is the proposal to increase the minimum wages of 935,000 maids in private homes. Well, anyone who can't pay a maid \$88 a week damn well ought to scrub his own floor, wash her own dishes. Especially when 275,000 of these maids are heads of household, trying to bring up children as healthy good citizens on less than \$2,000 a year.

In typical Nixonian flim-flammy, the President wants us to believe that he is blocking this increase in minimum wages as a favor to "unskilled and younger workers." He points out, correctly, that they are the predominant groups on the nation's unemployment rolls.

The thrust of Mr. Nixon's argument is that if American employers can't hire the young and unskilled at \$64 a week, then they'll say "to hell with them" and let unemployment rolls swell even larger.

Every employer in the country ought to consider that a gross libel. But the truth

probably is that many of them would rather see ghetto kids or less skilled older workers go jobless than to pay them a half-decent wage.

As long as employers who reap record profits feel that way they deserve the fright and the burden of crime made more rampant by people who would rather rob and steal than be someone's boot-licker at slave wages.

So Nixon wants Congress to write a new bill and send one down that will "not be inflationary."

How long can the country accept or survive this kind of shameful nonsense?

#### REVISING OUR COMMITTEE STRUCTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, last Friday, September 14, I submitted testimony to the Select Committee on Committees in which I proposed a new system for handling and authorizing appropriations bills. It was prompted by my thoughts on what might happen to the legislative process if the budgetary committees recommended by the Joint Study Committee on Budget Control are indeed created.

I would like to bring this testimony to the prompt attention of my colleagues, and would appreciate hearing any comments on it that they might have.

#### The testimony follows:

##### TESTIMONY FOR SELECT COMMITTEE ON COMMITTEES

Mr. Chairman and Members of the Committee, Henry Adams said, "You can't use tact with a Congressman. You must take a stick and hit him on the snout." With that sage advice in mind, which most of us in Congress would acknowledge contains much truth, I would like to hit you with several simple, but far-reaching, thoughts on how restructuring of committee jurisdictions can streamline Congressional consideration of the national budget.

I make one key assumption—that within the next few months Congress will approve legislation creating new budget committees along lines proposed by the Joint Study Committee on Budget Control.

If such action occurs, I suggest that the Congressional committee structure be revised to combine the authorizing and appropriating functions within the authorizing committees.

##### THE PRESENT SYSTEM

The heart of Congressional reform lies in restructuring the process by which Congress deals with the budget. I share the view of many congressmen and observers of the Congress that current budgetary procedures are inefficient, outmoded and generally inadequate.

No procedure presently exists which allows the Congress to review the President's entire budgetary program. No one committee reviews both revenue and expenditure proposals. By fragmenting its decisions on the budget, the Congress is prevented from considering the impact of spending on the national economy.

Under the present system, the overall impact of the budget is established by the cumulative result of a series of separate actions. The Appropriations Committees of the House and Senate do not, as a matter of regular procedure, review the budget as a whole and determine what its impact is or should be.

As a result of the present fragmented system, Congress has no adequate method for



dealing with the critical questions of priorities. Only with great difficulty does it alter the President's priorities.

Should housing programs receive more funds and national defense less? Could day care programs take up the slack from reduced farm payments? Under current procedures, such questions go largely unanswered.

Under present procedures the long-term implications of funding decisions are neglected by Congress. We in Congress do not know what the budget might—or should—look like two or three years from now.

#### THE PROPOSED BUDGETARY COMMITTEES

The proposed budgetary committees would help alleviate these problems. As proposed by the Joint Study Committee these budget committees would:

Review the President's budget in its totality;

Determine a total expenditure ceiling and sub-ceilings;

Recommend major allocations within functional categories, and

Reconcile spending legislation with fiscal goals.

Although the proposed budget committees, if thoughtfully structured, can eliminate many of the ills of the present Congressional budgetary system, they threaten to create other problems which may be just as troublesome—unless other reforms are undertaken by the Congress.

If the budget committees are placed atop the present system, the result will be three layers: budget committee, authorizing committee and appropriations committee. The present two-layer system is cumbersome; three layers would be almost unworkable.

In my judgment, the budget committees' work will duplicate much of what the appropriations committees are doing or are supposed to do.

The budget committees will establish overall Congressional control of revenues and outlays, and also will establish spending ceilings for the authorizing committees—ceilings which the Appropriations Committees now, in effect, apply to the amounts authorized.

I would suggest, therefore, that, if budget committees are created, the authorizing and appropriating functions should be united in the authorizing committees. Those committees would both authorize and appropriate funds for the range of programs within their jurisdiction.

#### REASONS FOR THE PROPOSAL

Several reasons prompt this suggestion:

1. An unnecessary layer in the budget process would be eliminated. The new budget committees would take over fiscal management decisions now made by the appropriations committees and would set the financial parameters within which the new program committees would operate. These committees could then concentrate on the allocation of funds within their jurisdictions. Under the present system, with both authorizing and appropriating committees participating, much duplication of effort and unclear jurisdictional lines exist. If another layer is added the duplication and confusion would be compounded.

2. The procedure I propose would eliminate confusion in the public mind about the way Congress funds programs. Congressmen often have to explain that a news article on authorization levels for a particular program does not mean that that amount will be available, and that the appropriations bill must still be enacted. We would eliminate the unreal atmosphere in which Congressmen work, bandying around authorization figures like so much *Monopoly* money when what really counts is the appropriation.

3. Eliminating the appropriations committees would also improve the credibility of government by avoiding the misleading appearance of a large authorization figure which

prompts rising expectations, only to have a styling appropriation dash those expectations.

4. The proposal would help make a useful distinction between budgetary allocations for broad functional categories and program allocations within those categories. That distinction is now blurred since authorizing and appropriating committees enter both of these areas.

Under the new system, the budget committees would deal with broad budgetary considerations, such as how much should be spent in each functional category.

The new program committees would act on program allocations within their respective ceilings: how the money should be spent and through which programs. Their actions would not be second-guessed by the budget committees.

Mr. Chairman, I realize this proposal is far-reaching. But I view it to be the responsibility of this committee to consider unusual proposals to improve this Congress, which we all view with respect and affection. The chairman and members of this committee were selected with care, and you have the confidence of your colleagues in the difficult task before you. I have appreciated the opportunity to appear.

#### AMERICUS JAYCEES BLOOD DONOR PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 10 minutes.

Mr. BRINKLEY. Mr. Speaker, I am so impressed with the Americus Jaycees and their meaningful demonstration of the last line of the Jaycee creed: "We Believe That Service to Humanity Is the Best Work of Life."

Through Jaycee Bloodmobile Chairman Len Hicks, these young men of action have translated words into deeds in a way that is special to me.

For the past few years my interest in donor blood has been intensified by the need for clean blood in this country. We have survived the surgeon's knife only to sometimes die of contaminated blood. All of us know the problems which plague our system ranging from serum hepatitis to severe shortages.

The within demonstrated project shows how it can be put together if motivated people really care. I highly commend the pattern employed to the consideration of my colleagues and to all of those who believe in the full measure of the right to live.

A special hats-off also to the Americus media without whom it would not have been possible and to the individuals in the Americus area who responded so generously.

The material follows:

AMERICUS JAYCEES,  
Americus, Ga., September 7, 1973.  
Congressman JACK BRINKLEY,  
U.S. Capitol Building,  
Washington, D.C.

DEAR CONGRESSMAN: I am writing this letter pertaining to our conversation about the blood donation program that you are striving for. The conversation was held on August 23 at the Americus Jaycees Wife Appreciation Banquet.

First of all, I would like to say how much I enjoyed having both you and Mrs. Brinkley as our special guest that night. Both Lana and I appreciate the representation and hard work by you in Washington. You have our constant support.

During our conversation you asked about the recent sponsorship of the American Red Cross Bloodmobile in this area. To start with, I would like to explain how the Americus Jaycees came to sponsor the project. Mrs. Margaret Pond, local Red Cross representative, approached the Jaycees about sponsoring the project and it was decided that we would. After being appointed chairman of the project, I did a little research into the past bloodmobiles. It was found that when the quota was met, it was just barely met and it seemed that lately it was beginning to get harder to even meet the quota. At that time Sumter County, Schley County, and the Smithville area were on probation status with the American Red Cross. It was also found that the bloodmobile was being supported mainly by the students from Georgia Southwestern College and South Georgia Technical and Vocational School. After obtaining posters and literature from the Red Cross, I worked out a plan of action. This plan of action was based on my personal experience as a donor, research done, possible areas of publicity, and manpower available. I have attached a copy of the schedule of events which has little variation from the plan of action.

The publicity was aimed at everyone eligible to give in the following order: White collar working class (non-student), housewives (an area of donors that has been virtually dormant), 1st time donors, and all others. In deciding the time and amount of publicity and advertising, it was kept in mind that too much and too soon can be just as bad as too little and too late. The radio publicity and advertising was varied and staggered so the public would not get tired of the "same ole announcements". Different types of publicity were used that had not been utilized for bloodmobiles in the past. A list of announcements and publicity used are attached.

On the day of the bloodmobile, both Lana and I stayed throughout the entire collection period. I felt that the personal contact of someone other than the Red Cross personnel might make the donors feel a little more welcomed. While there we also conducted a survey of all donors. The purpose of the survey was two fold: first, to determine the effectiveness of the plan of action and second, to provide information to be used in future plans of action on projects of this type. A copy of the survey is attached.

As a result of the Americus Jaycees sponsoring the American Red Cross Bloodmobile a total of 287 individuals came to give, but because of medical reasons 42 were unable to donate. This gave a total of 245 pints collected, 80 pints over the quota set by the Atlanta Red Cross Blood Center. This is felt to be a record for this area but has not been confirmed as of yet. Follow-up publicity and letters of appreciation were part of the plan of action, the purpose being to thank those who contributed to the success of the bloodmobile.

The bloodmobile was termed a success by myself and the rest of the Americus Jaycees. It was felt that the reason for sponsoring the bloodmobile was achieved. The purpose was more than showing that the Jaycees could get more people to come than other sponsors or more than just trying to get more publicity for the Americus Jaycees. The Americus Jaycees accepted the sponsorship for the same reason that every Jaycee participates in community, state, and national projects. This reason is stated in the last line of the Jaycee Creed, that being: "We Believe That Service to Humanity is the Best Work of Life".

I appreciate your concern in this project which we sponsored, we all felt that it was a very worth while project. I truly feel that the donor program that you are striving for is very worth while and should be pursued relentlessly.

Once again I would like to thank you for

visiting our club and hope that you will come again. If at any time you and Mrs. Brinkley are in Americus, both Lana and I would consider it a distinct honor if you would come to see us or give us a call.

Sincerely Yours,

LEN HICKS,  
Americus Jaycees.

#### SCHEDULE OF EVENTS

July 5: Informed that I was chairman of Bloodmobile on Aug. 14.

July 6: Met with Mrs. Pond, local Red Cross representative. Picked up posters and literature.

July 7: Requested \$25.00 for expenses of project.

July 8: Contacted Sara Vogel, President of local Jaycees, about helping in the project. Asked that they make sandwiches.

July 19: Stressed importance and gave information to club. Held meeting of recent new members to form a committee. Len Hicks, Ronnie Knox, Jimmy Pond, Winston Oxford, Gregg Drexler, Jimmy Skipper. Informed them of the project, asked for volunteers. Asked for suggestions and then gave my plan of action.

July 26: Passed out donor pledge slips to Jaycees to obtain an estimation of total Jaycees able to come on Aug. 14. 39 were returned out of 50 passed out. A committee meeting was held: Len Hicks, Ronnie Knox, Winston Oxford, and Jimmy Skipper. Discussed meeting up town for the purpose of putting up posters in the stores. After the regular meeting, I made spots at WDEC to start on July 30. Consisted of a formal announcement and one liners.

July 28: Meet up town to put out posters. Len Hicks, Ronnie Knox, Winston Oxford, and Jimmy Skipper.

Aug. 2: Contacted Mike Sudduth about sign at DQ and his portable flashing sign. Stressed the importance of the bloodmobile to club.

Aug. 6: Jimmy Fergerson, Red Cross member in charge of local bloodmobile, was contacted. He wanted a progress report and to give some suggestions. All suggestions had already been taken into consideration. Asked if some elders could possibly speak up in behalf of the bloodmobile.

Contacted Rick Duncan, Times-Recorder, about having an ad put in the paper, informed him a story would follow.

Contacted Joel Mauk, WISK, about spots and news cast.

Contacted Sara Vogel, Pres. Jaycees, about a telephone committee.

Aug. 7: Gave speech at the Civitans about the bloodmobile. Gave speech to the Lions about the bloodmobile.

Aug. 8: Cut radio spots for WISK, skits and announcements.

Aug. 9: Gave Jimmy Skipper and Winston Oxford some more posters to put up in the store in out laying areas. Stressed importance of bloodmobile to the club.

Aug. 12: Placed announcement on the DQ board on Tripp St.

Aug. 13: Had announcement placed on Grant's board. Had flashing sign placed in front of the SEMCO building. Had announcement placed on the front page of the paper. Contacted Mrs. Pond to give her an up to date report on the Bloodmobile and asked if there was anything else that needed to be taken care of. Requested to Bob Suber, Pres. Jaycees, that the telephone chain be used to remind members about the bloodmobile, times, place and importance. Called local individuals to request that announcements be made over PA systems or at group meetings. Ga. Power, Telephone, Redmen, Metelux, Mariette, Champion, Manhattan. Police Department and radio stations. Contacted Buddy Reid to show him how the area needed to be set up.

Aug. 14: Arrived at the bloodmobile at 11:00. Checked on all areas that were our re-

sponsibility. The bloodmobile was opened at 11:45. I was first to give. I conducted a survey of all males giving and Lana Hicks, Jaycette, conducted one on the females. Took pictures throughout collection time. Made one announcement to the radio station to urge people to come. At approximately 3:00 the quota of 165 was met. Two individuals fainted but otherwise no problems. The bloodmobile was closed at 5:45. A committee for clean up: Len Hicks, Buddy Reid, Tom Cahall, Jonnie Heath, helped load material back onto the bloodmobile van. Pictures were taken of the nurses and worker. A picture was taken for the newspaper. Spots were made at the radio station to thank individuals for making the bloodmobile a great success.

Aug. 15: Winston Oxford and Len Hicks took down posters in the stores where they were placed. Had article placed in the paper on the front page.

Aug. 16: Gave wrap up report to the club and thanked the club for co-operation in the project.

#### RADIO ANNOUNCEMENTS

The following are two radio announcements aired over both stations. The first was aired continuously starting July 30 and the second August 12.

(1) This is Len Hicks, speaking on behalf of the American Red Cross and the Americus Jaycees. This August 14, there will be a bloodmobile at the Sumter Electric Corporation Building in Americus, Georgia, from 12 until 5:30. The Americus Jaycees want to encourage everyone to roll up their sleeves and give. Keep in mind that the blood you give on Aug. 14th, hopefully won't, but might be needed by a loved one on another day. It is such a little amount to contribute to such a great cause. So remember the Bloodmobile on August 14th, from 12:00 until 5:30, at the Sumter Electric Corporation Building in Americus, Georgia. The Americus Jaycees will deeply appreciate your help in making this bloodmobile a great success.

(2) This is Len Hicks, speaking on behalf of the American Red Cross and the Americus Jaycees. The American Red Cross Bloodmobile will be here in Americus at the Sumter Electric Corporation Building. The time of collection will be from 12:00 until 5:30, with hopes that donors will come in as soon as possible after 12:00 so that individuals who can give only after work can be processed quickly. The Americus Jaycees are sponsoring this bloodmobile with great hopes that the quota of 165 will be easily surpassed. The last bloodmobile to collect in the Americus area failed to meet the quota set by the Atlanta Blood Center and this put the Sumter county, Schley county, and the Smithville area on warning status. If the quota is not met this time then the residents of these areas will be on probation with the Atlanta Blood Center.

One of the two reasons the quota was not met last time was due to a change in the collection times, but tomorrow the times will be as they were normally in the past, 12:00 until 5:30. The other reason and the main one is that the bloodmobile was not fully supported by the citizens of this area. The Atlanta Blood Center needs approximately 350 pints each day so as to replenish that used by participating hospitals. In doing this an individual covered by the Red Cross Blood Donor program is not charged for the blood itself when needed. Here are several statements that have been found to be used as excuses, each has an answer: "I already gave this year." Many donors give three or four times a year. The 4 bloodmobiles scheduled in this area are so that a donor may give each time. "I don't have any blood to give."

The average adult has about 10 to 12 pints of blood in his body. Doctors say that healthy persons may give regularly. "My blood isn't the right type." Every blood is the right type.

Rare types are needed all the time. "They wouldn't want my blood because of an illness I've had." The medical staff on duty at the bloodmobile will review your medical history before you can make a donation. "I feel weak after giving." The volume you give will be replaced within a few hours. After donating, most people go about their usual activities. The following is the most frequently used excuse. It is the one that is the biggest cause for bloodmobiles failing to meet their quotas. "I'm too busy." If you stop to think of all the good your donating blood can do you will surely decide that you aren't too busy after all.

It is hoped by the Americus Jaycees that if for some good reason a citizen is unable to give that he will encourage others to come. Jimmy Fergerson, Red Cross chairman of local bloodmobiles and myself have tried extensively to make the public aware of the importance of the bloodmobile, but just having the public aware is not enough—they have to give. One area that has been very hard to reach and made aware of the importance that they could play is that of the housewife. It is hoped that the wives will come out and support tomorrow's bloodmobile. The Americus Jaycees will appreciate your support tomorrow, Tuesday, Aug. 14th, 12:00 until 5:30, at the Sumter Electric Corporation Building.

The following announcement was aired over both stations on their daily "Wanted" program. The announcement started on Aug. 8th and continued until the morning on the 14th:

"Wanted: People, Civic Minded Individuals, to be donors at the Red Cross Bloodmobile, Aug. 14th, Sumter Electric Corporation Building, 12:00 until 5:30.

Both stations were given a Red Cross Pamphlet entitled "20 Excuses for not Giving". I asked that the stations use these 20 excuses as one liners to be aired at any time possible. They started airing them on Aug. 7th and continued until the 14th.

On the 14th, I made a phone announcement to one of the stations asking people to please come and give. Gave time, place, and importance.

On the 15th, I made an impromptu announcement over both stations. I informed the public that 287 people showed up to support the bloodmobile, and that 245 people were able to give. I expressed sincere appreciation to all people who made the bloodmobile a great success. I also reminded them that another bloodmobile would be in Americus on the 14th of Nov., and urged their support.

#### SKITS WRITTEN FOR RADIO STATIONS

The following are skits written for the radio stations. They were aired starting Aug. 6 until Aug. 14th. I.—Interviewer, F.—Female, and M.—Male.

#### HOUSEWIFE

I.—This is Len Hicks, of the Americus Jaycees, and I am in downtown Americus interviewing and reminding people about the bloodmobile coming to Americus on August 14, from 12:00 until 5:30, at the Sumter Electric Corporation Building.

Here comes someone now.

Excuse me.

F. Yes?

I. I am conducting a survey concerning the Red Cross Bloodmobile coming to Americus on Aug. 14th, from 12:00 until 5:30, at the Sumter Electric Corporation Building. May I have your name please?

F. Mrs. Average Housewife.

I. Mrs. Housewife, do you feel that the Red Cross Bloodmobile is a worthwhile means of collecting blood for hospitals?

F. Yes, I do.

I. Are you going to give on Aug. 14th, between 12:00 and 5:30 at the Sumter Electric Corporation Building?



F. Well, —ah—, I sure would like to, but you see I have a small child and with all my housework and things I just won't be able to.

I. Yes, I do see. Have you ever needed blood?

F. Well yes and I needed quite a bit. I bet that you were thankful that someone found time to give that blood you needed.

F. Yes, very thankful. Maybe, maybe my next door neighbor can keep my child while I go and give and I'll keep hers while she goes. Thank you.

I. Thank you, thank you for what? F. For making me realize that I should take time to give, that it is just as much my responsibility to give as it is anyone else's.

I. Thank you Mrs. Housewife. The American Red Cross and the Americus Jaycees will appreciate your donation on Aug. 14th, between 12:00 and 5:30 at the Sumter Electric Corporation Building. Well, that is it for now. Stay tuned for more interviews.

#### THE DREAMER

I. Introduction is the same as No. 1 down to the place of collection.

F. Excuse me sir.

I. Yes. F. Didn't you interview me yesterday about the bloodmobile coming to Americus on Aug. 14th?

I. Yes I did, but you told me that there was no way you were going to give your blood away.

F. Yes, I remember, but I have changed my mind. What is the time and place again?

I. Aug. 14th, 12:00 until 5:30, at the Sumter Electric Corporation Building. If I may ask, what made you change your mind?

F. Well, last night I had a dream. I was on the operating table at a hospital and I heard the nurse tell the doctor that she couldn't get any more blood for me cause nobody else would give. I awoke in a hard sweat and that is when I decided to give, at 3:00 in the morning.

I. I'm sorry you didn't get much sleep last night but I am glad that you decided to give. The American Red Cross and the Americus Jaycees will deeply appreciate you giving on Aug. 14, between 12:00 and 5:30, at the Sumter Electric Corporation Building. Well that is it for now, stay tuned for more interviews.

#### THE OUTSIDER

I. Introduction is the same as No. 1. Excuse me Miss. I am conducting an interview concerning the Red Cross Bloodmobile, Aug. 14th, from 12:00-5:30, at the Sumter Electric Corporation Building, here in Americus.

F. Well, I guess I can't help you cause I am not from Sumter County.

I. That doesn't matter Miss. This bloodmobile is collecting from anyone not just Sumter County residents. But if the quotas are met at each of the regular scheduled bloodmobiles, the residents of Sumter County, Schley County, and the Smithville area are covered by the Red Cross Donor Program. Right now we are on warning because we didn't meet our last quota and if we don't meet our quotas then we will finally have to go to the Donor Credit Card Program, which only allows actual donors and their immediate family to have the blood they needed replaced by the Red Cross. So see you can help by giving on Aug. 14.

F. But I am not from anywhere around here.

I. Miss. If you give then you will receive a Red Cross Credit Card entitling you to receive blood as needed in participating Red Cross hospitals.

F. That sounds like a pretty good deal. I just might drop in and give.

I. Thank you Miss. The Americus Jaycees and the American Red Cross will really

appreciate your giving on August 14th, between 12:00 and 5:30, at the Sumter Corporation Building. Well, that is it for now. Stay tuned for more interviews.

#### MR. IMPORTANT CITIZEN

I. Introduction is the same as No. 1.

Excuse me sir.

M. Not now, I'm in a hurry.

I. But sir, I just want to ask you a question.

M. Okay, okay, but hurry up.

I. Sir, are you aware that the Red Cross Bloodmobile will be here in Americus, Aug. 14th, from 12:00 until 5:30, at the Sumter Electric Corporation Building?

M. Yeah, I saw a poster with a hippie on it, must be a bloodmobile for hippies or something.

I. Sir, are you going to give?

M. Well, let me look at my schedule. I don't think I'll be able to. I've got a meeting at 12:00, a conference at 2:00, and I am interviewing from 3:00 until 5:00. Sorry, I guess I won't be able to make it. Maybe some other time.

I. But sir, there might not be another time and besides the bloodmobile will be open until 5:30.

M. Well maybe I can work it into my busy schedule. It has been a long time since I have done something really civic minded. What's that date, time, and place again?

I. Aug. 14th, Sumter Electric Corporation Building, 12:00 until 5:30. Sir, the American Red Cross and the Americus Jaycees will be grateful for your donation.

M. By the way, is that donation tax deductible?

I. I am afraid not sir. The only thing you receive besides the normal Red Cross benefits is a warm feeling of satisfaction in that you contributed to a very worth while cause. That is it for now stay tuned for more interviews.

#### SURVEY

The following survey was conducted on the day of the bloodmobile.

	Male	Female
Under 25.....	116	52
Over 25.....	44	33
Employed.....	143	56
Housewife.....	0	17
Student.....	16	12
Retired.....	1	0
Below is listed means by which made most aware:		
WISK radio.....	19	11
WDEC radio.....	33	21
Times-Recorder.....	15	16
Marque boards.....	8	0
Posters.....	4	5
Another individual.....	71	27
Church announcements.....	6	3
Red Cross statements.....	4	2
1st-time giving.....	47	37
2d-time giving.....	15	6
Regular donor.....	93	42
Member of civic club.....	46	7

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

[Mr. BURKE of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

[Mr. HARRINGTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### LEGISLATION TO PROVIDE TAX RELIEF FOR SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, today I am introducing legislation to provide tax relief for our senior citizens. This measure would permit a tax exemption of the first \$5,000 of retirement income. The bill would apply first of all to any civil service pensioner upon retirement with respect to the public retirement payments; this provision is similar to many laws already in effect on the State level. In addition, the bill applies to all other retirees 65 or over. Retirement income from all sources would be considered in computing the exemption.

Mr. Speaker, today over 25 percent of Americans over 65 live in poverty. Many of those who have managed to avoid the ravages of hunger and substandard housing are struggling on pensions so inadequate in the face of today's inflation and high cost of living that the basic necessities of life have become a luxury. Older Americans living on fixed incomes in particular are facing tremendous economic hardship as our inflation continues to deplete all of the little they have. Millions of social security recipients, for example, receive benefits which do not even allow them to live above the Government's own poverty level. While Congress has enacted a 5.9 percent increase in social security, it has at the same time delayed the effective date of the increase to July of next year. As one senior citizen in my district wrote me—

I may not even be around next year to collect the increase; my trouble is now.

I will continue to press for the increase to be pushed up to January or sooner.

The bill I am introducing today would, if enacted, provide quick and needed relief to senior citizens by making sure retirement income would be left intact. These men and women have contributed to our tax system virtually all of their lives, helping to make this country what it is today. There is no reason why, in his retirement years, one should have to continue to funnel what little income he has back into the Federal Treasury. Certainly, after working and struggling all of his life paying taxes, one should have the opportunity to live in dignity and security. My bill would help to create that opportunity; it is a step in the right direction for providing relief to older Americans.

At this point in the RECORD, I would like to share with my colleagues an article by Jack Anderson that appeared in the Long Island Press in my district which addresses itself to the "sad plight of many senior citizens." It is a shocking and all too true account of the hardships facing many of our elderly; it should also be an admonition to us in the Congress that we cannot, in good conscience, continue to allow the senior citizen to be the "forgotten American."

The text of the article follows:

# SAD FLIGHT OF MANY SENIOR CITIZENS (By Jack Anderson)

WASHINGTON.—In a society enamored with youth, an estimated five million senior citizens have been overtaken by poverty. Most collect pitiful pensions, which have dwindled in purchasing power as the cost of living has soared out of sight. For many, the economic crunch has become truly a life-or-death matter.

Their pathetic stories are told in letters that have been made available to us from the private files of the National Council of Senior Citizens.

"These people that keep bragging about how much they are giving the senior citizen should have to live on it themselves," wrote a man from Gouverneur, N.Y. "It has been eight months since I have had a piece of meat."

He is lucky. Some live on rolls, coffee and dog food. Food fit for a dog at least provides protein at low cost. Some old folks have turned in desperation into common thieves, rifling meat counters and grocery shelves. But most suffer with quiet dignity.

A staff memo, prepared for the Senate Special Committee on Aging, notes grimly: "Rising food costs have been especially oppressive for the elderly because about 27 per cent of their budgets is spent on food, in contrast to 16 per cent for the total population. The net impact is that this upward spiral can have the effect of obliterating the 20 per cent Social Security increase."

For those on fixed incomes, the situation is so desperate that committee chairman Frank Church, D-Idaho, will try to move up the effective date of a forthcoming 5.9 per cent Social Security increase from July to January.

The unpublished memo stresses the importance of Social Security to the elderly. "For most older Americans," states the memo, "Social Security represents their economic mainstay."

"For millions of older Americans, however, Social Security benefits still fall below the government's own poverty benchmark."

Nevertheless, the Nixon administration not only is fighting against more Social Security increases but has also recommended higher Medicare payments.

Some of the aging and ailing can't even get Medicare. One woman from Linden, N.J., wrote of her plight: "I receive Social Security which is very small, \$132.50, that just about keeps me alive. I have a cataract and a heart condition and on that amount I can't afford a doctor. I have no hospital insurance. I can't get Medicare until I'm 65. I'm 64 now. I may not see 65."

Others are victims of even worse neglect. A medical team in New York City recently found a wasted octogenarian dying unnoticed from lack of food and medical care in a dingy hotel.

Still others are forced to choose between decent food and decent housing. The housing problem is most acute in urban areas, where the elderly are crowded together in "welfare hotels" and dilapidated apartment buildings. The alternative is living in those human warehouses called boarding homes. A respectable nursing home is out of the economic reach of those without family support.

Meanwhile, members of Congress are drifting back into Washington, suntanned and rested, after their summer vacation. Shortly, they will decide what to do about the senior citizens who can't afford edible food or medical care, let alone a month in the sun.

## IN MEMORY OF WILLIAM FITTS RYAN

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from New York (Mr. RANGEL), is recognized for 10 minutes.

Mr. RANGEL. Mr. Speaker, 1 year ago today we lost a dear friend and colleague, a man who was rightfully called the conscience of the Congress.

My dear friend, William Fitts Ryan, tragically died of cancer last year on September 17 in the midst of his energetic, productive career. Even after the passage of a full year, he is missed as strongly by those of us who knew him well as he was in those bleak days after his death when we knew we would no longer have Bill with us.

It is said of Bill Ryan that his prophetic positions, which led him to be far ahead of his colleagues in the Congress and in the Democratic Party, cost him the influence which can be exercised by those who make less waves and thus gain entry to the inner corridors of power. But whatever Bill lost in influence in these Halls, he gained a thousandfold in respect and admiration from those who knew him and admired his courage and commitment to the causes in which he believed.

I am proud to say that the foremost cause in Bill Ryan's life was the commitment he made to fight for human liberties. He was committed to the national recognition of racial equality and to making the pretty words of the Constitution a reality in American life. Bill was at the forefront of the civil rights movement in the 1950's and throughout the 1960's. When many of our liberal friends deserted the movement or found it inexpedient to stick their necks out too far, Bill was there with us fighting and struggling till the end.

As I think back on his career, the wisdom of his positions is as clear as was his courage in taking them. Bill was the first Congressman to vote against funds for the War in Vietnam—a position which Bill took in the early 1960's and which a majority of us did not catch up with until this year.

Bill was attacked for his advocacy of admission of China into the United Nations, but he lived to see President Nixon move toward normalizing relations between the two countries as he had always urged.

Bill Ryan was close to the people of the West Side of Manhattan. After a brief period of legal practice and service as an assistant district attorney, he entered the political arena and won every election in which he ever ran, except for his efforts in the 1965 New York City mayoral primary to win the Democratic nomination for mayor. Bill established the Reform movement as a viable force in New York City politics and brought many young people into political involvement with the resulting reinvigoration of the politics of our city.

It is the people of his home community, the West Side of New York, which I now have the honor of representing in part, who remember Bill Ryan best and miss him the most. Bill was a man of the people and through the years he became a vital part of community life in Manhattan's West Side. Much of the strength provided by the many community groups actively involved in the life of this community stems from the early

support and guidance provided by Bill Ryan.

Bill Ryan devoted countless hours and energy to community affairs, organizing action groups and helping write and press for needed legislation affecting the 20th Congressional District.

The Congressman played a key role in keeping the West Side urban renewal area a project for middle- and low-income residents from its inception and in helping establish neighborhood services groups such as the Stryckers Bay Neighborhood Council to assist relocatees with their housing problems. He also helped the Goddard Riverside Community Center obtain funds for community action programs for residents of the West Side urban renewal. Throughout the years, Congressman Ryan was particularly responsive to the needs of the residents of the urban renewal area.

The health services available to Congressman Ryan's constituents were considerably bolstered by the Congressman's efforts to obtain funds for the West Side neighborhood health services program, which now provides medical services to thousands of poor residents of the district.

William Ryan's work with local tenants groups is a well known fact in New York. He strongly opposed the elimination of strong rent controls and his district office was heavily involved in helping tenants groups and individual tenants with their housing problems.

The Annual West Side Community Conference was an innovation of William Ryan. It brought to the people of the West Side some of the foremost experts in the Nation speaking on a variety of pertinent topics, free of charge.

Bill Ryan is well remembered for his annual spring bus tour of the 20th Congressional District, in which he talked to people up and down the district and distributed helpful Government pamphlets and other information which brought the Federal Government into the community in a way that people could see, hear, and feel.

He also helped to set up a free summer concert series in the district's parks. To quote Joseph Papp, now the director of the Lincoln Center Repertory Co., "the emergency grant for support of the New York Shakespeare Festival in 1966 was directly traceable to the efforts you have so vigorously made on our behalf."

Without the efforts of Bill Ryan, the schoolchildren of New York would not have had the benefits of the school breakfast program. Congressman Ryan had discovered that the funds available for this program had not even been applied for by the New York City Board of Education and as a result of his activities the program was put into effect in the city of New York. His other achievements in providing educational opportunity for the children of the city of New York included a new high school for the West Side of Manhattan, Brandeis High School, a new school building at 145th Street east of Broadway to replace a sadly deteriorated school, and the establishment of bilingual education for school districts 3, 5, and 6 in New York City.



Such community organizations as the Save Our Subways Committee, the 20th Congressional District Committee Against Lead Poisoning, the Coordinating Committee of West Side Anti-poverty programs, the Coordinating Committee of Upper West Side Drug Treatment programs and many more were all created and held together by Bill Ryan.

Congress William F. Ryan was the first Congressman to establish a full time congressional office employing a trained social worker to deal with constituent problems. In all of these efforts and many, many more he made clear his concern with the living conditions, problems and needs of the community he represented for some many years in the U.S. Congress.

Bill once said:

Many who disagree with me seem to respect the fact that when I speak I speak out of conviction and sincerity.

I can think of no better words to say in tribute to my friend. He was in every way a concerned, moral, and an extraordinary man. We all miss his presence in the Halls of Congress.

#### WYOMING EDUCATOR: GEORGE DUKE HUMPHREY

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RONCALIO of Wyoming. Mr. Speaker, the State of Wyoming and the many alumni of the University of Wyoming, living in every State of the Union, will regret the passing of a great educator and outstanding university president, George Duke Humphrey.

Dr. Humphrey, who guided the university through its period of greatest growth, died September 10 in Laramie, Wyo. To his many personal friends throughout the State, his loss means the passing of an era in the development of a great State university and the end of an exceptional career.

Born in Tippah County, Miss., on August 30, 1897, George Duke Humphrey rose from a teaching position in a one-room schoolhouse in Tishomingo County to the presidency of Mississippi State College in 1934, where he remained until coming to the University of Wyoming in 1945.

When he arrived at the Laramie campus on the verge of the influx of World War II veterans, the university enrollment was less than 1,000. To solve a housing shortage, he traveled from coast to coast lining up surplus property.

Army temporary housing units scheduled for destruction found their way to Laramie to house returning veterans, a single dramatic example of the kind of effective problem solving which characterized his presidency.

While constantly striving to improve the quality of education, he directed the construction of 13 major campus structures or additions valued at more than \$17 million. At the time of his retirement in 1963, enrollment had risen to 5,400.

Many honors came to him in his career. He graduated from Tippah County Agricultural High School in 1915; received a

B.A. degree from Blue Mountain College in Mississippi in 1929; a master's degree from the University of Chicago in 1931 and a doctorate in land-grant college and university administration from Ohio State University in 1939.

He served as secretary of the president's council, 1955-56, and chairman, 1956-57, of the American Association of Land-Grant Colleges and State Universities. He was vice president, 1959-60, and president, 1960-61, of the National Association of State Universities. He was a board member, 1954-61, vice president, 1958, and president, 1959, of the Association of American Colleges. He also served on the Western Interstate Commission on Higher Education and on the National Science Foundation Board, 1950-62.

He authored some 20 studies published in various professional journals and received a host of honors, including Wyoming's "Man of the Year" in 1951.

It was my privilege to have known Dr. Humphrey personally, having met him when I returned from World War II to the University's College of Law. I knew him to be tireless in his devotion to the University and to be a man of great charm and wit. I also count among my friends his son Julius and his family, who now reside in Tucson, Ariz.

To his family, I express my heartfelt condolences. I know I am joined in this sentiment by his many good friends in Wyoming and the West and by University of Wyoming alumni throughout the Nation whose education was better for his dynamic leadership.

He was an exceptional man and Wyoming is proud to have enjoyed him and his abilities for so many years.

#### HEARINGS ON COMMUNIST PARTY ACTIVITIES

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ICHORD. Mr. Speaker, in August of this year, while the Congress was in recess, the Associated Press distributed an article on the growing confidence of the Communist Party, U.S.A. and alleged Government disinterest in its activities. The article made reference to the House Committee on Internal Security with the factually inaccurate statement that this committee, which I chair, has not held a hearing on communism in more than 2 years.

Both the New York Times and Washington Post carried the Associated Press dispatch and U.S. News & World Report did an apparent rewrite which repeated the inaccuracy.

I have written to the editors of the Times, the Post, and U.S. News & World Report and have sent copies of my letter to the Associated Press Washington Bureau chief and to the author of the original article.

However, since I have to assume the Associated Press account was carried in newspapers and magazines throughout the Nation, I want to make the record very clear that no such statement could be further from the truth and I would like to recite for the benefit of my col-

leagues why such an assertion is completely in error.

In 1971, the committee conducted hearings in March, April, May, and October on the Communist Party, U.S.A.—CPUSA—the Young Workers Liberation League, the youth arm of CPUSA, and conditions under Communist governments in Red China, the Soviet Union, Eastern Europe, and Cuba.

In addition, hearings were held in April and November on the Progressive Labor Party, a Marxist-Leninist organization then devoted to Mao Tse-tung. In October, witnesses exposed the violence-oriented Revolutionary Union and Venceremos organization, which also subscribe to Maoist communism.

In May, June, and July of 1971, extensive hearings were held on Communist Party and Trotskyite Communist Socialist Workers Party exploitation of the antiwar movement.

In 1972, hearings were held in May, July, and October with respect to conditions under communism in Southeast Asia and Cuba and the committee conducted the second year of its wide-ranging probe of the Federal civilian employee loyalty-security program with an eye on the extent to which Communists, along with others hostile to our Government, might have penetrated the Federal bureaucracy.

The hearings mentioned, of course, are in addition to legislative inquiries by the committee which account for many additional days of hearings.

So far in 1973, we have held hearings in March, May, June, and July on efforts of revolutionary groups and organizations, including the Communist Party, to exploit problems connected with the administration of penal systems.

This fall we will be continuing our examination of the Communist Party and pro-Maoist Communist groups in the United States.

That covers the past 2 years during which the Congress is alleged not to have held hearings on communism.

The Committee on Internal Security, after its formation in February 1969, conducted extensive investigations of the Students for a Democratic Society and, in 1970, the Black Panther Party, exposing the extent of Communist involvement with both organizations. Lengthy hearings were also held to determine the extent of Communist and other subversive influences in the antiwar movement. And in June of 1970, the committee examined conditions under communism in the Soviet Union, Czechoslovakia, and Cuba.

The mandate of the committee from the House of Representatives authorizes investigation of any group or organization dedicated to the alteration or overthrow of the system and institutions of our Government by unlawful means. Since most of the organizations openly advocating such a program are Communist in nature, it is obvious that much of the committee's time and effort is directed at Communists and communism.

All of the completed hearings have been published and circulated widely and were thus available to any researcher or reporter.

# TRIBUTE TO LT. COL. DONALD L. RISSI, USAF

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

Mr. PRICE of Illinois. Mr. Speaker, I call to my colleagues' attention to the posthumous awarding of the Distinguished Flying Cross, Bronze Star Medal and Purple Heart to Lt. Col. Donald L. Rissi, U.S. Air Force.

Colonel Rissi, formerly of Collinsville, Ill., has been accorded these honors because of his selfless devotion to duty which resulted in his death December 18, 1972, during raids over Hanoi.

A 1955 graduate of the U.S. Naval Academy, whom I had the honor of appointing, Colonel Rissi had a distinguished career in the U.S. Air Force. Colonel Rissi's death is a special loss to me. His family and I have been acquainted for over 20 years.

At this point in the RECORD, I include the September 4 article in the Collinsville Herald on Colonel Rissi's career and the awards ceremony.

## TEXT OF RELEASE ABOUT AWARDS TO LIEUTENANT COLONEL RISSI

BLYTHEVILLE AFB, ARK., August 29—Lieutenant Colonel Donald L. Rissi has been posthumously awarded the Distinguished Flying Cross, Bronze Star Medal and Purple Heart.

Mrs. Joan Rissi, wife of Colonel Rissi, and two of the Rissi children, Mark and Patrick, received the posthumous awards for Colonel Rissi in ceremonies here.

The 41-year-old Colonel's B-52 bomber was shot down over North Vietnam on December 18, 1972. While stationed at Blytheville, Colonel Rissi was assigned to the 340th Bomb Squadron.

The Distinguished Flying Cross was awarded for "heroism while participating in aerial flight as a B-52G Aircraft Commander near Hanoi, North Vietnam on Dec. 18, 1972. On that date while engaged in one of the largest conventional bombing raids ever amassed in the recent history of aerial warfare, Colonel Rissi received severe battle damage to his aircraft as a result of extremely heavy hostile fire. He and his crew were in quest of massed supplies, communications equipment and transportation lines in order to eliminate the enemy's capacity to initiate an offensive. The outstanding heroism and selfless devotion to duty displayed by Colonel Rissi in the dedication of his service to his country reflects great credit upon himself and the United States Air Force."

The Bronze Star Medal was presented for "meritorious service as an Offense Duty Officer, Tactical Air Control Center, Headquarters Seventh Air Force, Republic of Vietnam while engaged in ground operations against an opposing armed force from Sept. 22, 1971 to Feb. 15, 1972."

Colonel Rissi enlisted in the Navy in October 1950, after graduating from Collinsville High School in Illinois the year before. In July 1951, he tested as an alternate and was accepted to the U.S. Naval Academy at Annapolis, Md.

Upon graduation from the Naval Academy in June 1955, Colonel Rissi was commissioned in the Air Force and received pilot training at Reese Air Force Base, Texas. His next assignment was to the 360th Bomb Squadron at Davis-Monthan Air Force Base, Ariz., where he flew the B-47 from November 1956 until May 1964.

In 1961 Colonel Rissi attended Squadron Officers School. In 1964 he was assigned with the 364th Bomb Squadron at Bunker Hill

Air Force Base (now Grissom), Ind., flying B-58s. His next assignment was to the Command and Staff College at Maxwell Air Force Base, Ala.

Upon graduation from the Staff College in July 1967, Colonel Rissi received F-4 training at George Air Force Base, Calif. The following January he was assigned to the 67th Tactical Fighter Squadron at Misawa Air Base in Japan.

He was then transferred to the 389th Tactical Fighter Squadron at Phu Cat, Republic of Vietnam and the Seventh Air Force Headquarters in February 1971.

Assigned to Blytheville in March of 1972, Colonel Rissi was ordered to Southeast Asia in November of that year as a replacement pilot on temporary duty, which was scheduled to be completed on Dec. 17, 1972.

Mrs. Rissi, also a native of Collinsville, Ill., resides at Blytheville Air Force Base, Ark., with their five children, Patrick, age 16; Mark, 15; Donna, 13; Stephen, 10; and Tom, age eight.

## THE DEATH OF A DEMOCRACY: THE FALL OF ALLENDE

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

Mr. KOCH. Mr. Speaker, while walking through my district over the weekend, a number of constituents expressed their concern to me over what is occurring in Chile. Overwhelmingly they believe that the coup d'etat came about as a result of the CIA's intervention. I replied that was no evidence to support that allegation, yet in all candor, Mr. Speaker, there is also no evidence to the contrary.

These constituents, in pursuing their discussion with me said, "Remember Dita Beard and ITT?" I said to them—

I can't believe that the CIA would be so foolish having been so criticized recently for its alleged involvement in Chilean government affairs to undertake subversive activities against that government, or any other government, particularly at a time of intense Congressional opposition to such activities.

But I do not believe that the American people will accept at face value either the CIA's statement or indeed, a statement by the White House, that the United States did not in some way take a role in the coup d'etat.

Such assurances acceptable to the American public could only come after hearings have been held by a congressional committee taking testimony under oath, of representatives of the State Department and the CIA. In pursuit of that endeavor and because I believe it is in the interest of the United States to remove any cloud in this matter, I have requested the distinguished chairman of the Foreign Affairs Committee to immediately hold hearings on this subject.

In the interim, and without regard to that aspect, I believe that our President should, in the interest of humanitarianism, immediately request the Chilean military junta to make certain that its forces, military and otherwise, not use this revolution as the pretext for assaulting or murdering its political enemies.

But there is a further, more profound ramification of this coup. The overthrow of the democratic, though allegedly Marxist government of Chile is a tragedy of the first order, not only for Chile but

for the concept of the democratic process.

There have been arguments to the effect that because Allende was a Marxist, the government could not possibly be a democracy. However, news reports indicate that while Allende made clear that he was a Marxist, the government was composed of various ideological elements, and most importantly, functions under the established constitution of Chile. When he was thwarted in some of his policies, Allende attempted to change certain constitutional provisions through accepted legal routes. When the courts or Congress defeated such attempted changes, he accepted their will, as befitted a lifelong democrat.

It is not my intention to judge or weigh the successes and failures of the Allende government. He was undoubtedly guilty of egregious economic planning, and yet he was successful at making the poorest third of Chile's population feel they had a government which responded to their needs. What is most to be kept in mind, Mr. Speaker, is the fact that a legally constituted democratic government was overthrown by violent means. Such an action is to be categorically and in the clearest terms, condemned and denounced.

Those of us who believe in the overwhelming value of democracy cannot look with equanimity when a fellow functioning democracy falls. If the opposition to Allende had adequate grounds, they should have attempted an impeachment proceeding, peaceful protest, or any other legal means they possessed to obtain redress. But there was no excuse for the destruction of the democratic system.

Those who claimed that Allende because of his supposed ideology would never maintain civil liberties or hold another election were wrong. Those who said an allegedly Marxist government could not maintain democracy were correct. But it was not Allende's government who destroyed the system, it was the military and the right. As in Czechoslovakia, an incipient democracy was crushed by those who could not bear to abandon privilege and power.

The great virtue of Allende, like other social reformers, was that he offered a path to "the wretched of the earth" that was nonviolent, that offered hope, and that was faithful to the democratic process and tradition. Now the Chilean military has shown those millions who have become a part of the "revolution of rising expectations", the apparent futility in placing their hopes for better lives in constitutional democracy. If democracy is perceived as a mere facade to protect the power and privileges of the oligarchs, to be swept away when the results do not please the elite, then the only other response that can be taken by people who seek social justice is violent revolution, such as Fidel Castro preached. Most relevant to ourselves, as a pragmatic fact, it is the United States and its interests which may reap the whirlwind of such crushed hopes. It would be the greatest tragedy of the coup if its final legacy was that democracy itself was to be characterized as a fraud.

I am distressed at the unconscionable delay that the administration took in ex-



pressing condolences over Allende's death. And it has still not condemned the coup as a blow against democracy. We may well come to miss Allende's moderating influence in the coming years in exactly the same way as belated regrets are now expressed over the ouster of Cambodia's Sihanouk. Democracy is dead now in Chile. Will it ever return?

#### TOURISM AND DEVELOPMENT IN 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 Caribbean is an area of vital importance to the United States. Increasingly tourism is assuming a major role in the area as a catalyst to economic growth. Because of its obvious and tremendous impact on the societies of the islands, tourism has also become a much debated matter of concern throughout the region. Saturday evening I was privileged to address the 22d annual meeting of the Caribbean Travel Association on the subject of "Tourism and Development in the Caribbean." Because of the importance of this subject and its implications for U.S. foreign policy, I want to take this opportunity to call the speech to the attention of the House:

#### TOURISM AND DEVELOPMENT IN THE CARIBBEAN

When Herb Hiller, your exceptionally able outgoing Executive Director, very kindly extended to me an invitation to speak to the annual meeting of the Caribbean Travel Association, I eagerly accepted. I did so for three reasons: First, as Chairman of the Subcommittee on Inter-American Affairs, I am convinced that a dynamic Caribbean area is of great importance to the United States and an area to which the United States should give much more serious attention. Second, as a Floridian I know that we share many concerns about the impact of tourism on our communities. And, third, as a Miami I feel that I, too, am a part of the Caribbean world, if not of the Caribbean experience.

There was, of course, a fourth reason why I accepted your invitation: it is always a delight to be able to visit, however briefly, any part of the Caribbean and especially Aruba. I might also say that if Aruba is the example, and I am sure it is, of the Caribbean's traditional hospitality, the entire world could learn from Aruba. People simply could not have been any friendlier or more gracious than they have been.

The area which I represent in the United States Congress includes the southern 1/2 of the Miami metropolitan area and extends south through the Florida Keys to the island city of Key West. It is an area which has, for the most part, been populated for the first time in this century. In this sense it is vastly different from the islands of the Caribbean whose long histories have indelibly affected their social and economic structures. It is, of course, a part of the world's most successful common market, the United States. But despite these important differences there are some striking similarities with the Caribbean—similarities which I hope will be given serious consideration by those in the Caribbean responsible for shaping the future growth of tourism.

Both Miami and the Keys, despite conscious efforts to diversify their economies, are still dependent on tourism to maintain economic growth. Both areas, and especially

Miami, have benefited greatly from the prosperity tourism brought but both have also had to pay a price. Increasingly residents of communities throughout the state are asking themselves whether the rewards are worth the price. They, too, know that tourism can be a mixed blessing, that the problems it brings, environmentally, economically and socially, can so change the nature of their communities that they wonder what ever happened to the lovely beaches, the stands of palm trees, and the easy pace of life that brought them to the area in the first place.

There is another way in which south Florida must face up to problems familiar to the Caribbean. The Keys are islands, too, with all the familiar problems. Their small size implies a fragile ecology; their land area is limited; transportation, despite a two lane road to the mainland, is difficult; and their relative remoteness increases the problems of attracting the tourists the area requires. The rest of south Florida, too, shares to a certain extent the problems each of you face throughout the Caribbean. Even after World War II Miami was a hard place to get to. It was a long and arduous drive. The airline industry was still in its infancy. These problems have disappeared but now others have appeared. They are problems which result from a lack of planning: overcrowding, environmental damage, and a threat to what we now call the quality of life. One mistake which we have made, and which hopefully it is not too late to resolve, is that we have failed to view south Florida as the long island or series of islands it really is, bordered on one side by the Atlantic and on the other by the Everglades. The simple fact is that while south Florida looms large on a map, the useable land is really only a narrow strip along the east coast.

Before turning to a discussion of the role which I believe tourism can and must play in Caribbean development and which the United States can play in support of that role, I want to say a few words about economic development in general, the Caribbean region in particular, and United States policy toward the area.

I have served in the United States Congress for eighteen years. For most of that time I have served on the Committee on Foreign Affairs and have been actively concerned with the developing countries. During these years I have reached three basic conclusions toward development which I believe must serve as a basis for any U.S. policy toward the developing nations including those of the Caribbean. These are:

1. Classical theories of economic development have thus far failed, for the most part, in substantially improving the lot of the peoples of the developing world and consequently new solutions must be given high priority;

2. The high consumption economy of the developed countries is not a realistic model, or perhaps a desirable one, for most of the developing countries; and

3. The United States must not rely on U.S. business to be the flag carrier of U.S. foreign policy.

For the United States to have a coherent policy toward the Caribbean many other factors must, of course, be taken into account for the region as a whole is unique while at the same time its component parts make it as diverse an area as there is anywhere in the world.

Elsewhere I have frequently voiced criticism of the absence of a meaningful U.S. policy toward the Hemisphere as a whole. In particular, because I believe the area is so important, I have decried the absence of any special policy toward the Caribbean—a policy grounded in the present realities of the area. Some of these realities are:

1. The changing, strategic importance of the area—in which our primary international rival already has one expensive base of operations in an era where geographic

proximity is militarily less significant—and from which other major powers are withdrawing.

2. The severe economic, political, and social consequences of the area's staggering unemployment and underemployment.

3. The increasing unacceptability of the area's legacy of economic servitude to other nations and desire to make economic activity in the Caribbean serve the interests of the people of the region.

4. The increasing sensitivity of the area's people to U.S. private and public actions.

5. An emerging spirit of regional cooperation.

The reason why the United States is and must remain interested in the area go far beyond security considerations. We are, after all, in part a Caribbean nation. Our personal, economic and social ties are many. There is simply no way in which we can avoid having relationships and it is clearly in our national interest to make that relationship as mutually productive as possible. It is unfortunate that we, for our part, have not at a national level directed our efforts to formulating a coherent policy toward the area. There are many reasons why we have not, chief among them our national preoccupation with Southeast Asia. I am more hopeful that now, with the war behind us, we will respond to the new Caribbean which emerged from its colonial past during the 1960's. The reasons for my optimism are first and foremost that the Caribbean people and their leaders are increasingly making themselves felt, forcefully and eloquently, in the councils of government and business in the United States. The Caribbean is telling us of its concerns and, believe me, we are listening. Secondly, a new team of diplomats is turning its attention to long neglected areas of foreign policy. Secretary-designate Henry Kissinger does, I am sure, recognize the importance of the Caribbean and the need to be responsive to its aspirations and concerns. The new Assistant Secretary of State for Inter-American Affairs, Jack Kubisch, has voiced his recognition of the need for greater attention to the Caribbean and appointed an able Caribbean specialist, Harry Schlaudeman, as a principal Deputy Assistant Secretary. All of these developments give me hope that the Caribbean will soon be given the high level of attention in U.S. policy which it merits.

The overriding problem confronting the Caribbean area is the imbalance between its high population density and the relative scarcity of traditional natural resources. Even where there is bauxite, oil, or good soil, the resources simply are too scarce to offer much hope for a better standard of living for most of the people. While manufacturing is providing new jobs for many, the Caribbean is hampered by the fortunate fact that many islands, while poor, are much better off than other regions of the world. This means that industries with high labor inputs—just what the Caribbean needs—frequently go elsewhere. The outlook would be almost totally bleak except that the Caribbean does have some relatively scarce natural resources that are more precious to many than gold—a fabulous climate and unparalleled natural beauty.

The blunt fact is that for many of the people of the Caribbean their best hope for a better future lies in tourism. Tourism, as members of the CTA know, perhaps better than any other group in the world, is a subject much more complex than even well informed people realize. It is not a phenomenon unrelated to the rest of society, either in the host country or in the country of the visitor. The depth of these interrelationships is only now being explored and nowhere more actively than here in the Caribbean.

Tourism in the Caribbean has been growing by leaps and bounds in recent years. It is only natural that in the initial years it proceeded with little thought to its overall

consequences and that as it evolved it became to be dominated by foreigners who knew how to deal with the affluent U.S. and Canadian markets. This inevitably meant that the structure of the tourist industry, without conscious effort, came to reflect the wants, or the perceived wants of the tourist rather than the needs of the Caribbean people.

As the momentum of the new tourist industry increased, U.S. management techniques dictated the increasing efficiency of the entire system and tended to force tourism into the now familiar mode of large hotels fed with tourists by a steady stream of aircraft loaded to capacity. Spurred by rapid initial growth rates the industry began to develop an internal dynamic, familiar in other industries, which required constant growth in order to prosper. But this ignored the reality of the area: that there are limits to how much tourism a particular society can successfully absorb. These limits are not only the traditional economic ones of infrastructure, depth of managerial expertise, etc., but include the simply ability of one group of people's values to survive a sudden inundation of thousands of strangers.

This problem is not one completely unique to the Caribbean. Many communities in Florida are now considering limits on their growth. Throughout the rest of the United States areas near to major metropolitan areas are increasingly concerned that their traditional way of life is being threatened by urban sprawl or the intrusion of hordes of summer residents. I do not say to suggest that the Caribbean's problems in this regard are not more serious than our own but they are problems with which many in the United States can identify.

Concern over the affect of tourism on Caribbean societies is deep and growing. There is a growing consensus that tourism in its present mode is contributing to social unrest. There is also a growing body of academic research which appears to back up this consensus by pointing to the real shortfalls in the economic return to the average Caribbean citizen as a result of tourism and to the destructive impact tourism may have both directly in personal terms and indirectly as it affects overall societal values.

If a continued unrestrained growth of tourism is no longer acceptable to the Caribbean then some way must be found to more effectively utilize the potential of tourism to serve the interests of the islands' people. The primary thrust for the development of such alternative modes of tourism must come from the Caribbean itself. The decisions involved are of too great a consequence to be left to others. The Caribbean as a region, and each island as a separate entity, must decide on their own course of development. We in the United States can and should, in my judgment, support initiatives designed to explore various tourism options open to the Caribbean. In this regard, the Caribbean Travel Association has been in the vanguard of those seeking to create the tools necessary to explore these options. The Caribbean Tourism Center, scheduled to open next year, is most noteworthy step in this direction. It promises to become a prime focus for information and research on every aspect of tourism and I commend your organization for the major role you have played in making it a reality.

Tourism, in whatever form, will remain a vital force, perhaps the major force, in promoting the economic improvement of the area. As such it must not be a centrifugal force tearing at the fabric of Caribbean societies but must be made to serve the broad development interests of each island and the entire region. This will be a formidable task, demanding political courage, imagination, and a large financial commitment, as well as understanding cooperation from abroad. In the meantime, while the process goes on

of trying to redefine the ways in which tourism can better serve the Caribbean while furnishing relaxation and enjoyment to the visitor, it is vital that a spirit of confrontation be avoided, lest irreparable damage be done to the whole concept of Caribbean travel. Perhaps widespread knowledge of a serious commitment to reforming the tourist industry to the benefit of the Caribbean people can be translated into a lessening of the tensions so worrisome to the prospective tourist. Likewise it should be incumbent on the United States—public and private sectors—to not attempt to press the Caribbean to develop its tourism in ways which make the primary concern of tourism the convenience of our own travel industry.

There are many ways in which the United States directly and indirectly might be of assistance to the fuller development of tourism as a more effective engine for economic growth but for the present we should, in my judgment, continue our support to helping the Caribbean decide what kind of engine or engines will best fit its needs. It is hoped, for example, that sufficient financial assistance will be forthcoming for the Caribbean Tourism Center to effectively carrying out its functions. Both the United States private and public sectors have an interest in helping the Caribbean to make rapid progress toward new and better modes of tourism. In this regard I hope that public or private funds will be made available to further study among other things:

The feasibility of the small hotel concept. Methods of financing increased local participation in ownership and management of tourist facilities and the feasibility of a special financial institution for this purpose.

Whether a market exists to support any form of tourism different from the present mode.

How the benefits of tourism can be more effectively dispersed to other sectors and areas of the region.

How feeder airlines might be more effectively utilized to cut the financial and environmental costs of ever more jetports.

Of all of these and the many other tourism related projects which deserve attention none is more critical than whether or not there is a market to support a mode of tourism development other than the current one. This critical question should be a high priority item for everyone concerned with the future of the Caribbean. The answer to that question should be a fundamental determinant in how the Caribbean decides to develop its primary resources.

While the Caribbean struggles with the question of what to do about tourism in the future, it is my hope that the United States government will itself be considering this question. If tourism in all its complexity is so important to the Caribbean it must be of fundamental concern to the U.S. government. It is my hope that the State Department will initiate a high level study of tourism and its relationship to U.S. foreign relations generally and the Caribbean in particular. Consideration might also be given to the appointment of a special tourism policy coordinator within the department to deal, government-wide, with the numerous governmental decisions which impinge on U.S. tourism and hence on foreign relations.

Together we will thus study our mutual problems and together we shall solve them because it is in our best interests to learn from each other and to live together in Caribbean harmony.

#### A FORMER AIDE TALKS ABOUT THE PRESIDENT

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

Mr. GERALD R. FORD. Mr. Speaker, for the information of my colleagues, I am inserting in the RECORD at this point an illuminating letter to the San Francisco Chronicle, printed August 28, 1973, by Mr. Robert L. King of Hillsborough, Calif., who served as administrative assistant to Vice President Richard Nixon nearly 20 years ago:

#### A FORMER AIDE TALKS ABOUT THE PRESIDENT

(EDITOR'S NOTE.—As one of many Americans who are deeply concerned over Watergate, may I offer some observations that may be helpful to others of like mind.)

First, let me admit to a personal friendship with Mr. Nixon, dating back to the pre-political days of 1944 when he was a Navy Lieutenant. Also, to a close association with him during 1955, 1956 and 1957 as his assistant during those particular days of his Vice Presidency. It is, of course, primarily based on this friendship, plus employment, that I hold to my beliefs in the Nixon integrity and ultimate vindication. While some detractors would allege a lack of objective because of these facts, I think it likely represents a more valid basis for judgement than many of the present "judges." My own personal frame of reference, built on long friendship and what I feel my association has given me in the way of insight into, and understanding, of Mr. Nixon's basic character and motivations, are therefore, the platform from which I speak.

Perhaps there is at least a partial key to an understanding of the current trauma and to the question, "How could Mr. Nixon not have known?" in his instructions to me when I first entered into an employer-employee relationship in January 1955. Mr. Nixon told me that one of my prime duties would be to "protect" him so that he would have sufficient time to study, read, think and otherwise concentrate on the problems with which he was dealing. You will recall that President Eisenhower, even then, thrust him into the center of his first and abiding interest of foreign policy and world politics. Much time was taken up in preparation for these trips and, in addition, much time was absorbed in meetings of the Cabinet, National Security Council, Government Contracts Committee and other duties. Indeed he needed protection, and I, as the only male member of his immediate staff in those days, was the chief "buffer." But Mr. Nixon's instructions embraced one other point. He said that in addition to protecting him, I had to "protect" myself, as otherwise I couldn't do the necessary job for him. Whether I did my protection job well, or not, I'll have to leave to Mr. Nixon's judgment. My own weariness at the end of three years leads me to believe that perhaps I tried too hard to have my cake and eat it too.

However, too literal an interpretation on the part of top staff people in a highly political situation (and politics is really people) can lead to a type of blindness and insensitivity on the part of both master and servant which can, in turn, lead to real problems. Such phrases as "the Berlin Wall," and rumors that the top staffers were harder to see than the President himself, could have arisen only because of too strict a conformance with the admonition of "protect yourself," and with the consequent result of almost forming a double moat around the oval office.

Such a system breeds an inordinate delegation of power. This, in turn, carries with it the seeds of its own destruction when it reposes in individuals whose experience, capacity (which is built on experience) and political instincts are limited. Other times, other places and other people, such a modus operandi might well have worked. The tragedy is that in this instance, sincere, hard-working, intelligent, dedicated, and patriotic young men were victims of a power-bred myopia



which made them vulnerable to their own inexperience, particularly political inexperience.

These thoughts are offered by way of explanation, not absolution, as both the delegator and receiver of presidential power share in the responsibility for what happened. But the daily inferences and outright charges that Richard Nixon has lied to the American people is a cruel lie itself. . . . In my own 30 years of friendship and intermittent association I have known a man who I think is constitutionally unable to lie, particularly about such an overriding question of morality and integrity. Frankly, this characteristic is an indicator of that which has so frustrated and antagonized that part of the media which has been so long critical. Mr. Nixon gives the impression of a straight, Fourth of July, God-fearing, apple-pie patriot. Some areas of the press-TV simply don't believe he is for real. His strength, and their frustrations, lie in the fact that his character is indeed grounded on these "square" principles. His concept of his own mission in life, and of the Presidency itself, would make it impossible for him to present a false front. The complementary character of Pat Nixon herself would, I think, be a deterrent if he were even tempted.

In addition, the man is simply too intelligent to even consider the risk of a "second-story job" on Democratic headquarters to obtain the knowledge of what went on in Larry O'Brien's office. It is completely out of character for a man who would voluntarily deny himself the Presidency when it was probably within his grasp. Here, of course, I refer to 1960 when it is reported that J. Edgar Hoover and many friends urged him to contest the election because of known and provable vote frauds in Illinois, Missouri and Texas. Incidentally, I can imagine no more venal assault on the American system than that of the actual theft of ballots and perversion of the citizens' basic voting right at the ballot box itself.

Yes, I think I know "how" Watergate happened. Mr. Nixon's remoteness and that of his top staff people made the later vulnerable to an excess of power. The tragic irony is that equal excesses of zeal and dedication to a great President (which normally are admirable qualities) were short-circuited by this fatal juxtaposition which gradually eroded the judgment of otherwise good men.

I think most Americans will applaud President Nixon for the action he did take in initiating efforts to discover the source of leaks from the innermost proceedings of the National Security Council and other high policy bodies. The Nation's security demanded such action. At what point would continuing leaks undermine the delicate balances even then being achieved between Russia and China by the Nixon-Kissinger plan? Any way you cut the Ellsberg cake, this man violated the law too, and the usual double standard under which the far-left operates is painfully evident. Ellsberg is a hero—but the Nixon staff men are characterized as lawbreakers. However, this final element of a properly motivated inquiry which of necessity employed justifiable and available investigation techniques of microphones and/or telephone taps, even surreptitious entry, made easy the transition to their improper use and the excesses of Watergate and the so-call "plumbers unit."

John Mitchell's testimony (whatever might be said of his inaction) towers above that of Magruder and Dean. In Magruder we have an already self-confessed perjurer. In Dean we have a man who "couldn't tell enough." He brought in bales of isolated, extraneous matter in an obvious effort to lose his sins in the greater sin of presidential involvement. How much fantasy, misunderstanding or outright distortions were involved in his testimony we, perhaps will never know. It is known, however, that other Administration officials—Moore, Klein-

dienst and Peterson (with nothing in the way of a comparable axe to grind) contradicted Dean's testimony at important points. But it is comprehensible, as this sad scenario unwinds, that the actors did everything possible to keep the facts from the President while they indulged themselves in the vain hope that it would all eventually just go away. It is just as comprehensible that the system of "protect me—protect yourself" produced a fertile breeding ground for excessive delegated authority. Overzealousness of an idealistic nature then combined and nourished the misguided concepts and actions which so characterized Watergate.

I have no doubt as to the ultimate outcome. It will be proved to the satisfaction of the American people that President Nixon did not participate in either the planning or cover-up of Watergate. The scars he must inevitably bear for a staff system and personnel selection that made such a thing possible are only a part of the punishment for him. I'm sure he can accept this burden much more easily than the knowledge of what has happened to close personal friends and loyal supporters. Mr. Nixon's "remoteness" is well catalogued. But perhaps this remoteness, with the time it has given him to think and plan the grand strategy of the international chess game, vis-a-vis Russia and China, has been a key ingredient in the fact of today's peace and hope for the future. If so, and I personally believe this, perhaps Watergate, painful though it is, is part of the purchase price. . . .

ROBERT L. KING.

Hillsborough.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. McEWEN (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of illness in the family.

Mr. FOUNTAIN (at the request of Mr. O'NEILL), for today, on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. YATES on Tuesday, September 18, for 30 minutes, to revise and extend his remarks and include extraneous material.

(The following Member (at the request of Mr. O'BRIEN) to revise and extend his remarks and include extraneous material:)

Mr. WYMAN, for 10 minutes, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous material:)

Mr. DIGGS, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

Mr. McFALL, for 5 minutes, today.

Mr. HAMILTON, for 5 minutes, today.

Mr. BRINKLEY, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. RANGEL, for 10 minutes, today.

Mr. BARRETT, for 10 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ESHLEMAN (at the request of Mr. STEIGER of Wisconsin) to extend his remarks in the RECORD following those of Mr. STEIGER of Wisconsin.

Mr. EVINS of Tennessee in three instances.

Mr. DONOHUE to extend his remarks on H.R. 6274, today.

Mr. BURTON to extend his remarks prior to passage of the four commemorative medal bills on the Consent Calendar, today.

Mr. KOCH to extend his remarks on H.R. 7555 during the Consent Calendar, today.

(The following Members (at the request of Mr. O'BRIEN) and to include extraneous material:)

Mr. CONTE.

Mr. ESCH.

Mrs. HOLT.

Mr. HOSMER in three instances.

Mr. WYMAN in two instances.

Mr. COLLINS of Texas in two instances.

Mr. POWELL of Ohio.

Mr. HUBER in two instances.

Mr. ARCHER.

(The following Members (at the request of Mr. GINN) and to include extraneous material:)

Mr. RANGEL in 10 instances.

Mr. HAMILTON.

Mr. ANNUNZIO in six instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. ROGERS in five instances.

Mr. BURKE of Massachusetts in two instances.

Mr. BINGHAM in 10 instances.

Mr. McSPADDEN.

Mr. HARRINGTON in three instances.

Mr. JONES of Oklahoma.

Mr. EDWARDS of California.

Mr. JOHNSON of California.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2316. An act to authorize the disposal of copper from the national stockpile and the supplemental stockpile; to the Committee on Armed Services; and

S. 2408. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

#### ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly an enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 695. Joint resolution authorizing the President to proclaim the period of September 15, 1973 through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month."

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1841. An act to amend the Communications Act of 1934 with regard to the broadcasting of certain professional sports clubs' games.

## ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 18, 1973, at 12 o'clock noon.

## 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. THOMPSON of New Jersey: Committee on House Administration. House Resolution 492. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; with amendment (Rept. No. 93-511). Ordered to be printed.

Mrs. HANSEN of Washington: Committee of conference. Conference report on H.R. 8917. (Rept. No. 93-512). Ordered to be printed.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1347. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on assistance-related funds obligated for Cambodia during the fourth quarter of fiscal year 1973 and during the entire fiscal year, pursuant to section 655(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1348. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on deliveries of excess defense articles during the fourth quarter of fiscal year 1973 and a summary of the four quarterly reports during the fiscal year, pursuant to section 8(d) of the Foreign Military Sales Act Amendments of 1971, as amended; to the Committee on Foreign Affairs.

1349. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1971"; to the Committee on Interstate and Foreign Commerce.

1350. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to permit payment of transcript costs for indigent litigants in certain civil proceedings before U.S. magistrates; to the Committee on the Judiciary.

1351. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting copies of the court's opinion and findings of fact in Cong. Ref. Case No. 2-71, *John T. Knight*

*v. The United States*, pursuant to 28 U.S.C. 2509 and House Resolution 240 of the 92d Congress; to the Committee on the Judiciary.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY (for himself, Mr. BEVILL, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. COTTER, Mr. DELLUMS, Mr. EDWARDS of California, Mr. HANNA, Mr. KOCH, Mr. LEGGETT, Mr. REES, Mr. ROSENTHAL, Mr. STARK, and Mr. WRIGHT):

H.R. 10299. A bill to regulate commerce and conserve gasoline by improving motor vehicles fuel economy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 10300. A bill to promote progress toward the goal of a decent home in a suitable living environment for every American by consolidating existing housing programs and community development programs into a new program combining the financial resources of the Federal Government and the resources of the States, municipalities, and other units of government in evaluating problems and in designing plans and carrying them out; to the Committee on Banking and Currency.

By Mr. BIESTER (for himself and Mr. FRASER):

H.R. 10301. A bill to amend the Presidential Election Campaign Fund Act, and for other purposes; to the Committee on Ways and Means.

By Mr. ERLÉNBERG (for himself and Mr. ZWACH):

H.R. 10302. A bill to revise the Welfare and Pension Plans Disclosure Act, and to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, and for other purposes; to the Committee on Education and Labor.

By Mrs. HOLT:

H.R. 10303. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide for certain adjustment payments to compensate for amounts required to be repaid by units of local governments by reason of administrative error; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 10304. A bill to amend the Internal Revenue Code of 1954 to clarify and confirm the application of section 72 and the non-application of section 1232 to face-amount certificates; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 10305. 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. RODINO:

H.R. 10306. A bill to permit certain loans by a federally insured bank to a bank examiner; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD:

H.R. 10307. 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.

H.R. 10308. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN:

H.R. 10309. A bill to amend the act of June 13, 1933 (Public Law 73-40), concerning safety standards for boilers and pressure vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMPSON of New Jersey:

H.R. 10310. A bill to amend the National Labor Relations Act to improve its administration; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 10311. A bill to amend the Consumer Credit Protection Act to prohibit discrimination on the basis of sex or marital status in the granting of credit, and to make certain changes with respect to the civil liability provisions of such act; to the Committee on Banking and Currency.

H.R. 10312. A bill to exclude from gross income the first \$750 of interest received from savings account deposits in home lending institutions; to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 10313. A bill to amend title II of the Social Security Act to provide that the marriage of a disabled child who has attained age 18 may reduce but shall not terminate his or her entitlement to child's insurance benefits; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 10314. A bill to amend the Accounting and Auditing Act of 1950 to provide for the audit of certain Federal agencies by the Comptroller General; to the Committee on Government Operations.

By Mr. BRADEMAS:

H.J. Res. 723. Joint resolution to designate October 23, 1973, as "National Film Day"; to the Committee on the Judiciary.

By Mr. THONE:

H.J. Res. 724. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. HUBER:

H. Con. Res. 298. Concurrent resolution offering honorary citizenship of the United States to Alexander Solzhenitsyn and Andrey Sakharov; to the Committee on the Judiciary.

By Mr. HUBER (for himself, Mr. GERARD R. FORD, Mr. LENT, Mr. MILLER, Mr. ROBISON of New York, and Mr. STEELE):

H. Con. Res. 299. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII,

297. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the special milk program; to the Committee on Education and Labor.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

282. The SPEAKER presented a petition of the city council, New Rochelle, N.Y., relative to the bill (H.R. 1998) to amend the Internal Revenue Code of 1954; to the Committee on Ways and Means.