HOUSE OF REPRESENTATIVES—*Tuesday, September 25, 1973*

The House met at 12 o'clock noon.

Father Pete S. Lawdis, pastor of the St. Elias the Prophet Greek Orthodox Church, Dubuque, Iowa, offered the following prayer:

Let us pray. As we begin this new day's work, we thank You, O Lord, for the sake of Your great kindness and long suffering for us. We thank You that You have not had indignation against us for we are slothful and sinful and yet You have not destroyed us for our bold transgressions. Instead, You have shown us Your customary love toward mankind, and You have raised us up from our heedlessness that we might sing our morning hymn unto You and glorify Your sovereignty. Do you now enlighten the eyes of our understanding, open our ears to receive Your words and teach us Your commandments. Help us to do Your will, to offer You hymns of praise, to confess to You from the depth of our hearts and, to extol the holy name of our Father in Heaven, the Son, and the Holy Spirit, now and ever, and unto the ages of ages. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5451. An act to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes.

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

H.R. 9639. An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9639) entitled "An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ALLEN, Mr. MCGOVERN, Mr. HUMPHREY, Mr. YOUNG, and Mr. DOLE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1983) entitled "An act to provide for the conservation, protection, restoration, and propagation of threatened and endangered species of fish, wildlife, and plants, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HART, Mr. TUNNEY, and Mr. STEVENS 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. 921. An act to amend the Wild and Scenic Rivers Act; and

S. 1296. An act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes.

THE REVEREND PETE LAWDIS

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

Mr. SARBANES. Mr. Speaker, this morning's prayer was offered by the Reverend Pete Lawdis of St. Elias the Prophet Greek Orthodox Church in Dubuque, Iowa. The gentleman from Iowa (Mr. CULVER) is unavoidably absent at this time, and I ask unanimous consent to insert at this point the remarks he had prepared for the occasion.

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

There was no objection.

The remarks of Mr. CULVER are as follows:

Mr. CULVER. Mr. Speaker, it is with great pride and appreciation that I acknowledge that our prayer this morning was offered by the Reverend Pete Lawdis, since 1970 the rector of St. Elias the Prophet Greek Orthodox Church in Dubuque.

Father Lawdis is a graduate of Hellenic College and the Holy Cross School of Theology in Boston, and he has received a master's degree in guidance counseling from Loras College in Dubuque.

He is the author of "Daily Gospel Readings for Eastern Orthodox" and has published articles on euthanasia and pastoral counseling.

Father Lawdis' concern for his fellow man is shared by his wife, the former Christine Andrews. They have two lovely daughters, Katina and Lisa.

It is with great pleasure that I thank Father Lawdis for his inspiration this morning, and I thank our Chaplain, Dr. Latch, for making it possible. I also would like to express my gratitude to my colleagues for their courtesy in extending the privilege of the rostrum of the U.S. House of Representatives to Father Pete Lawdis, a distinguished priest from Dubuque, Iowa.

THE LATE FULLER WARREN

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

Mr. SIKES. Mr. Speaker, I regret to advise the House that Florida's former Gov. Fuller Warren died Sunday in Miami. He was born in 1905. He served as Governor from 1949 to 1953. Governor Warren served our State with ability and distinction during a time of major change which marked the transition of control of State government in Florida from rural to urban areas. Although coming from a rural area, he supported reform and change, including the enactment of meaningful antigambling legislation.

Florida has produced its full share of remarkable public figures, few from less promising backgrounds than Governor Warren. He was born to a poor family in Calhoun County, one of the smallest in the State, and worked as a boy in nearby cottonfields. Determined to push ahead, he attended the State university and was elected to the legislature when not much more than a boy. Then, sensing the need for a broader amphitheater, he moved to Jacksonville for the practice of law.

He ran for Governor in 1940 with little background and less money. He almost made it into the runoff primary. When World War II began, he entered the Navy, earned a lieutenant's commission, and served as commander of a guncrew on a merchant ship.

He ran again for Governor in 1948 and was elected. He was an honest Governor, but was frequently in hot water with the press for the handling of the work of his administration. He left the Governor's office a poor man, which again speaks for the qualities of the man.

Fuller Warren possessed an astounding ability as an orator. Even after he left the Governor's office, he was in great demand as a public speaker, and his talents in this field never waned.

I served with Mr. Warren in the State legislature and there a friendship which had been formed earlier was cemented. I have continued to count him a warm friend and I have felt that he was entitled to much fuller credit for his accomplishments as Governor and his constant efforts for good government.

His body is being taken home to Calhoun County where he began his career. Interment will be on tomorrow. In Blountstown he will rest with other

members of the family and with the family friends who are also interred there. His neighbors and his friends throughout Florida have not forgotten the personal charm, the oratorical ability, or the greatness of Fuller Warren.

Mr. Warren is survived by two brothers, Julian Warren and Joe Warren; a sister, Miss Alma Warren; and by other relatives. To each of them I extend earnest sympathy on their loss, which I share.

Mr. FUQUA. Mr. Speaker, let me thank the distinguished gentleman from Florida for yielding.

We both share a feeling of loss of one of the Golden Voices of all time—Governor Fuller Warren.

Here was a man with a flair for the dramatic, the dramatic speech in the manner of William Jennings Bryan, and a gentleman with a sense of humor without part.

I feel a particular loss because Governor Warren was born in my home county of Calhoun in Florida. As a boy he announced his ambition to be the Governor of our great State and he never wavered in his determination to achieve that goal.

While at the University of Florida, he was elected to the State house of representatives, an office I was to succeed him in many years later.

When I was State president of the Future Farmers of America, I remember many cordial visits with the Governor and an autographed picture of the two of us still hangs in my bedroom at the home of my parents in Altha.

Yes, Fuller Warren was a showman and certainly a legend in my State.

But aside from that showmanship, there was substance. Even his worst detractors admit that he was one of the great Governors of our State. He served during that critical period from 1949 to 1953 when Florida really emerged from a small State to the modern era. There were other men like Spessard Holland and Millard Caldwell to hold that office in the critical period surrounding World War II, and while you cannot give Governor Warren all the credit, neither can you take away from what he accomplished.

He used to say that the Warren administration was 50 years of progress crammed into 4 years.

I guess if there is one thing that typified his administration it was the passage of legislation requiring cattle and livestock owners to keep them fenced. It is almost humorous today to think how controversial this was at the time. But the lives and injuries that cattle caused to the occupants of high-speed vehicles was anything but funny.

I cite this as an example of his drive to bring us into the 20th century. Another example of his foresightedness was his leadership in the preliminary planning of the Florida turnpike.

Tomorrow, Fuller Warren goes home to the land he and I both love so much. There in Calhoun County, he will find rest from his toil. He lived a full and rich life. At his passing, he knew that no story of his beloved Florida would be complete without his name being mentioned and I know that pleased him.

This man who often told a tale about practicing public speaking while following a mule in the furrow held the highest office within the power of the people of Florida to give.

And history will record that he was worthy of that trust.

Again, on a personal note, Governor Warren was to have been in Blountstown next week to participate in ceremonies dedicating a new courthouse for Calhoun County. I was to appear on the program with him.

He will not be with us in person, but you can bet he will live on in spirit and in the hearts of those who felt they really knew him.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Fuller Warren.

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

There was no objection.

THE CRISIS FACING THE AMERICAN STEEL INDUSTRY

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

Mr. ROONEY of Pennsylvania. Mr. Speaker, for a number of years our domestic steel industry has suffered the impact of excessive foreign steel imports, rising production costs, massive capital outlays both for new facilities and to achieve compliance with environmental standards, much of the time restricted by mandatory price controls.

Although we regard the steel industry as the foundation of our economy. Federal policy has been inclined to stifle this important industry's growth and to sacrifice the jobs and efficient, productive, and prosperous steel industry can support creates within its own plants, and in related industries and throughout the economy.

Projected world steel demand by 1980 indicates our domestic industry should increase its production capacity by 25 million tons, plus an almost equal production capacity to replace facilities which are becoming outmoded. This translates into a capital expenditure of $18 billion for new steel facilities by 1980.

The Cost of Living Council's negative response to necessary steel price increases now places in serious jeopardy the industry's potential to meet the growing demands of a domestic and/or an international market.

Mr. Speaker, I will include at a later point in the RECORD, and bring to my colleagues' attention an editorial which appeared in the September 20, 1973, issue of American Metal Market.

ARAB NATIONS AND THE BIG OIL COMPANIES MUST NOT BE ALLOWED TO SHAPE U.S. FOREIGN POLICY

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

Mr. LONG of Maryland. Mr. Speaker, the Arab nations and the big oil companies must not be allowed to shape U.S. foreign policy. We are told that we depend heavily upon oil imports from the Middle East. The fact is that only 4 percent—I repeat 4 percent—of U.S. oil consumption in 1972 and the first half of 1973 came from the Mideast. Forecasts that future U.S. dependence on Arab oil will increase are just forecasts and need not come true if we use good management; namely:

Shift taxes from income and property onto gasoline, thus creating incentives to curtail driving and drive at slower speeds;

Build smaller and more efficient car engines;

Develop mass transit;

Step up research into the conversion of coal and wood chips and into development of nonfossil energy sources;

Reduced oil consumption would also improve our balance of payments, reduce air pollution, and save thousands of lives.

If we move quickly and wisely, the United States need never be at the mercy of the black oil blackmail.

PUBLIC HEARINGS ON TRANSPORTATION AND STORAGE OF CHEMICAL NERVE AGENTS

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

Mr. PRICE of Illinois. Mr. Speaker, as you will recall, on July 31 during debate on the annual military authorization bill for fiscal year 1974, Chairman HÉBERT assured Members of the House that the Armed Services Committee would schedule committee hearings on questions arising from the transportation and storage of chemical nerve agents on or from military installations in the United States.

I am now happy to announce that my Armed Services Committee Subcommittee No. 1 which has responsibility for research, development, test, and evaluation will commence public hearings on H.R. 9745 and a series of related bills including H.R. 9749, H.R. 10011, and H.R. 10012 on Wednesday, October 3, in open session, in room 2118 of the Rayburn House Office Building.

Members of the Congress who wish to be heard on this matter should contact the committee offices.

OVERTHROW OF MARXIST REGIME IN CHILE DRAMATIZES NECESSITY FOR FIRM STAND BY UNITED STATES AGAINST ANY SURRENDER AT PANAMA—CONGRESSMAN FLOOD WILL ADDRESS THE HOUSE ON WEDNESDAY, SEPTEMBER 26, 1973

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

Mr. FLOOD. Mr. Speaker, on September 7, 1973, Strongman Omar Torrijos left Panama for Spain on what has been predicted by Panamanians would be a long vacation. His departure was followed 4 days later by the overthrow of the Marxist government of Chile, which has had worldwide repercussions.

In an address to the House of Representatives on Wednesday, September 26, I plan to discuss the possible significance of the two above mentioned events and invite other Members to participate in a colloquy.

VOLUNTEER CONCEPT IN U.S. DEFENSE

(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 1-minute speeches. I noticed in yesterday's Washington Star News the headline said: "Hunt Names Colson in Break-in."

Mr. Speaker, who cares any more who did what in Watergate?

The people I represent are tired of seeing and hearing about the Senate Watergate hearings. My people want the courts to take over and punish those who are found guilty.

I say stop the Senate Watergate hearings and take the money left over to let the Senate Armed Services Committee gather testimony on whether the all-volunteer concept is working or not. It makes more sense to me to take the money to find out about the defense future of this country than who did what to whom in Watergate.

CONFERENCE REPORT ON S. 607, LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS

Mr. BARRETT submitted the following conference report and statement on the bill (S. 607) to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-522)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, 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 disagreement to the amendment of the House and agree to the same with an amendment as follows:

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

That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government in any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which non-lead-based paints have been used to cover surface to which lead based paints were previously applied; and"

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency, of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Chairman of the Consumer Product Safety Commission shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. No later than December 31, 1974, the Chairman shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. (a) Title III of the Lead Based Paint Poisoning Prevention Act is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to eliminate as far as practicable the hazards of lead based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall as a minimum provide for (1) appropriate measures to eliminate as far as practicable immediate hazards due to the presence of paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers and tenants of such housing of the hazards of lead based paint, of the symptoms and treatment of lead based paint poisoning, and of the importance and availability of maintenance and removal techniques for eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead based paint. The Secretary may establish such other procedures as may be appropriate to carry out the purposes of this section. Further, the Secretary shall establish and implement procedures to eliminate the hazards of lead based paint poisoning in all federally owned properties prior to the sale of such properties when their use is intended for residential habitation."; and

(2) by inserting after "PROGRAM", in the caption of such title, a semicolon and the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

SEC. 5. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 401. The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking

utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 6. Section 501(3) of the Lead Based Poisoning Prevention Act is amended to read as follows:

"(3) the term 'lead based paint' means—

"(A) prior to December 31, 1974, any paint containing more than five-tenths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied;

"(B) after December 31, 1974, any paint containing more than six one-hundredths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied, except that if prior to December 31, 1974, the Chairman of the Consumer Product Safety Commission, based on studies conducted in accordance with section 301(b) of this Act, determines that another level of lead, not to exceed five-tenths of 1 per centum, is safe, then such other level shall be effective after December 31, 1974.".

SEC. 7. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $25,000,000 for each of the fiscal years 1974 and 1975".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $35,000,000 for each of the fiscal years 1974 and 1975".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $3,000,000 for each of the fiscal years 1974 and 1975".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "and any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year.".

(e) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS–18, under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the Board. All members shall be reimbursed for travel, subsistence and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board.

"EFFECT UPON STATE LAW

"SEC. 506. It is hereby expressly declared that it is the intent of the Congress to supersede any and all laws of the States and units of local government insofar as they may now or hereafter provide for a requirement, prohibition, or standard relating to the lead content in paints or other similar surface-coating materials which differs from the provisions of this Act or regulations issued pursuant to this Act. Any law, regulation, or ordinance purporting to establish such different requirement, prohibition, or standard shall be null and void.".

SEC. 8. Section 314(c) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead based paint poisoning control of the type authorized under the Lead Based Paint Poisoning Prevention Act (84 Stat. 2078)."

And the House agree to the same.

WRIGHT PATMAN,
W. A. BARRETT,
LEONOR K. SULLIVAN,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
ROBERT G. STEPHENS, Jr.,
FERNAND ST GERMAIN,
HENRY B. GONZALEZ,
RICHARD T. HANNA,
WILLIAM B. WIDNALL,
GARRY BROWN,
J. WILLIAM STANTON,
BEN BLACKBURN,
MARGARET M. HECKLER.

Managers on the Part of the House.

EDWARD M. KENNEDY,
HARRISON WILLIAMS,
GAYLORD NELSON,
TOM EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
RICHARD S. SCHWEIKER,
J. JAVITS,
PETER H. DOMINICK,
J. GLENN BEALL, Jr.,
ROBERT TAFT, Jr.,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, 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:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying, clerical, and conforming changes, the differences are noted below:

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

The Senate bill contained a provision authorizing the Secretary of HEW to conduct appropriate research on multiple layers of lead paint film containing the various lead compounds used and to submit a full and complete report to the Congress with its findings and recommendations no later than October 1, 1973.

The House amendment contained a provision authorizing the Chairman of the Consumer Product Safety Commission to conduct the appropriate research on multiple layers of lead paint film and to submit a complete report on his findings and recommendations to the Congress no later than December 31, 1974.

The conference report contains the House provision.

FHA REQUIREMENTS

The House amendment contained a provision directing the Secretary of HUD to establish procedures to eliminate the hazards of lead paint and must provide assured notification of purchasers and tenants of such housing.

The Senate bill contained a similar provision that provided for the assured notification to only purchasers. The conferees intend that this amendment apply as a condition to the Secretary's acceptance of an application for mortgage insurance or an application for housing assistance payments.

PROHIBITION AGAINST LEAD-BASED PAINT IN CONSTRUCTION OF FACILITIES AND MANUFACTURE OF CERTAIN TOYS AND UTENSILS

The Senate bill contained a provision directing the Secretary of HEW to take such steps and impose such conditions to prohibit the use of lead paint in residential structures receiving any Federal assistance. It would also direct the Secretary of HEW to prohibit the application of lead-based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment.

The House amendment contained a provision providing for consultation between the Secretary of HEW and Secretary of HUD with regard to the steps and conditions to be taken to prohibit the use of lead paint in residential structures receiving any Federal assistance.

The conference report contains the Senate provision with the House provision providing for consultation with the Secretary of HUD and also contains the Senate provision prohibiting the application of lead paint in the manufacture of certain toys and utensils. The conferees intend that the itemization of articles covered by this provision should be read broadly to cover any articles likely to be used by children, such as pencils coated with paint.

DEFINITION OF LEAD PAINT

The Senate bill contained a provision defining the lead content in paint to be .5 percent lead by weight prior to December 1, 1973. After December 31, 1973, a new definition of .06 percent lead by weight would become effective, except that if prior to December 31, 1973, the Secretary, based on studies conducted, determines that another level of lead, not to exceed .5 percent lead by weight, is safe. The House amendment contained a provision providing for the definition of lead contained in paint to be .5 percent lead by weight.

The conference report contains the Senate provision with the following changes:

(1) Prior to December 31, 1974, the new definition of lead-based paint would be .5 percent.

(2) That after December 31, 1974, the definition of lead-based paint would be .06 percent lead by weight except that if prior to December 31, 1974, the Chairman of the Consumer Product Safety Commission, based on studies conducted in accordance with section 301(b) of this Act, determines that another level of lead, not to exceed .5 percent is safe, shall be effective after December 31, 1974.

AUTHORIZATIONS

The House amendment contained a provision providing for the authorization of $20 million for each of fiscal years 1974 and 1975 for assistance under Title I—Detection and Treatment Programs; $30 million for each of fiscal years 1974 and 1975 for Title II—Elimination of Lead Paint Poisoning Programs; $2.5 million for each of fiscal years 1974 and 1975 for Title III—Research and Demonstration Programs.

The Senate bill contained a provision providing $30 million for each of fiscal years 1974, 1975, 1976 and 1977 for Title I; $40 million for each of fiscal years 1974, 1975, 1976, and 1977 for Title II; $5 million for each of fiscal years 1974, 1975, 1976, and 1977 for Title III.

The conference report contains the following authorizations: $25 million for fiscal years 1974 and 1975 for Title I; $35 million for fiscal years 1974 and 1975 for Title II; and $3 million for fiscal years 1974 and 1975 for Title III.

FEDERAL PREEMPTION

The House amendment contained a provision providing for Federal preemption of any and all laws of States and local governments regrading the requirement prohibition of standards relating to lead content in paints on any other surface coating in materials which differs from the provisions of this Act or regulations issued pursuant thereof. The Senate bill contained no similar provision.

The conference report contains the House provision.

PUBLIC HEALTH SERVICE ACT

The Senate bill contained a provision providing that no funds appropriated pursuant to the authorization of section 314(e) of the Public Health Service Act shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act. The House amendment contained no similar provision.

The conference report contains the Senate provision.

WRIGHT PATMAN,
W. A. BARRETT,
LEONOR K. SULLIVAN,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
ROBERT G. STEPHENS, JR.,
FERNAND ST GERMAIN,
HENRY B. GONZALEZ,
RICHARD T. HANNA,
WILLIAM B. WIDNALL,
GARRY BROWN,
J. WILLIAM STANTON,
BEN BLACKBURN,
MARGARET M. HECKLER,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HARRISON WILLIAMS,
GAYLORD NELSON,
TOM EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
RICHARD S. SCHWEIKER,
J. JAVITS,
PETER H. DOMINICK,
J. GLENN BEALL, JR.,
ROBERT TAFT, JR.,
Managers on the Part of the Senate.

HEARINGS ON CORRECTIONS RESCHEDULED

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

Mr. KASTENMEIER. Mr. Speaker, I announced on Tuesday, September 18, that the Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice would convene on Thursday, September 27 for the purpose of hearing testimony from the distinguished Representative from Florida, the Honorable CLAUDE PEPPER, on the subject of corrections.

At this time I regretfully announce that due to the untimely death of former Governor Warren of the State of Florida, Mr. PEPPER will not be able to testify on Thursday, September 27, and the hearings set for that day will be rescheduled at a later date in October.

THE LATE HONORABLE ROY H. McVICKER

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

Mr. BROTZMAN. Mr. Speaker, I have the sad duty to inform the Members of the House of the death of one of our former colleagues. The Honorable Roy H. McVicker, who represented the Second District of Colorado in 1965 and 1966, died this past weekend. I know all of my colleagues join Mrs. Brotzman and myself in expressing our deepest sympathies to Roy's wife; his father, the Reverend Roy McVicker, Sr.; and the other members of his family.

Although Roy and I found ourselves pitted against each other on three occasions for the seat I am now priviliged to hold in this body, we always maintained a personal friendship. He dedicated his life to public service, having served with distinction in the Colorado General Assembly prior to his election to Congress and having devoted a great deal of his recent energy toward channeling resources of the private sector into the economic advancement of Latin America.

GENERAL LEAVE

Mr. BROTZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend the remarks on the late Honorable Roy H. McVicker.

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

There was no objection.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT IS TALKING ABOUT FALSE CEILINGS ON INTEREST RATES FOR FHA INSURED MORTGAGES

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

Mr. O'NEILL. Mr. Speaker, last week I pointed out that President Nixon's housing program would not fix a leaky roof.

Now I would like to assess that program in terms of ceilings—I mean ceilings on interest rates for FHA- and VA-insured home loans. President Nixon said he would ask Congress to lift those limitations because they are having an adverse effect on the housing market.

Mr. Speaker, President Nixon is talking about a false ceiling.

A good 5 years ago, Congress gave the President authority to raise ceilings on interest rates beyond the statutory limit if necessary to meet market conditions. Not only does FHA have such authority, FHA is using it.

As recently as August 25, FHA boosted its allowable interest rates on home mortgages to 8½ percent—which is 2½ percent higher than the statutory limit.

In addition, Congress passed and the President signed into law last July a bill that give VA separate authority to set its own interest rates. VA promptly raised its maximum to 8½ percent.

Now, if the President thinks that FHA and VA interest ceilings need to be raised still more, he has the authority to do it.

President Nixon is trying to divert attention from the faults in his housing program by making a political issue out of a purely management problem. Meanwhile, housing credit remains tight, and the low- and moderate-income families suffer.

APPOINTMENT OF CONFEREES ON H.R. 9639, NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate thereon.

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

The Chair hears none, and appoints the following conferees: Messrs. PERKINS, MEEDS, and QUIE.

CONFERENCE REPORT ON H.R. 8619, AGRICULTURE, ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS—1974

Mr WHITTEN. Mr. Speaker, I call up the conference report on the bill (H.R. 8619) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes, and ask unanimous consent that the

statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 20, 1973.)

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

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

There was no objection.

Mr. WHITTEN. Mr. Speaker, the conference report before the House was signed by all of the House and Senate conferees.

This conference report provides for the special milk program at the level proposed by the Senate in order to be certain that milk is made available to all schoolchildren.

The conferees approved the increase in funds for the food stamp program. This was necessary because the Agriculture and Consumer Protection Act of 1973, recently passed by Congress, directed and mandated various increases in eligibility.

With regard to rural development, we restored the funds or directed the restoration of the funds that have been frozen for housing grants and sewer and water grants. We also provided funding for rural development programs authorized by the Rural Development Act.

In connection with the payment limitation, the conferees went along with the limitation of $20,000 as provided by law.

In the matter of the sale or lease of cotton acreage allotments, which was prohibited under the House version of the bill, our investigation disclosed that this limitation would eliminate 214,000 farmers with less than 10 acres of cotton at a time when our mills cannot find sufficient cotton, and when we are begging people to produce it. Cotton is selling now, as I understand, at about 93 cents a pound. Certainly we felt it would be most unwise to eliminate these 214,000 farms from the production of cotton at this critical time.

With respect to the cotton research funds that were eliminated by House action on the bill, we reduced that fund from $10 million to $3 million and provided it be used for research only with the projects to be approved by the Secretary as provided by law.

Comments on other items in the bill are contained in the statement of the managers.

SUMMARY OF CONFERENCE ACTION

At this point in the RECORD, I would like to insert a written statement and table summarizing in detail the major actions taken on the bill.

1974 AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATION BILL

SUMMARY OF CONFERENCE ACTION

New budget (obligational) authority, fiscal year 1973	$12,738,992,700
Budget estimates of new (obligational) authority, fiscal year 1974	9,519,550,600
House bill, fiscal year 1974	9,385,737,600
Senate bill, fiscal year 1974	10,176,926,500
Conference agreement	9,927,667,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1973	−2,811,325,700
Budget estimates of new (obligational) authority (as amended), fiscal year 1974	+408,116,400
House bill, fiscal year 1974	+541,929,400
Senate bill, fiscal year 1974	−249,259,500

Some of the Most Significant Actions Include:

Agricultural Stabilization and Conservation Service, Salaries and Expenses — $169,235,000

(Restores program to 1973 level and directs the Department not to cut county offices without approval of the Congress. Provides that State and county committeemen shall not be arbitrarily dismissed.)

Rural Electrification Administration — $950,000,000

(Switches to an insured loan program and provides $317 million more than last year. Also provides for new guaranteed loan program with Congress to be given 30 days' prior notice of approvals.)

Farmers Home Administration:

(1) Housing Programs — $2,144,000,000

(Restores discontinued housing programs and provides not less than $1.2 billion for low-income programs.)

(2) Rural Water and Waste Disposal Grants — $150,000,000

(Restores program proposed for elimination. Includes $30 million in new funds and $120 million in frozen funds.)

(3) Rural Development Insurance Fund — $720,000,000

(Establishes new insured loan programs authorized by the Rural Development Act of 1972 (P.L. 92-419). Conferees caution USDA to move slowly in implementing the new industrialization loan program until sufficient expertise is gained.)

Environmental Protection Agency — $534,000,000

(1. Provides $60 million more than 1973. Major congressional changes include: provision for environmental impact statements on EPA actions, study by National Academy of Sciences of EPA programs, and research and testing of substitute chemicals.)

(2. Includes $600 million for liquidation of contract authority under new Federal Water Pollution Control Act Amendments of 1972.)

HUD Water and Sewer Grants — $400,000,000

(Directs HUD to reinstate discontinued program using prior year frozen funds. $100 million to be transferred to start a Special Great Lakes Program.)

Soil Conservation Service — $334,523,000

(Provides generally the same personnel level as 1973, except personnel ceilings shall not include the approximately 200 man-years required for the filing of environmental impact statements.)

Agricultural Conservation Program (REAP) — $175,000,000

(Restores program eliminated in budget. Includes transfer of $15 million from EPA. County committees retain right to select practices. Funds will be available for practices authorized under the Rural Environmental Conservation Program established under the Agriculture and Consumer Protection Act of 1973.)

Water Bank Act Program — $10,000,000

(Restores program eliminated in the budget.)

Food and Drug Administration — $168,590,000

(Includes $200,000 for study of the pros and cons of the Delaney Clause in its current form. Includes $2.8 million in prior year funds to renovate laboratory at National Center for Toxicological Research for research on effects of low dosages of chemicals.)

Consumer Product Safety Commission — $30,900,000

(Includes first permanent funding of new Commission, which is currently operating on funds transferred from other agencies.)

Federal Trade Commission — $30,600,000

(Includes $1,000,000 for a study of the energy industry similar to the recently completed study of the petroleum industry.)

Child Nutrition Programs — $761,243,000

(Provides $165 million increase over 1973 for school lunch and other feeding programs.)

Special Milk Program — $97,123,000

(Restores proposed budget reduction of $72 million. Will enable program to operate at last year's level.)

Food Stamp Program — $2,500,000,000

($300 million over the budget request because of liberalized eligibility requirements in the recently passed farm bill. Administration is currently considering a $700 million supplemental for this item.)

Other important items in the bill:

Provides a $20,000 payment limitation.

Restricts funds to Cotton, Inc. to $3,000,000 for research only and to be approved in advance by the Secretary of Agriculture.

Calls for a study of the need for an animal quarantine facility.

Personnel ceilings shall be adjusted to allow for congressional increases.

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974

[Note: All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—AGRICULTURAL PROGRAMS									
DEPARTMENT OF AGRICULTURE									
Departmental Management									
Office of the Secretary	$11,224,000	$10,933,000	$10,822,000	$10,872,000	$10,822,000	−$402,000	−$111,000	.....	−$50,000
Office of the Inspector General	14,519,000	14,501,000	14,501,000	14,510,000	14,501,000	−18,000	.....	.....	.....
Transfer from food stamp program	(4,250,000)	(4,250,000)	(4,250,000)	(4,250,000)	(4,250,000)	.....	.....	.....	.....
Total, Office of the Inspector General	(18,769,000)	(18,751,000)	(18,751,000)	(18,751,000)	(18,751,000)	(−18,000)	.....	.....	.....
Office of the General Counsel	6,779,000	6,666,000	6,666,000	6,666,000	6,666,000	−113,000	.....	.....	.....
Office of Management Services	4,147,000	4,147,000	4,147,000	4,147,000	4,147,000	.....	.....	.....	.....
Total, Departmental Management	36,669,000	36,247,000	36,136,000	36,186,000	36,136,000	−533,000	−111,000	.....	−50,000
Science and Education Programs									
Agricultural Research Service:									
Research	190,892,600	170,790,000	172,790,000	178,946,900	175,938,400	−14,954,200	+5,148,400	+$3,148,400	−3,008,500
Transfer from sec. 32	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	.....	.....	.....	.....
Special fund (reappropriation)	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000	.....	.....	.....
Scientific activities overseas	10,000,000	10,000,000	5,000,000	10,000,000	5,000,000	−5,000,000	−5,000,000	.....	−5,000,000
Total, Agricultural Research Service	202,892,600	180,790,000	177,790,000	188,946,900	180,938,400	−21,954,200	+148,400	+3,148,400	−8,008,500
Animal and Plant Health Inspection Service	304,899,000	336,171,000	287,171,000	342,871,000	285,925,000	−18,974,000	−50,246,000	−1,246,000	−56,946,000
Cooperative State Research Service	91,438,000	73,700,000	86,700,000	90,121,000	89,880,000	−1,558,000	+16,180,000	+3,180,000	−241,000
Extension Service	194,331,000	196,831,000	199,573,000	208,573,000	204,073,000	+9,742,000	+7,242,000	+4,500,000	−4,500,000
National Agricultural Library	4,226,750	4,226,750	4,226,750	4,226,750	4,226,750	.....	.....	.....	.....
Total, Science and Education programs	797,787,350	791,718,750	755,460,750	834,738,650	765,043,150	−32,744,200	−26,675,600	+9,582,400	−69,695,500
Agricultural Economics									
Statistical Reporting Service	22,875,200	22,834,200	22,834,200	22,859,200	22,859,200	−16,000	+25,000	+25,000	.....
Economic Research Service	[1] 15,819,000	[1] 15,505,000	[1] 15,505,500	[1] 15,880,000	[1] 15,780,000	−39,000	+275,000	+275,000	−100,000
Total, Agricultural Economics	38,694,200	38,339,200	38,339,200	38,739,200	38,639,200	−55,000	+300,000	+300,000	−100,000
Marketing Services									
Agricultural Marketing Service:									
Marketing services	34,648,000	34,865,000	34,528,000	34,865,000	34,865,000	+217,000	.....	+337,000	.....
Payments to States and possessions	2,500,000	1,600,000	1,600,000	1,600,000	1,600,000	−900,000	.....	.....	.....
Total, Agricultural Marketing Service	37,148,000	36,465,000	36,128,000	36,465,000	36,465,000	−683,000	.....	+337,000	.....
Commodity Exchange Authority	2,906,000	2,906,000	3,257,000	3,257,000	3,257,000	+351,000	+351,000	.....	.....
Packers and Stockyards Administration	4,062,650	4,054,650	4,054,650	4,154,650	4,054,650	−8,000	.....	.....	−100,000
Farmer Cooperative Service	2,055,000	1,955,000	1,955,000	1,955,000	1,955,000	−100,000	.....	.....	.....
Total, Marketing Services	46,171,650	45,380,650	45,394,650	45,831,650	45,731,650	−440,000	+351,000	+337,000	−100,000
International Programs									
Export Marketing Service	(3,830,000)	(3,830,000)	(3,830,000)	(3,830,000)	(3,830,000)	.....	.....	.....	.....
Foreign Agricultural Service	25,971,000	25,805,000	25,805,000	26,000,000	25,805,000	−166,000	.....	.....	−195,000
Transfer from sec. 32	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	.....	.....	.....	.....
Total, Foreign Agricultural Service	(29,088,000)	(28,922,000)	(28,922,000)	(29,117,000)	(28,922,000)	(−166,000)	.....	.....	(−195,000)
Public Law 480	895,000,000	653,638,000	453,638,000	653,638,000	553,638,000	−341,362,000	−100,000,000	+100,000,000	−100,000,000
Total, International Programs	920,971,000	679,443,000	479,443,000	679,638,000	579,443,000	−341,528,000	−100,000,000	+100,000,000	−100,195,000
Commodity Programs									
Agricultural Stabilization and Conservation Service:									
Salaries and expenses	169,235,000	152,000,000	169,235,000	169,235,000	169,235,000	.....	+17,235,000	.....	.....
Transfer from Commodity Credit Corporation	(78,346,000)	(82,027,000)	(78,346,000)	(78,346,000)	(78,346,000)	.....	(−3,681,000)	.....	.....
Total, salaries and expenses	(247,581,000)	(234,027,000)	(247,581,000)	(247,581,000)	(247,581,000)	.....	(+13,554,000)	.....	.....
Sugar Act program	84,500,000	89,500,000	88,500,000	88,500,000	88,500,000	+4,000,000	−1,000,000	.....	.....
Cropland adjustment program	52,500,000	51,900,000	51,900,000	51,900,000	51,900,000	−600,000	.....	.....	.....
Dairy and beekeeper indemnity programs	3,500,000	.....	.....	.....	.....	−3,500,000	.....	.....	.....
Total, Agricultural Stabilization and Conservation Service	309,735,000	293,400,000	309,635,000	309,635,000	309,635,000	−100,000	+16,235,000	.....	.....
Federal Crop Insurance Corporation:									
Administrative and operating expenses	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	.....	.....	.....	.....
Federal Crop Insurance Corporation Fund	(3,654,000)	(3,632,000)	(3,632,000)	(3,632,000)	(3,632,000)	(−22,000)	.....	.....	.....
Total, Federal Crop Insurance Corporation	(15,654,000)	(15,632,000)	(15,632,000)	(15,632,000)	(15,632,000)	(−22,000)	.....	.....	.....
Commodity Credit Corporation:									
Reimbursement for net realized losses	3,267,575,000	3,457,409,000	3,301,940,000	3,301,940,000	3,301,940,000	+34,365,000	−155,469,000	.....	.....
Limitation on administrative expenses	(39,900,000)	(41,800,000)	(39,900,000)	(39,900,000)	(39,900,000)	.....	(−1,900,000)	.....	.....
Total, Commodity Programs	3,589,310,000	3,762,809,000	3,623,575,000	3,623,575,000	3,623,575,000	+34,265,000	−139,234,000	.....	.....
Total, Title I, agricultural programs	5,429,603,200	5,353,937,600	4,978,348,600	5,258,708,500	5,088,568,000	−341,035,200	−265,369,600	+110,219,400	−170,140,500

Footnotes at end of table.

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

[Note: All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II—RURAL DEVELOPMENT PROGRAMS									
DEPARTMENT OF AGRICULTURE									
Rural Development Service	[2] $2,661,000	[2] $2,661,000	[2] $2,661,000	[2] $2,661,000	[2] $2,661,000				
Rural development grants and technical assistance		20,000,000	5,000,000	20,000,000	10,000,000	+$10,000,000	−$10,000,000	+$5,000,000	−$10,000,000
Resource conservation and development	26,600,000	8,217,000	17,217,000	17,217,000	17,217,000	−9,383,000	+9,000,000		
Rural Electrification Administration:									
Rural electrification and telephone revolving fund:									
Electric loans	[3] 488,000,000	[4] (618,000,000)	(618,000,000)	(750,000,000)	(750,000,000)	−488,000,000	(+132,000,000)	(+132,000,000)	( )
Telephone loans	145,000,000	[4] (140,000,000)	(140,000,000)	(200,000,000)	(200,000,000)	−145,000,000	(+60,000,000)	(+60,000,000)	( )
Total, loans	633,000,000	(758,000,000)	(758,000,000)	(950,000,000)	(950,000,000)	−633,000,000	(+192,000,000)	(+192,000,000)	( )
Capitalization of Rural Telephone Bank	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000				
Salaries and expenses	16,720,000	16,720,000	16,720,000	16,720,000	16,720,000				
Total, Rural Electrification Administration	679,720,000	46,720,000	46,720,000	46,720,000	46,720,000	−633,000,000	(+192,000,000)	(+192,000,000)	
Farmers Home Administration:									
Direct loan account:									
Operating loans	(350,000,000)	( )	( )	( )	( )	(−350,000,000)	( )	( )	( )
Soil conservation loans	(24,000,000)	( )	( )	( )	( )	(−24,000,000)	( )	( )	( )
Total, direct loan account	(374,000,000)	( )	( )	( )	( )	(−374,000,000)	( )	( )	( )
Rural Housing Insurance Fund:									
Direct loans	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	( )	( )	( )	( )
Insured loans	(2,144,000,000)	(1,133,000,000)	(1,500,000,000)	(2,144,000,000)	(2,144,000,000)	( )	(+1,011,000,000)	(+644,000,000)	( )
Reimbursement for interest and other losses	51,461,000	89,170,000	89,170,000	89,170,000	89,170,000	+37,709,000			
Total, Rural Housing Insurance Fund	(2,205,461,000)	(1,232,170,000)	(1,599,170,000)	(2,243,170,000)	(2,243,170,000)	(+37,709,000)	(+1,011,000,000)	(+644,000,000)	( )
Agricultural Credit Insurance Fund:									
Insured real estate loans	(370,000,000)	(370,000,000)	(370,000,000)	(370,000,000)	(370,000,000)	( )	( )	( )	( )
Insured water and waste disposal loans	(300,000,000)	( )	( )	( )	( )	(−300,000,000)	( )	( )	( )
Emergency loans	(350,000,000)	[5] (100,000,000)	[5] (100,000,000)	[5] (100,000,000)	[5] (100,000,000)	(−250,000,000)	( )	( )	( )
Soil conservation loans	( )	(24,000,000)	(24,000,000)	(24,000,000)	(24,000,000)	(+24,000,000)	( )	( )	( )
Operating loans	( )	[6] (350,000,000)	[6] (350,000,000)	[6] (350,000,000)	[6] (350,000,000)	(+350,000,000)	( )	( )	( )
Reimbursement for interest and other loses	56,762,000	74,554,000	74,554,000	74,554,000	74,554,000	+17,792,000			
Total, Agricultural Credit Insurance Fund	(1,076,762,000)	(918,554,000)	(918,554,000)	(918,554,000)	(918,554,000)	(−158,208,000)	( )	( )	( )
Rural water and waste disposal grants	92,000,000		30,000,000	30,000,000	30,000,000	−62,000,000	+30,000,000		
Prior year unobligated balances	(58,000,000)	( )	(120,000,000)	(120,000,000)	(120,000,000)	(+62,000,000)	(+120,000,000)	( )	( )
Total, rural water and waste disposal grants	(150,000,000)	( )	(150,000,000)	(150,000,000)	(150,000,000)	( )	(+150,000,000)	( )	( )
Rural housing for domestic farm labor	3,750,000		5,000,000	15,000,000	7,500,000	+3,750,000	+7,500,000	+2,500,000	−7,500,000
Mutual and self-help housing	3,000,000	3,000,000	3,000,000	5,000,000	4,000,000	+1,000,000	+1,000,000	+1,000,000	+1,000,000
Rural Development Insurance Fund:									
Water and sewer facility loans	( )	[7] (545,000,000)	(445,000,000)	[7] (545,000,000)	(470,000,000)	(+470,000,000)	(−75,000,000)	(+25,000,000)	(−75,000,000)
Industrial development loans	( )	(200,000,000)	(100,000,000)	(400,000,000)	(200,000,000)	(+200,000,000)	( )	(+100,000,000)	(−200,000,000)
Community facility loans	( )	[7] ( )	(50,000,000)	[7] ( )	(50,000,000)	(+50,000,000)	(+50,000,000)	( )	(+50,000,000)
Total, Rural Development Insurance Fund	( )	(745,000,000)	(595,000,000)	(945,000,000)	(720,000,000)	(+720,000,000)	(−25,000,000)	(+125,000,000)	(−225,000,000)
Payment of participation sales insufficiencies	( )	[8] (1,476,000)	[8] (1,476,000)	[8] (1,476,000)	[8] (1,476,000)	(+1,476,000)	( )	( )	( )
Salaries and expenses	116,627,000	112,500,000	112,500,000	112,500,000	112,500,000	−4,127,000			
Transfer from loan accounts	(1,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(+2,000,000)	( )	( )	( )
Total, salaries and expenses	(118,127,000)	(116,000,000)	(116,000,000)	(116,000,000)	(116,000,000)	(−2,127,000)	( )	( )	( )
Total, Farmers Home Administration	323,600,000	279,224,000	314,224,000	326,224,000	317,724,000	−5,876,000	+38,500,000	+3,500,000	−8,500,000
INDEPENDENT AGENCIES									
Farm Credit Administration (limitation on administrative expenses)	(5,545,000)	(5,810,000)	(5,810,000)	(5,810,000)	(5,810,000)	(+265,000)	( )	( )	( )
Total, Title II, rural development programs	1,032,581,000	356,822,000	385,822,000	412,822,000	394,322,000	−638,259,000	+37,500,000	+8,500,000	−18,500,000

Footnotes at end of table.

AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1973 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1974—Continued

[Note: All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III—ENVIRONMENTAL PROGRAMS									
INDEPENDENT AGENCIES									
Council on Environmental Quality and Office of Environmental Quality	$2,550,000	$2,466,000	$2,466,000	$2,466,000	$2,466,000	−$84,000			
Environmental Protection Agency:									
Agency and regional management	41,960,400	50,800,000	54,475,000	55,375,000	54,675,000	+12,714,600	+$3,875,000	+$200,000	−$700,000
Research and development	185,223,700	148,700,000	146,175,000	178,975,000	157,775,000	−27,448,700	+9,075,000	+11,600,000	−21,200,000
Prior year unobligated balances	(-----)	(-----)	(13,000,000)	(9,000,000)	(9,000,000)	(+9,000,000)	(+9,000,000)	(−4,000,000)	(-----)
Total, research and development	(185,223,700)	(148,700,000)	(159,175,000)	(187,975,000)	(166,775,000)	(−18,448,700)	(+18,075,000)	(+7,600,000)	(−21,200,000)
Abatement and control	217,222,700	243,100,000	265,400,000	291,800,000	273,400,000	+56,177,300	+30,300,000	+8,000,000	−18,400,000
Prior year unobligated balances	(-----)	(-----)	(5,700,000)	(1,700,000)	(3,700,000)	(+3,700,000)	(+3,700,000)	(−2,000,000)	(+2,000,000)
Total, abatement and control	(217,222,700)	(243,100,000)	(271,100,000)	(293,500,000)	(277,100,000)	(+59,877,300)	(+34,000,000)	(+6,000,000)	(−16,400,000)
Enforcement	28,894,200	47,400,000	45,950,000	46,850,000	46,150,000	+17,255,800	−1,250,000	+200,000	−700,000
Construction grants	1,900,000,000	-----	-----	-----	-----	−1,900,000,000	-----	-----	-----
Liquidation of contract authority	(-----)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(+600,000,000)	(-----)	(-----)	(-----)
Scientific activities overseas	4,000,000	4,000,000	2,000,000	4,000,000	2,000,000	−2,000,000	−2,000,000	-----	−2,000,000
Total, Environmental Protection Agency	2,377,301,000	494,000,000	514,000,000	577,000,000	534,000,000	−1,843,301,000	+40,000,000	+20,000,000	−43,000,000
National Commission on Materials Policy	1,300,000	91,000	-----	-----	-----	−1,300,000	−91,000	-----	-----
National Commission on Water Quality	200,000	[9]14,800,000	-----	10,000,000	10,000,000	+9,800,000	−4,800,000	+10,000,000	-----
DEPARTMENT OF COMMERCE									
National Industrial Pollution Control Council	330,000	323,000	-----	-----	-----	−330,000	−323,000	-----	-----
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Grants for basic water and sewer facilities	-----	-----	-----	-----	-----	-----	-----	-----	-----
Prior year unobligated balances	(500,000,000)	(-----)	[10](400,000,000)	[10](400,000,000)	[10](400,000,000)	(−100,000,000)	(+400,000,000)	(-----)	(-----)
Total, facilities	(500,000,000)	(-----)	(400,000,000)	(400,000,000)	(400,000,000)	(−100,000,000)	(+400,000,000)	(-----)	(-----)
DEPARTMENT OF THE TREASURY									
Bureau of Accounts:									
Salaries and expenses	-----	1,188,000	1,188,000	1,188,000	1,188,000	+1,188,000	-----	-----	-----
Advances to the Environmental Financing Authority fund	(-----)	[11](100,000,000)	[11](100,000,000)	[11](100,000,000)	[11](100,000,000)	(+100,000,000)	(-----)	(-----)	(-----)
Total, Bureau of Accounts	-----	1,188,000	1,188,000	1,188,000	1,188,000	+1,188,000	-----	-----	-----
DEPARTMENT OF AGRICULTURE									
Soil Conservation Service:									
Conservation operations	163,440,000	153,923,000	160,000,000	168,069,000	160,000,000	−3,440,000	+6,077,000	-----	−8,069,000
River basin surveys and investigations	11,859,000	12,351,000	12,351,000	12,351,000	12,351,000	+492,000	-----	-----	-----
Watershed planning	7,789,000	7,053,000	7,053,000	12,000,000	10,000,000	+2,211,000	+2,947,000	+2,947,000	−2,000,000
Watershed and flood prevention operations	170,049,500	84,847,000	134,000,000	134,000,000	134,000,000	−36,049,500	+49,153,000	-----	-----
Great Plains conservation program	18,113,500	18,172,000	18,172,000	18,172,000	18,172,000	+58,500	-----	-----	-----
Total, Soil Conservation Service	371,251,000	276,346,000	331,576,000	344,592,000	334,523,000	−36,728,000	+58,177,000	+2,947,000	−10,069,000
Agricultural Stabilization and Conservation Service:									
Agricultural Conservation Program (REAP):									
Advance authorization (contract authority)	225,500,000	-----	160,000,000	160,000,000	160,000,000	−65,500,000	+160,000,000	-----	-----
Liquidation of contract authority	(195,500,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(−180,500,000)	(-----)	(-----)	(-----)
Water Bank Act program	10,000,000	-----	[12]	[12]10,000,000	[12]10,000,000	-----	+10,000,000	+10,000,000	-----
Emergency conservation measures	25,000,000	10,000,000	10,000,000	10,000,000	10,000,000	−15,000,000	-----	-----	-----
Total, Agricultural Stabilization and Conservation Service	260,500,000	10,000,000	170,000,000	180,000,000	180,000,000	−80,500,000	+170,000,000	+10,000,000	-----
Total, Title III, environmental programs	3,013,432,000	799,214,000	1,019,230,000	1,115,246,000	1,062,177,000	−1,951,255,000	+262,963,000	+42,947,000	−53,069,000
TITLE IV—CONSUMER PROGRAMS									
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Office of Consumer Affairs	1,100,500	1,200,000	-----	1,200,000	1,140,000	+39,500	−60,000	+1,140,000	−60,000
Food and Drug Administration:									
Salaries and expenses	156,195,000	161,140,000	160,590,000	160,590,000	160,590,000	+4,395,000	−550,000	-----	-----
Product safety transfer	(−11,300,000)	(-----)	(-----)	(-----)	(-----)	(+11,300,000)	(-----)	(-----)	(-----)
Prior year unobligated balances	(9,547,000)	(-----)	(3,000,000)	(3,000,000)	(3,000,000)	(−6,547,000)	(+3,000,000)	(-----)	(-----)
Total, salaries and expenses	(154,442,000)	(161,140,000)	(163,590,000)	(163,590,000)	(163,590,000)	(+9,148,000)	(+2,450,000)	(-----)	(-----)

Footnotes at end of table.

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1973	Budget estimates of new budget (obligational) authority, fiscal year 1974	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−), conferee recommendations compared with—			
						1973 enacted	1974 budget estimate	1974 House bill	1974 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE IV—Continued									
Buildings and facilities		5,000,000					−5,000,000		
Prior year unobligated balances	(3,900,000)	( )	(5,000,000)	(5,000,000)	(5,000,000)	(+1,100,000)	(+5,000,000)	( )	( )
Total, buildings and facilities	(3,900,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+1,100,000)	( )	( )	( )
Total, Food and Drug Administration (including prior year unobligated balances)	(158,342,000)	(166,140,000)	(168,590,000)	(168,590,000)	(168,590,000)	(+10,248,000)	(+2,450,000)	( )	( )
GENERAL SERVICES ADMINISTRATION									
Consumer Information Center	823,000	635,000	635,000	635,000	635,000	−188,000			
INDEPENDENT AGENCIES									
National Commission on Consumer Finance	$365,000					−365,000			
Consumer Product Safety Commission		$30,900,000	$30,900,000	$30,900,000	$30,900,000	+$30,900,000			
Transfers from other aencies	(13,554,000)	( )	( )	( )	( )	(−13,554,000)	( )	( )	( )
Total, Consumer Product Safety Commission	(13,554,000)	(30,900,000)	(30,900,000)	(30,900,000)	(30,900,000)	(+17,346,000)	( )	( )	( )
Federal Trade Commission	30,474,000	30,090,000	29,600,000	32,090,000	30,600,000	+126,000	+$510,000	+$1,000,000	−$1,490,000
Product safety transfer	(−1,500,000)	( )	( )	( )	( )	(+1,500,000)	( )	( )	( )
Total, Federal Trade Commission	(28,974,000)	(30,090,000)	(29,600,000)	(32,090,000)	(30,600,000)	(+1,626,000)	(+510,000)	(+1,000,000)	(−1,490,000)
DEPARTMENT OF AGRICULTURE									
Food and Nutrition Service:									
Child nutrition programs	477,296,000	555,612,000	555,612,000	567,612,000	561,612,000	+84,316,000	+6,000,000	+6,000,000	−6,000,000
Transfer from sec. 32	(119,165,000)	(199,631,000)	(199,631,000)	(199,631,000)	(199,631,000)	(+80,466,000)	( )	( )	( )
Total, child nutrition programs	(596,461,000)	(755,243,000)	(755,243,000)	(767,243,000)	(761,243,000)	(+164,782,000)	(+6,000,000)	(+6,000,000)	(−6,000,000)
Special milk program	97,123,000	25,000,000	25,000,000	97,123,000	97,123,000		+72,123,000	+72,123,000	
Food stamp program	2,500,000,000	2,200,000,000	2,200,000,000	2,500,000,000	2,500,000,000		+300,000,000	+300,000,000	
Total, Food and Nutrition Service	3,074,419,000	2,780,612,000	2,780,612,000	3,164,735,000	3,158,735,000	+84,316,000	+378,123,000	+378,123,000	−6,000,000
Total, Title IV, consumer programs	3,263,376,500	3,009,577,000	3,002,337,000	3,390,150,000	3,382,600,000	+119,223,500	+373,023,000	+380,263,000	−7,550,000
RECAPITULATION									
Title I—Agricultural programs	5,429,603,200	5,353,937,600	4,978,348,600	5,258,708,500	5,088,568,000	−341,035,200	−265,369,600	+110,219,400	−170,140,500
Title II—Rural development programs	1,032,581,000	356,822,000	385,822,000	412,822,000	394,322,000	−638,259,000	+37,500,000	+8,500,000	−18,500,000
Title III—Environmental programs	3,013,432,000	[9] 799,214,000	1,019,230,000	1,115,246,000	1,062,177,000	−1,951,255,000	+262,963,000	+42,947,000	−53,069,000
Title IV—Consumer programs	3,263,376,500	3,009,577,000	3,002,337,000	3,390,150,000	3,382,600,000	+119,223,500	+373,023,000	+380,263,000	−7,550,000
Total, New Budget (obligational) authority	12,738,992,700	9,519,550,600	9,385,737,600	10,176,926,500	9,927,667,000	−2,811,325,700	+408,116,400	+541,929,400	−249,259,500
Consisting of:									
1. Appropriations	11,878,492,700	[9] 9,519,550,600	9,225,737,600	10,016,926,500	9,767,667,000	−2,110,825,700	+248,116,400	+541,929,400	−249,259,500
2. Reappropriations	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000	( )	( )	( )
3. Contract authorizations	225,500,000		160,000,000	160,000,000	160,000,000	−65,500,000	+160,000,000		
4. Authorizations to spend from debt receipts	633,000,000					−633,000,000			
5. Direct and insured loan level	(3,548,000,000)	(3,490,000,000)	(3,707,000,000)	(4,893,000,000)	(4,668,000,000)	(+1,120,000,000)	(+1,178,000,000)	(+961,000,000)	(−225,000,000)

[1] Reflects transfer of Economic Development Division and $2,621,000 to Rural Development Service.
[2] Reflects transfer of $2,261,000 from Economic Research Service for activities of Economic Development Division.
[3] Excludes $107,000,000 of prior year balances available in 1973.
[4] These amounts included in the Rural Development Insurance Fund.
[5] Department requested definite limitation on loans; committee provided indefinite amount.
[6] Department requested indefinite limitation on loans; committee provided definite limitation.
[7] Total of $545,000,000 available for water, waste disposal, and other community facilities.
[8] Indefinite appropriation.
[9] Includes budget amendment of $13,800,000 not considered by House.
[10] $100,000,000 to be transferred to the Environmental Protection Agency for a storm and combined sewer demonstration program in the Great Lakes area.
[11] In addition, the Secretary of the Treasury is authorized to purchase $200,000,000 of the obligations of the Authority.
[12] Unobligated balance of $11,390,820 available for obligation in 1974.

FORESTRY INCENTIVES PROGRAM

Mr. WHITTEN. Mr. Speaker, one of the things in which my colleagues have a very definite interest is the forestry incentives program, which was authorized in the Agriculture and Consumer Protection Act of 1973 which became law on August 10, 1973.

In our report, we call attention to this program and direct that it be administered by the Agricultural Stabilization and Conservation Committees in the various counties.

Now, the reason for that is that the U.S. Forest Service is operating under severe personnel ceilings. The ASCS committees in the various States and counties have provided some 5 billion trees since the start of the tree planting program. They are well trained in this area and have a nationwide organization to administer the program.

Now, personally, after talking to the Secretary of Agriculture and others, I feel this is a sound approach. There has been no budget estimate submitted for this program, and I I am informed it would be most difficult to obtain an increase in the personnel ceiling for the Forest Service.

The conferees felt that it was more practical for this program to be handled by the local committees who are experienced in the job, and have the organization available to do the work.

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

Mr. WHITTEN. I yield to my colleague from Florida.

Mr. SIKES. I appreciate the explanation the distinguished gentleman from Mississippi has given on the reasons for placing the forestry incentives program under the jurisdiction of ASCS. This, as the distinguished gentleman has stated, does mean that the program can be carried forward immediately through county committees, which are charged with responsibility for ASCS programs existing virtually all over the country. They have personnel. They can begin immediately to expand the programs already in progress, forest planting and forest stand improvement.

I recognize the gentleman's aims and I recognize also the fact that the Forest

Service does not have personnel who are widely distributed, who could immediately begin this operation. We want this program to be successful and we want to avoid delays in its implementation. There are two points which should have additional explanation. One is that the authorizing legislation specifically states the program of forestry incentives shall be carried on by the Secretary in consultation with the State foresters or other appropriate officials of the respective States.

I presume there is nothing in the gentleman's language which will interfere with this directive in the supervision and operation of the forestry incentive program. Can the gentleman substantiate this?

Mr. WHITTEN. Mr. Speaker, there is nothing in the report that would do that. I would have to say that when the request for appropriations comes up for this program, I believe we will have an obligation on the Appropriations Committee to study the facts of the situation. Since we have not yet had a budget request for this program, precise guidelines for its administration have not been prescribed in detail. The conference language does not prohibit cooperation and coordination with State foresters. I do not mean to raise the question here, but I do point out that I, as chairman, would feel we should develop all the necessary and related facts when we consider the budget estimate.

Mr. SIKES. Mr. Speaker, I will address one further question to the distinguished chairman.

Does the gentleman feel that he has adequate assurance from the administration that the work of the Department of Agriculture now being done in the agricultural conservation program will be continued so that the forestry incentives program may go forward?

Mr. WHITTEN. Mr. Speaker, I have had verbal assurances to that effect. When I see it in writing, I will be a little more certain, but until the program is restored, I can only say I have had all the assurances I feel I can hope to receive from the Department.

Mr. SIKES. In any event, the gentleman's committee is doing all it can, and the House is doing all it can to see that these programs will go forward?

Mr. WHITTEN. That is certainly true.

SPECIAL MILK PROGRAM

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

Mr. WHITTEN. I yield to my colleague, the gentleman from Wisconsin.

Mr. OBEY. May I ask the gentleman from Mississippi this question:

Does the language in the committee report mean that it is the intent of the Congress to carry on the special milk program as it has been carried on in the past?

Mr. WHITTEN. That is essentially correct. The reason we went along with the increased amount for the special milk program was to make certain that milk is available to all school children.

Mr. OBEY. Mr. Speaker, I thank the gentleman, and I congratulate the committee.

Mr. ANDREWS of North Dakota. Mr. Speaker, as the chairman of the subcommittee has pointed out, this was a good conference, and all the conferees signed the conference report. We made a number of changes in the original bill.

We increased, as was pointed out a moment ago, the funding for the school milk program. We also received assurances from the Office of Management and Budget that they would implement a new Rural Electrification program, so we did not write into the conference report the strong language which we would have otherwise.

Mr. Speaker, it is a good bill. I urge my colleagues to support it.

Mr. Speaker, I yield at this time for the purpose of a question only to my colleague, the gentleman from Illinois (Mr. FINDLEY).

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

I would like to draw attention to page 31191, September 24, 1973 RECORD, which carries an explanation inserted by the gentleman from Mississippi.

The reference is to Cotton, Inc., and this explanation says that: "The conference has reduced the amount available from $10,000,000 to $3,000,000 and restricted the use of research only, with projects to be approved by the Secretary as provided by law."

Now, perhaps either the gentleman from North Dakota or the gentleman from Mississippi would clarify that for me.

Mr. WHITTEN. My remarks as they appeared in the RECORD for September 24 are as follows:

Mr. WHITTEN. Mr. Speaker, we agreed upon the conference report on H.R. 8619, the appropriations bill for agriculture-environmental and consumer protection for 1974. This bill provides the funds for the Food and Drug Administration, the Federal Trade Commission, the Consumer Product Safety Commission and many other activities of the Government.

Mr. Speaker, I mention this now for we must adopt this conference report, signed by all members of the conference, both House and Senate, otherwise we will continue under the continuing resolution with reduced funds for school milk, for food stamps where increased funding has been made mandatory by law, and for many other vital programs.

I would like to call attention to several important provisions agreed on by the conference.

SPECIAL MILK

The conferees agreed to the Senate figure of $97,123,000 for the special milk program. This will enable the program to continue at the same level as in 1973.

FOOD STAMPS

The conferees agreed to $2.5 billion for food stamps—$300 million more than provided in the House bill. The additional funds are made mandatory by the liberalization of eligibility provisions contained in the recently enacted farm bill.

RURAL DEVELOPMENT

We have restored the action programs, such as housing and sewer and water grants, which are essential for any effective rural development program. The bill also includes the first funds to be appropriated for industrial development loans and other new programs provided by the Rural Development Act. These new programs cannot begin until the bill is approved.

PAYMENT LIMITATION

The limit on farm payments is set at $20,000, the same as provided by the law.

COTTON ALLOTMENTS

The report strikes the provision prohibiting the sale or transfer of acreage allotments because such provisions would put at least 214,000 small farms in this country with cotton allotments of 10 acres or less out of business. These farmers cannot afford the investment in machinery necessary to farm this small acreage, therefore, they must lease the land. Many of these people are obviously the rural poor and the retired. To deprive them of their income from their small allotment would cause severe economic hardship for those that can least afford it. This would result in reducing acreage in cotton by 1,250,000 to 1,500,000 acres at a time when the textile mills are unable to secure cotton and consumers are in need of all-out production if prices are to be held in line.

COTTON, INC.

The conference has reduced the amount available from $10,000,000 to $3,000,000 and restricted the use for research only, with projects to be approved by the Secretary as provided by law.

Mr. Speaker, I repeat again, we need to approve the conference report. Otherwise, the special milk program would operate at a reduced level, as would the food stamp program and many other essential activities of all these agencies. Many important programs would be seriously curtailed. The conference report will provide for these essential programs, and I urge all Members to support its adoption when it is considered by the House.

COTTON RESEARCH

Mr. FINDLEY. Mr. Speaker, may I ask either of these gentlemen this:

Does this change mean that $3 million will be made available to Cotton, Inc., for fiscal year 1974 but such money can be used only for cotton research, as distinguished from advertising or public relations?

Mr. WHITTEN. That is true.

Mr. Speaker, I will say further that under the provisions of the conference report research projects and activities of Cotton, Inc. must be approved by the Secretary, as provided by law.

Mr. FINDLEY. Mr. Speaker, historically, when an appropriation bill establishes a level below that authorized in the legislation, the lower figure has tended to become a ceiling for future years.

Can we have any confidence that the $3 million approved for cotton research in this conference report will be the guide or, as one might say, the ceiling for such appropriations in the further authorization for this type of project?

Mr. ANDREWS of North Dakota. Mr. Speaker, let me elaborate on that for the benefit of my colleague.

After all, it is in the interest of the consumer that an adequate amount of research be conducted to assure that the consumers have all the fibers they need to clothe themselves and to satisfy all the other purposes to which cotton is put, cotton which is of reasonable cost and of good quality.

This amendment came about on the restriction of research because of a colloquy on the floor of the House which developed during the debate. The supporters of Cotton, Inc., said that Cotton, Inc. had already voted to spend their money only for research, and the answer was, of course, that they would unvote that in another week.

Therefore, we wrote this language in, and it is good language. It stands in good stead for the cotton producers as well as for the cotton consumers.

Mr. FINDLEY. Then, may we also assume that the $3 million annual level is probably about as much as could properly be utilized in Cotton, Inc., for the foreseeable future? Will the gentleman respond to that comment?

Mr. WHITTEN. Will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. WHITTEN. May I say from my own observation I believe it would be difficult for them to find sound research projects to use this much additional money. This is especially true if you consider the other cotton research being conducted under the "dollar-a-bale" program and by the Agricultural Research Service in the Department of Agriculture. I would have to say, however, that no Congress can bind a succeeding Congress and no chairman can bind any succeeding chairman. Neither can any chairman, trying to do right each year, bind himself in the future. My own belief is that this would be the maximum that could be used effectively. On the other hand, if they cannot use that much, I would expect them to return it to the Treasury. But in the future, if some emergency should arise and should more money be fully justified, I hope to be able to preserve my freedom of action to provide more money if it is fully justified to the Congress.

I think I have a rather conservative record in my close scrutiny of appropriations and I hope to keep it up. However, I hope my conservatism will not keep me from doing that which is essential for the benefit of the industry and the consumer.

As the gentleman well knows, yesterday cotton was selling for 93 cents a pound, and the farmers do not have any cotton and the country does not have any cotton. We need to have cotton; the consumer needs to have cotton. We hope that prices can be held to the point where the consumer can afford to buy cotton.

We certainly need cotton research, but I would say that the $3 million which is provided in the conference report is more than adequate to meet the research needs as we now see them. I hope that will continue to be true in the future, and I expect it will.

Mr. FINDLEY. I am gratified at the gentleman's assurance. As he knows, I have not been an admirer of Cotton Inc., or the leadership of that organization, but I am impressed with the provisions of this conference report, which gives the authority and responsibility to the Secretary of Agriculture to examine very carefully any proposals for contracts.

Mr. WHITTEN. I thank the gentleman for his comments. As I am sure he knows, I have always felt that all research, particularly with Government money—and even if it is not Government money but producer money, as under the "dollar-a-bale" program—should be coordinated to get the maximum benefit from it. There should not be duplication. The different research organizations should work together. I think it is sound business for all research to be coordinated by the Secretary so that the same thing will not be done over and over, and that is what the conference report provides.

PAYMENT LIMITATION

Mr. FINDLEY. I would like to add a brief comment.

I am disappointed at the changes made in the payment limitation language. Frankly, with regard to fiscal year 1974, it was a moot issue, because no payments of any magnitude are in prospect, but I can assure the gentleman that several of us will be back next year if and when payments of substantial size are in prospect.

Mr. WHITTEN. I would like the gentleman to study that a little bit, because it looks to me as if payments will not be made.

Mr. FINDLEY. I hope that is true for the good of the farmers as well as other taxpayers.

I thank the gentleman and yield back the balance of my time.

Mr. ANDREWS of North Dakota. Mr. Speaker, I yield such time as he may use to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I thank the gentleman from North Dakota for yielding.

I want to commend the distinguished chairman of the subcommittee and the ranking Republican member, the gentleman from North Dakota (Mr. ANDREWS), and all of the conferees for their decision to accept the Senate language on the special milk program. I know of no effort that is more important to schoolchildren across this country or the Wisconsin dairy farmers. This particular aspect of the conference report and the decision to keep it at last year's budget figure is the right one. I am grateful to all of the conferees for their willingness to accept the better figure.

I thank the gentleman for yielding.

Mr. ANDREWS of North Dakota. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I, too, want to indicate my support for what the conference has done on the special milk program.

Mr. Speaker, I want to commend the House conferees in their agreement to accept the Senate appropriation figure of $97,123,000 for the special milk program instead of $25,000,000 as proposed by the House. This program has been a tremendous asset to our schoolchildren, and the possibility of the cutback to $25,000,000 was indeed harmful which many of us have heard about from our constituents. The special milk program is especially beneficial to schoolchildren who need that "pick-me-up" and children who bag-lunch their meal. It would have been a shame to reduce this outstanding program.

While I am at it, I would like to also mention the Soil Conservation Service appropriation. While it would have been preferable to me to see the House accept the Senate figure, which was $8,069,000 higher, I at least commend the conferees for their sentiments expressed:

> The conferees are in agreement that more favorable consideration must be given to the operations of the Soil Conservation Service with regard to the imposition of personnel limitations because of the increased workload resulting from expanded operations and additional duties being incurred by the requirement for filing environmental impact statements.
>
> Additional personnel needed to carry out the programs under the increased funding provided in this bill shall be in addition to any personnel limitations heretofore or hereafter imposed. It is most important that the essential services of the Soil Conservation Service not be curtailed.

It is unfortunate the cuts in personnel which the Minnesota Soil and Water Conservation districts have experienced this year. The rural environmental conservation program now enacted into law has the potential of being an outstanding program. While it is administered through the county ASCS committee, the Soil Conservation Service personnel provide the expertise for wise conservation practices.

Mr. ANDREWS of North Dakota. Mr. Speaker, I have no further requests for time.

Mr. WHITTEN. Mr. Speaker, I yield to my colleague, the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, there are rumors that the Department of Agriculture is possibly seeking to move the Animal Control Center from Clifton, N.J., to the site of St. Albans Naval Hospital in New York. Will this bill permit such a move?

Mr. WHITTEN. May I say to my colleague, a member of the appropriations committee, that there is no money in this bill for that, and, further, that we have asked the Department to make a study of this whole matter and to report back to the committee. The question that the gentleman has raised, and that has been raised by others, certainly will have the consideration of the committee in any of its future actions.

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

Mr. WHITTEN. I yield to my colleague, the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I note in the report accompanying the conference report that the conferees have been advised that a supplemental in excess of $700 million for food stamp amendments is going to be considered by the executive branch. Do

the substandard increases already made as a result of the conference take care of this, or is there to be still more in a supplemental for food stamps?

Mr. WHITTEN. My understanding is that with the additional $300 million provided in this bill, the supplemental estimate will probably be reduced accordingly. I understand the original estimate being considered was about $700 million before the conference action on this bill was consummated.

If we should receive a supplemental request for $700,000,000 our committee probably would take into consideration the additional $300 million in this bill. If the Congress approves this report, as I feel they will, doubtless the Office of Management and Budget will take this into consideration and reduce the supplemental request accordingly. On the face of it, it would appear sound for them to do so.

Mr. GROSS. I should hope that if the Bureau of the Budget does not, the committee will take it into consideration when the supplemental is offered.

Mr. WHITTEN. I think our report indicates that that would be the feeling of the conferees.

Mr. GROSS. I thank the gentleman.

Mr. MAHON. Mr. Speaker, the conference report on the agriculture, environmental, and consumer protection appropriation bill is by no means perfect. But it was the best that could be worked out under the circumstances. I wish to commend the chairman of the subcommittee, Mr. WHITTEN, and the ranking minority member, Mr. MARK ANDREWS, for their diligence and effectiveness in handling the bill in committee, on the floor, and in conference. I hope that the deficiencies of the measure can be minimized and that the Department of Agriculture will be able to do the best possible job in administering this important measure, which is vital to producer and consumer alike.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 348, nays 24, not voting 62, as follows:

[Roll No. 475]

YEAS—348

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

NAYS—24

Adams	Fascell	Rousselot
Anderson, Calif.	Gross	Satterfield
Archer	Hosmer	Schneebeli
Ashbrook	Jones, Okla.	Shuster
Clancy	Landgrebe	Symms
Collins, Tex.	Maraziti	Wolff
Conlan	Milford	Young, Fla.
Crane	Pike	
	Rosenthal	

NOT VOTING—62

Ashley	Fountain	Murphy, N.Y.
Badillo	Gettys	Nix
Bevill	Gubser	Patman
Biaggi	Hanley	Reuss
Blackburn	Hanna	Rhodes
Boggs	Hansen, Wash.	Riegle
Boland	Hébert	Rinaldo
Brinkley	Heckler, Mass.	Roberts
Brown, Mich.	Holifield	Roncallo, N.Y.
Brown, Ohio	Howard	Rooney, N.Y.
Buchanan	Hunt	St Germain
Burgener	Johnson, Pa.	Sandman
Burke, Calif.	Jones, Tenn.	Stanton, J. William
Burleson, Tex.	Long, La.	Stephens
Conte	McEwen	Stubblefield
Conyers	Macdonald	Taylor, Mo.
Cotter	Mann	Teague, Calif.
Culver	Mills, Ark.	Wright
Danielson	Minish	Wylie
Davis, Ga.	Moorhead, Pa.	Young, Ga.
Dorn	Moss	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Blackburn.
Mr. Rooney of New York with Mr. Gubser.
Mrs. Boggs with Mr. McEwen.
Mr. Burleson of Texas with Mr. Wylie.
Mr. Minish with Mr. Sandman.
Mr. Moorhead of Pennsylvania with Mr. Rinaldo.
Mr. Hatfield with Mr. Rhodes.
Mr. St Germain with Mrs. Heckler of Massachusetts.
Mr. Roberts with Mr. Hunt.
Mr. Murphy of New York with Mr. Brown of Michigan.
Mr. Nix with Mr. Conte.
Mr. Hanley with Mr. Brown of Ohio.
Mr. Biaggi with Mr. Buchanan.
Mr. Ashley with Mr. Roncallo of New York.
Mr. Boland with Mr. J. William Stanton.
Mrs. Burke of California with Mr. Taylor of Missouri.
Mr. Culver with Mr. Teague of California.
Mr. Danielson with Mr. Badillo.
Mr. Mills of Arkansas with Mr. Gettys.
Mr. Moss with Mr. Hanna.
Mr. Stubblefield with Mr. Patman.
Mr. Stephens with Mr. Riegle.
Mr. Wright with Mr. Jones of Tennessee.
Mr. Brinkley with Mr. Johnson of Pennsylvania.
Mr. Bevill with Mr. Howard.
Mr. Conyers with Mr. Macdonald.
Mr. Cotter with Mr. Mann.
Mr. Davis of Georgia with Mr. Burgener.
Mr. Dorn with Mr. Fountain.
Mrs. Hansen of Washington with Mr. Long of Louisiana.
Mr. Reuss with Mr. Young of Georgia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: Strike out "$287,171,000" and insert in lieu thereof "$342,871,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert "$285,925,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 12: On page 10, strike out "$68,565,000" and insert "$69,104,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert "$70,104,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: On page 27, insert: *Provided*, That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or reinvests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein:

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: On page 29, insert: *Provided*, That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or reinvests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: On page 30, insert: *Provided*, That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or invests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein. Loans provided to rural communities, under the Rural Development Insurance Fund, to enable them to attract new or expand industrial enterprises, by providing sewer, water, and for other necessary facilities, may allow for a grace period of not to exceed three years on the repayment of principal and interest on direct and insured loans, if these communities demonstrate to the satisfaction of the Secretary of Agriculture that they do have serious economic problems that such industrial expansion would help to alleviate.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: *Provided*, That the Secretary may, on an insured basis or otherwise, sell any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury, to the private market, or to such other sources as the Secretary may determine. Any sale by the Secretary of notes or of beneficial ownership therein shall be treated as a sale of assets for the purpose of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or invests payments thereon for the purchaser or purchasers of the notes or of the certificates of beneficial ownership therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: On page 36, strike out "1973" and insert 1973: *Provided*, That these funds shall be available to carry out the activities authorized by sections 104(g) (1) and (2) of the Federal Water Pollution Control Act.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 59: On page 36, insert "to be transferred to and merged with the authority of the Agricultural Conservation Program (REAP) of the Department of Agriculture for the 1974 program,".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 64: On page 38, insert:

NATIONAL STUDY COMMISSION ON WATER QUALITY MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for the National Study Commission on Water Quality Management authorized by section 315 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816–904), $10,000,000.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

NATIONAL COMMISSION ON WATER QUALITY

SALARIES AND EXPENSES

For an additional amount for the National Commission on Water Quality authorized by section 315 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816–904), $10,000,000 to remain available until June 30, 1975: *Provided*, That no part of these funds shall be used to delay existing projects heretofore authorized.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 69: Page 47, line 11, insert:

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, established by Executive Order 11583 of February 24, 1971, as amended, $1,200,000, including services authorized by 5 U.S.C. 3109.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$1,140,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

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

conference report just agreed to and that I may revise and extend my remarks and insert certain tables on the conference report just agreed to.

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

There was no objection.

AUTHORIZING CHANGE IN ENROLLMENT OF H.R. 8619

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 315.

The Clerk read the concurrent resolution as follows:

H. CON. RES 315

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 8619) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes, is authorized and directed to make the following change: In lieu of the word "Community" on page 21, line 23, of the House engrossed bill, insert the word "Commodity".

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, 1974

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Wednesday last, September 19, 1973, I call up the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes, and I ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 727

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1973 (Public Law 93-52), is hereby amended by striking out "September 30, 1973" and inserting in lieu thereof "the sine die adjournment of the first session of the Ninety-third Congress".

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

Mr. Speaker, I hope that the House will look upon the action proposed in this resolution as a routine procedure.

I think most Members of the House have been reasonably well pleased with the continuing resolution which was passed through the House in late June, and which was enacted into law on July 1. We do not disturb this resolution, we simply continue it until the House and Senate have adjourned. In other words, the termination date would be that of the sine die adjournment of the Congress.

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

Mr. MAHON. May I proceed for just a few minutes, and then I will gladly yield to the gentleman from Maryland.

Mr. Speaker, the present continuing resolution under which most of the Government is operating expires this coming Sunday night, September 30. The continuing resolution before us today extends the effective date of the current resolution until the sine die adjournment of the first session of the 93d Congress. The sine die date was adopted after consultations with leaders on both sides of the aisle because of the difficulty of forecasting accurately the time period that will be required to complete final action on all the appropriation bills.

The new resolution simply extends the effective date until sine die adjournment. No other changes are recommended and all of the special provisions of the original resolution are continued in effect including those applicable to the Labor-HEW bill, the August 15 cutoff date on Cambodian bombing, the $2.2 billion annual rate for activities carried on under the Foreign Assistance Act and the Foreign Military Sales Act, and the prohibition against aid to North Vietnam.

THE APPROPRIATION BILLS OF THE SESSION

Mr. Speaker, while not as many appropriation bills have been enacted as at this time last year, I believe the House has done a reasonably good job of handling the appropriation business of the session.

Of the 13 regular annual appropriation bills, 9 had cleared the House as of July 1, the beginning of the new fiscal year. This list includes: legislative; Agriculture-Environmental and Consumer Protection; District of Columbia; Transportation; HUD-Space-Science-Veterans; Labor-HEW; Interior; State-Justice-Commerce-Judiciary, and Public Works.

Additionally, we handled two supplemental appropriation bills associated with fiscal year 1973 and the original continuing resolution before close of business on June 30.

The Treasury-Postal Service bill for fiscal 1974 was approved by the House on August 1.

The three remaining regular annual appropriation bills not yet considered by the House—Defense, military construction, and foreign aid—lack authorizing legislation. The Defense Subcommittee is in final stages of hearings but it will be necessary to await further action on the authorizing legislation before the Appropriations Committee will be in a position to report to the House. Hearings on the military construction bill and the foreign aid bill were concluded before the August recess. Authorizing legislation for foreign aid has passed the House but not the Senate. The House has not yet considered the military construction authorization.

Also yet to be considered is a resolution making appropriations pursuant to the Par Value Modification Act amendments signed by the President last Friday and the customary catchall, close-of-session supplemental.

Three of the appropriation bills have been signed into law. Seven other bills are either in some stage of conference action, awaiting conference, or pending Senate consideration. Last Thursday we cleared the conference report on the Interior bill and the Agriculture-Environmental and Consumer Protection conference report is ready for House consideration. We expect to be able to move forward with other conferences in the near future.

NEED FOR EXTENSION OF CONTINUING RESOLUTION

As has been the practice over a period of years, the continuing resolution establishes an appropriate rate of funding for the various departments and agencies of Government until the respective appropriation bills can be enacted. The report which accompanies this bill and the report which accompanied the original June continuing resolution clearly spell out the mechanics of this interim financing vehicle. The whole theory of the continuing resolution is to neither start a program nor stop a program but only to continue ongoing activities until such time as Congress can work its will in the usual manner. As indicated, the present continuing resolution expires on Sunday night. An extension is essential to provide for the orderly continuation of governmental fuctions. I urge adoption of the joint resolution before the House.

Mr. Speaker, I now yield to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I personally wish to compliment the gentleman from Texas (Mr. MAHON). I agree that the appropriations legislation is under better shape than I think it has ever been since I have been on the committee, and probably is one of the best in the history of the Congress.

I note that the only change that the resolution makes is in the date, continuing it from the effective date which was September 30, 1973, to the sine die adjournment of the first session of the 93 Congress. And thus I understand that the Long-Eagleton amendment which forbids any further funds being used for combat activity in Indochina remains in the resolution. Is that correct?

Mr. MAHON. The gentleman from Maryland is correct. All those provisos that were in the continuing resolution as of the first of July remain in the continuing resolution. We are simply changing the date in the resolution before us today.

I would say to my colleagues, if they would get the report on this continuing resolution, they will note the various provisos that are contained in the continuing resolution, like the so-called Cambodian prohibition.

Mr. LONG of Maryland. I thank the gentleman.

Mr. MAHON. Also continued is the provision which prohibits aid to the North Vietnamese. I would commend the report to the attention of the Members.

Mr. Speaker, I ask unanimous consent to place in the RECORD the report on the continuing resolution which is before us today.

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

There was no objection.

The material follows:

FURTHER CONTINUING APPROPRIATIONS, 1974

Mr. MAHON, from the Committee on Appropriations submitted the following Report [To accompany H.J. Res. 727]:

The Committee on Appropriations, to which was referred House Joint Resolution 727, making further continuing appropriations for the fiscal year 1974, and for other purposes, reports the same to the House without amendment and with the recommendation that the joint resolution be passed.

Extension of the current resolution (Public Law 93–52) which expires September 30, 1973, is essential to avoid interruption of continuing governmental functions pending final approval of the applicable annual appropriation acts for fiscal year 1974. The resolution extends the current resolution until the sine-die adjournment of the session because of the difficulty of forecasting accurately the time period that will be required to complete final action on the remaining appropriation bills. No other changes are made to the original continuing resolution.

The resolution follows the form and concept of the one now in effect for the period July 1–Sept. 30—Public Law 93–52, which was based on House Joint Resolution 636 and which is explained in detail in House Report No. 93–328 and Conference Report No. 93–364.

LEVELS OF FUNDING PERMITTED UNDER THE RESOLUTION

As has been the practice over a period of years, the continuing resolution establishes an appropriate rate of funding for the Departments and agencies until the respective regular annual appropriation bills can be enacted by Congress.

In summary, operations under the resolution are based on the status of each particular bill as of July 1, 1973, the date of passage of Public Law 93–52, is as follows:

1. Where the applicable bill had *passed only one House*, the rate for operations shall not exceed the current rate or the rate permitted by the action of the one House, whichever is lower (Sec. 101(a)(4)). Included in this category are:

Legislative appropriation bill;

Labor-HEW appropriation bill (see item number 2 under the heading "special provisions" outlined below);

Interior appropriation bill; and

State-Justice-Commerce-Judiciary appropriation bill.

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

Agriculture-Environmental and Consumer Protection appropriation bill; and

HUD-Space-Science-Veterans appropriation bill.

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

Treasury-Postal Service-General Government appropriation bill;

Department of Defense appropriation bill;

Foreign Assistance appropriation bill; and

Military Construction appropriation bill.

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

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

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

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

AGENCY COMPLIANCE WITH THE RESOLUTION

The Committee reiterates its statement in House Report 93–328 that it is essential that officials responsible for administering programs during the interim period covered by the resolution take only the limited action necessary for orderly continuation of projects and activities, preserving to the maximum extent possible the flexibility of Congress in arriving at final decisions in the regular annual bills.

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

STATUS OF 1974 APPROPRIATIONS BILLS

Three of the thirteen regular annual appropriation bills for fiscal year 1974 have been enacted. Seven other bills have passed the House and are either in some stage of conference action, awaiting conference action, or pending Senate consideration. The three remaining bills—Defense, Military Construction and Foreign Assistance—have not been reported to the House. Authorizing legislation for the remaining three bills has not yet been enacted. The status of the appropriation bills is reflected in the following schedule:

Bill	House approved	Senate approved	Enacted
1. Legislative	Apr. 18	July 19	----
2. Agriculture-Environmental and Consumer Protection	June 15	June 28	(1)
3. District of Columbia (Federal funds)	June 18	July 20	Aug. 14
4. Transportation	June 20	July 28	Aug. 16
5. HUD-Space-Science-Veterans	June 22	June 30	(2)
6. Labor-HEW	June 26	----	----
7. Interior	June 27	Aug. 1	(2)
8. State-Justice-Commerce-Judiciary	June 29	Sept. 17	----
9. Public Works-AEC	June 28	July 23	Aug. 16
10. Treasury-Postal Service-General Government	Aug. 1	Sept. 5	----
11. Defense	----	----	----
12. Foreign assistance	----	----	----
13. Military construction	----	----	----

[1] Conference report pending.
[2] Conference report adopted in both Houses, but certain language amendments are still in disagreement.
[3] Conference report filed Sept. 17, 1973.

SPECIAL PROVISIONS

The resolution continues in effect without change the special provisions of the current resolution (Public Law 93–52) including the following:

1. With respect to the projects and activities included in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, the current rate for operations is that permitted by the joint resolution of July 1, 1972 (Public Law 92–334, as amended), and other appropriations for the fiscal year 1973. In general, this provides for a rate of operations equal to the lower of the rate passed by the House or Senate in H.R. 15417, the first vetoed appropriation bill for the Departments of Labor, and Health, Education, and Welfare and Related Agencies, for fiscal year 1973.

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

3. The aggregate amounts made available to each State under title I–A of the Elementary and Secondary Education Act for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972.

4. New obligational authority authorized in the resolution to carry out the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended, shall not exceed an annual rate of $2,200,000,000. The resolution also extends to the second quarter applicability of the proviso that none of the activities contained in this paragraph should be funded at a rate exceeding one quarter of the annual rate as provided by this joint resolution.

5. SEC. 108 provides that notwithstanding any other provision of law, on or after August 15, 1973, no funds in the resolution or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.

6. SEC. 110 provides that unless specifically authorized by Congress, none of the funds appropriated under the joint resolution or heretofore appropriated under any other Act may be expended for the purpose of providing assistance in the reconstruction or rehabilitation of the Democratic Republic of Vietnam (North Vietnam).

7. SEC. 111 provides that any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds.

COMPLIANCE WITH RULE XIII—CLAUSE 3

The following is submitted in compliance with clause 3 of Rule XIII:

The accompanying House Joint Resolution would amend Section 102 of Public Law 93–52 by striking out (per brackets) and inserting (per italicized matter), as follows:

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

AMENDMENT OFFERED BY MR. GROSS

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

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 1, line 7, strike the period, insert a comma and add the following: "or termination of the Watergate hearings, whichever first occurs."

Mr. GROSS. Mr. Speaker, I think there ought to be some indication somewhere along the line that this Congress is going to adjourn. I am convinced that if the so-called Watergate Committee can dredge up enough witnesses that this session of Congress may well go on to Christmas Eve. If the House is to be held hostage to the Senate committee we might as well have that understanding now. This amendment is simply for the purpose of applying a little pressure in an attempt to accomplish our business and get out of this place as we ought to do. The business of passing continuing resolutions on an indefinite basis is becoming fashionable. We ought to terminate this session within a reasonable time and let the Members go home, and the other body ought to go along. I am afraid that unless some restriction, or some incentive, source pressure is offered that we are going to go on indefinitely.

Mr. Speaker, I urge the adoption of my amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

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

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 1, line 7, strike the period and insert the following: "on November 16, 1973."

Mr. GROSS. Mr. Speaker, now to get down to some really serious business; this amendment would simply provide that Congress adjourn sine die on Friday, November 16, the weekend preceding Thanksgiving. What can be wrong with that?

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

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

Mr. CEDERBERG. I thank the gentleman for yielding.

Mr. Speaker, I think probably the thing that is wrong with it is that we hope to adjourn earlier than that. The problem that we have run into in the past is that we have gone from date to date and we have always stayed until that date, so we thought maybe the wise thing to do at this time would be to say sine die, and obviously hope that the sine die would come ahead of any other date that might be adopted. That may be a false hope. We tried the other route; it did not work. Every time we put a date in a continuing resolution, we always stay right up to that date, so why not make it sine die in the hope that we might meet some date which, hopefully, would be before November 16?

Mr. GROSS. With respect to earlier adjournment, the gentleman from Michigan is one of the greatests optimists of all time.

Mr. CEDERBERG. I am a great optimist.

Mr. GROSS. I hope he does not suffer the penalty of being a disillusioned optimist.

Mr. CEDERBERG. I have been a disillusioned optimist, but I still remain optimistic. We tried the other route, and it did not work, so let us try this one.

Mr. GROSS. As I understand it, we have three appropriation bills outstanding I believe the gentleman from Texas so stated.

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

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. I thank the gentleman for yielding.

Mr. Speaker, there are three appropriation bills outstanding. The major stumbling blocks to reporting these bills are the lack of a foreign aid operation authorization and the lack of authorization for the military programs such as research and development and procurement, and so forth. This latter authorization bill has passed the House but it has not passed the other body. A long conference may result, so we cannot predict when we will bring those bills before the House. Furthermore the military construction authorization has not yet been reported to the House.

If the gentleman will yield further, I should like to say that there have been some statements made that the objective of the other body is to adjourn on October 15. It is admitted that they may not make that date, but that is their target. I am afraid that it will dampen whatever enthusiasm there may be in the House and Senate for an early adjournment if we set November 16 as the date.

Mr. GROSS. Does not the gentleman think that if we dispensed with golf tournaments, junkets to Nairobi and elsewhere and get down to business, with the Members present, that we could get out of here by November 16, of course, with a little pressure from the leadership of the House on both sides of the aisle?

Mr. MAHON. If the gentleman will yield further, I think we should adjourn prior to November 16, and I am joining with the gentleman from Iowa in pushing for adjournment on an earlier date.

But even if the House meets every day and passes legislation after legislation after legislation, we cannot adjourn until the Congress has taken action on the big defense authorization bill, so the pressure must be on if we are to adjourn at an early date.

Mr. GROSS. What is wrong with getting the defense appropriation bill to the floor and disposing of it promptly?

Mr. MAHON. We do not know what will be authorized. The House has authorized a certain amount but the other body will undoubtedly make some rather marked changes in the bill. There are some very large and very important programs and issues involved and we cannot act in an orderly manner until we know what the action of the Congress will be on the authorization bill. So it seems to me that we might slow down our effort to adjourn at the earliest possible date if we say November 16 because that seems a long way off at the moment.

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

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

Mr. LATTA. Mr. Speaker, I might suggest to my good friend, the gentleman from Iowa, that in years past when we have not had these authorization bills, we have had the gentleman from Texas before the Rules Committee requesting a rule so he can proceed, and we are willing for him to come up and ask for a rule.

Mr. GROSS. The gentleman from Ohio is correct. They have gotten rules waiving points of order and gone right ahead.

Mr. LATTA. Absolutely. There is a way to break this bottleneck.

Mr. GROSS. I do not know when they will hit that sawdust trail this year. That is yet to be demonstrated.

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

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

Mr. CEDERBERG. Mr. Speaker, if the gentleman would help us, he would get out of his committee the foreign aid bill.

Mr. GROSS. The foreign aid bill is already out and it has passed the House.

The SPEAKER. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 1, after line 7, insert the following:

SEC. 2. The third proviso of section 101(a)(4) of such joint resolution is amended to read as follows: ": *Provided further*, That the aggregate amount made available to each local educational agency under title I–A of the Elementary and Secondary Education Act of 1965 shall not be less than 85 per centum of the amount made available for that purpose for 1973;".

Mr. QUIE. Mr. Speaker, when we had this before us earlier in an appropriation bill for Labor-HEW, we had quite an argument and I know some Members felt that if we held every State harmless as to the amount of money they received for 1972, that it would protect the local educational agencies.

Those Members who were back home at the end of August when the information started coming out, or those who heard about it in September have noticed to their surprise a number of educational agencies around the country, quite a large number, will be cut back drastically. In fact, some local educational agencies will be cut out entirely.

For instance, in my congressional district there is one school district which was receiving $25,000 last year which will be cut back to $1,000 this year. Under the authorization act unless they

receive $2,500 they do not have any program, so they are cut out entirely. There are teachers who are ready to teach and who are expecting their payment to provide compensatory education for disadvantaged children. There is not any money for them.

That is a small amount, going from $25,000 to $1,000 as in my congressional district, but it runs to $800,000 in a county in the state of the gentleman from Kentucky. In New York there is a drop in one place of more than $100,000.

In any school district that begins a school year expecting to receive the money they received last year and then they are reduced, they will have a difficult time providing the education.

The question before us is that we have shifted from the 1960 census to the 1970 census, and there has been a shift in population in some areas in those 10 years. There was a shift in population and the kids went someplace else. However, we use the AFDC factor as well which is cranked in each year, so in 1973 there has been a shift in AFDC that occurred as compared to 1972.

Some of that shift has already happended. The problem here, however, is to give that drastic a cut to many of the school districts. Therefore, my amendment would hold such school districts harmless 85 percent of what they received in 1973. It would substitute for the State hold-harmless provision contained in the present continuing resolution.

The result of my amendment also would mean a number of the States would get additional amounts of money, and they would be the ones who did not have as drastic a reduction of the number of children with $2,000 income or had a substantial increase in AFDC. That is what the formula is right now, but a number of school districts where educationally disadvantaged kids exist do not have these children counted under the present formula. The present continuing resolution does serious harm to many school districts.

So far, many school districts would be out of business entirely. Therefore, if the Members want to see what the effect would be on their States while we are debating this, yesterday in the RECORD on page 31210 I placed some tables which go to the next page as well.

In fact, on page 31211 is the table, the amount that the State received last year as compared to what it would receive this year with the 85 percent held harmless on the local educational agency. The other table, table B, indicates an analysis of when the State was held harmless under the resolution that was passed before. The amount of money that would go per student one can see is out of kilter.

Then the table which indicates the amount of money that would go to each State in the event that we left the 100 percent hold harmless to the State as it presently is drafted. So the Members have heard from their school districts, and those from congressional districts who have school districts in which that kind of drastic cut occurs, this is the only way they can be protected that I can see.

Also, it would mean that we can start making shifts away from the 1960 census, referring to AFDC changes, by shifting at a rate which the schools could tolerate. If we had told them way last year, then perhaps they could tolerate something greater than 85 percent held harmless, but I do not think they can now. Also, if we do not hold the State harmless, then the aggregate of local educational agencies holds it at 85 percent of the previous year under my amendment and we will find a shift to the other States that are necessary in order to make this more equitable.

SUBSTITUTE AMENDMENT OFFERED BY MRS. GREEN OF OREGON FOR THE AMENDMENT OFFERED BY MR. QUIE

Mrs. GREEN of Oregon. Mr. Speaker, I offer a substitute amendment for the amendment offered by Mr. QUIE.

The Clerk read as follows:

Substitute amendment offered by Mrs. GREEN of Oregon for the amendment offered by Mr. QUIE: On page 1, line 7, after "Ninety-third Congress", insert the following: ", and section 101(a)(4) of said joint resolution is hereby amended by striking out *'Provided further*, That the aggregate amounts made available to each State under title I–A of the Elementary and Secondary Education Act for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972;' and inserting in lieu thereof *'Provided further*, That the per pupil grant made available to each local education agency under title I–A of the Elementary and Secondary Education Act shall not be less than the per pupil grant made to such local education agency for fiscal year 1973' ".

Mrs. GREEN of Oregon. Mr. Speaker, the gentleman from Minnesota just offered an amendment in which he said that this was the only possible way that the school districts could be protected. I suggest that, while his amendment is an improvement over the present formula, that we still would be paying local school districts for many youngsters who moved away from that school district 5 or 8 or 10 years ago and are now in another school district; but the school district in which he is now actually enrolled is not receiving any money for him.

Mr. Speaker, I do not consider that good educational practice, and I consider it the worst kind of formula which Congress can enact in terms of fairness and equity.

It is my hope that the authorizing committee will come up with some kind of a change in a formula for distributon of funds, not only under title I, but also under Federal impact aid.

I think they are the most unfair formulas for distribution of funds that the mind of man could ever possibly conceive.

The amendment I am suggesting would for the first time consider the tremendous migration that has occurred during the 1960's. Every one of us in the Congress knows that for a period of years there were 500,000 to 600,000 people a year who were moving from one area of the United States to another area, and yet the existing formula for allocation of funds ignores this completely. In school districts they are actually receiving Federal funds under title I, and they have been for 10 years, for youngsters who are not even enrolled; so that if school district X has 4,000 youngsters who move to school dstrict Y, under the "hold harmless" clause, school district X is still receiving the Federal funds for those 4,000 youngsters that have not lived there for 6 or 8 or 10 years, and school district Y that has the youngsters actually enrolled is not receiving one dime for those children that they have the responsibility to educate.

If this is fairness and if this is sound educational policy, then I would like to know what would be unfair.

What does my amendment do? It says that every single school district is guaranteed to receive funds for every child who is eligible under title I and who is actually enrolled in that school district and not less on a per capita basis than it received last year for each child who was actually enrolled and who was eligible under title I.

I appeal to the Members on the basis of fairness, on the basis of sound educational policy, that we once and for all start to abandon this principle of using 1960 census figures, which is what the "hold harmless" clause actually means.

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

Mrs. GREEN of Oregon. I am glad to yield to the gentleman from Michigan.

Mr. CEDERBERG. I would like to concur in what the gentlewoman from Oregon has said. She is absolutely correct. If we want title I to mean what we intend it to mean, we should adopt her amendment, because it gets at the heart of the problem of taking care of children who are actually enrolled and saves the school districts "harmless" from any reduction in the amount of money per pupil. That is what it is all about.

I shall support the amendment of the gentlewoman from Oregon. I think it is a proper amendment, but it once again points up the need for the Committee on Education and Labor to do something about title I, that we have been talking about for years, and the Committee on Education and Labor has been absolutely neglectful in its concern for this title and some of the other titles in the Education Act.

Mr. KAZEN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentlewoman for yielding.

The difficulty that I find in my district is the fact that the census figures do not reflect a true picture. The people in my schools have told me that they have the students, but they are forced to take what the Census Bureau has told them.

I would agree with the gentlewoman's premise if there were some way we could actually count every student in the school and have the schools get what they are entitled to.

The SPEAKER. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 3 additional minutes.)

Mrs. GREEN of Oregon. May I suggest to my colleague, and I have heard what he said, there is just as much likelihood that the 1960 census figures were not accurate, either, and were not any more accurate than the 1970 census figures. Your choice is to decide whether 1960 or 1970 census figures portray a more accurate picture of the number of children, today, 1973, in your school districts.

What we have been doing all through these years is accepting the 1960 figures as if they were 100 percent perfect and identified every child and his school district residence in 1974, 14 years later. I suggest the 1960 census does not include those who might have migrated and left during the 10-year period.

Mr. KAZEN. The gentlewoman is probably correct; but the fact remains that these children are there now in the schools and the census figures do not show them.

Mrs. GREEN of Oregon. I suggest that this amendment goes exactly to this, because it says they will be paid for every child who is enrolled in the district.

Mr. KAZEN. But this is my question. Is there a procedure whereby the schools can do this and not have to rely upon the census?

Mrs. GREEN of Oregon. They certainly can do it. They know in their own district so it is based upon the actual presence of youngsters who are enrolled instead of 1960 census figures that we pretend give us the accurate statistics in 1973–74.

Mr. LATTA. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, I wish to thank the gentlewoman for yielding.

I will say, after listening to her explanation of the amendment, that I can support it. In fact, I have an amendment offered to increase it by 100 percent, but I wish to be sure that we are on the same wavelength.

Is the gentlewoman by her amendment keeping the same "hold harmless" clause for the State schools, as to school enrollments?

Mrs. GREEN of Oregon. Mr. Speaker, there is no floor under a State allocation, but we do attempt to limit an individual school districts allocation to the students who are there and enrolled which seems to me to be the important thing, because we have a tremendous migration also within a State. We can have a State floor, and yet we can have a migration from one city to another city within that State, and nothing is done in terms of allocating funds to reflect the actual number of children enrolled.

Mr. LATTA. Mr. Speaker, I wish to thank the gentlewoman for offering the amendment. I intend to support it.

I am curious about this: In my district we have one county with nine school districts, and we cut back on the districts. There was not a shift in population, so there must have been something else involved.

I was somewhat embarrassed, as other Members must have been, to get all these school districts, because we thought that we had a "hold harmless" amendment before.

Mr. Speaker, I hope the gentlewoman's amendment does what we thought we were doing earlier.

Mrs. GREEN of Oregon. Mr. Speaker, I do not suggest that it is a perfect answer, but I suggest that it is a step forward, through the use of the 1970 census and counting children where they are rather than counting the childhen who have not lived there for 10 years and awarding funds on that basis.

Mr. LATTA. Mr. Speaker, let me ask the gentlewoman one further question.

The gentlewoman says that it is a step in the right direction. I want to make absolutely certain that these school districts are going to get the same amount of money this school year that they got the last school year, because they do employ these teachers, and they must pay these teachers. They did have the money last year, and they must have it this year also.

Mrs. GREEN of Oregon. Mr. Speaker, my amendment is on a per pupil basis. The district receives on a per pupil basis the same amount which they received last year.

The SPEAKER. The time of the gentlewoman from Oregon (Mrs. GREEN) has expired.

(On request of Mr. QUIE and by unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 3 additional minutes.)

Mr. LATTA. Mr. Speaker, will the gentlewoman yield further?

Mrs. GREEN of Oregon. I yield further to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, to proceed further on this question, my good friend, the gentleman from Wisconsin, who is on the committee, says that they are not getting that amount of money.

Mrs. GREEN of Oregon. Mr. Speaker, let me further describe the difference between this amendment and another amendment which will be offered which says that no school district will receive less than it received last year. That would mean that if 4,000 children have moved away from that district, they are still going to be paid for 4,000 children who are not living there and not enrolled in a school there. That seems to be unfair.

Under the amendment which I have offered the school district will not receive less for each child enrolled in the district than it received last year for each child who was enrolled and eligible under title I. But that amount will be multiplied by the number actually enrolled.

The total amount that a school district may receive may be much higher, or it may be lower, but it seems to me this is the fairness of it. In a district whose enrollment has decreased by 4,000 pupils, it seems to me that district ought to receive less in Federal funds; in another school district which has a 4,000-pupil increase, an increase in students enrolled, it ought to follow that it should be credited and have more money than the other. So it is for the youngsters actually enrolled on a per capita basis.

I hear the argument that a school district has acted in "good faith" and hired teachers under the existing formula for 8,000 students, including 3,000 who no longer live in the area. With funds for 8,000, of course they can hire more teachers and reduce teacher-student ratio, because 3,000 students are a myth.

But consider the school district that was told they would receive funds for 5,000—1960 census figures—students only when in fact in 1973 they have 8,000 students enrolled. There was an absence of "good faith" there—an absence of equity—and only great anguish as this district provides the teachers, the classes, the education for which the other school district is getting paid for students long since moved.

Mr. PATTEN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Speaker, the amendment calls for a 100-percent increase in 10 years in AFDC. Nothing is more apparent than that, so I must look for the amendment offered by the gentlewoman.

However, it is a disgrace to the gentlewoman's committee who have the same rehearsal that we had last September. Why does the gentlewoman not go back to her committee instead of coming up here with a continuing resolution to try to run the Government?

We should vote for the continuing resolution and get out of here and let the gentlewoman's committee go to work and write a fair and equitable distribution system under title I.

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

Mrs. GREEN of Oregon. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Speaker, I thank the gentlewoman for yielding.

I support the amendment offered by the gentlewoman. I would, however, like to ask again if the gentlewoman would distinguish between the amendment she is offering as a substitute and the amendment offered by the gentleman from Minnesota.

Mrs. GREEN of Oregon. Yes.

The reason why I consider mine to be preferable is that it says it will actually pay a school district for the youngsters who are present, who are actually enrolled, and whom they are trying to educate.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 1 additional minute.)

Mrs. GREEN of Oregon. The gentleman from Minnesota says any district will receive not less than 85 percent of last year's amount, but under his amendment, youngsters could still have left the school district 8 years ago, and that district from which they moved would still be receiving the funds while the district which is actually providing the education for the new youngsters would not be getting anything for them.

Mr. WYMAN. Will the gentlewoman yield further?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. WYMAN. Under your amendment, then, in the district in which there are large numbers of new students your amendment will provide a greater benefit for that type of situation than the amendment offered by the gentleman from Minnesota. Is that correct?

Mrs. GREEN of Oregon. Yes, that is correct.

Mr. QUIE. Will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. QUIE. I just want, on the time of the gentlewoman, to find out from her, because she indicated she would use AFDC. Is it not true under your amendment you would use just the census information plus AFDC and not ADA?

Mrs. GREEN of Oregon. I do not change the eligibility under title I at all. If a child was eligible under title I last year, he is eligible under title I this year. That is not changed. Neither your amendment, nor the amendment yet to be offered, nor mine changes the eligibility under the "poverty level" nor under the "ADC" criteria.

The SPEAKER. The time of the gentlewoman has again expired.

(By unanimous consent, at the request of Mr. WAGGONNER, Mrs. GREEN of Oregon was allowed to proceed for 1 additional minute.)

Mrs. GREEN of Oregon. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentlewoman for yielding.

I think we might as well face a fact of life, which is that we do either what the gentleman from Minnesota suggests or what the gentlewoman from Oregon suggests in the substitute amendment.

There are going to be some school districts, and maybe some of mine, that will lose money because they will not be grandfathered in, but if we do not start doing it right here, we will never correct some of these problems.

I think the gentlewoman is right and it is more equitable and better education than what we are doing, and I would support her substitute, because I think she is right.

Mrs. GREEN of Oregon. I thank the gentleman very much.

AMENDMENT OFFERED BY MR. PERKINS TO THE SUBSTITUTE AMENDMENT OFFERED BY MRS. GREEN OF OREGON FOR THE AMENDMENT OFFERED BY MR. QUIE

Mr. PERKINS. Mr. Speaker, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS to the substitute amendment offered by Mrs. GREEN of Oregon for the amendment offered by Mr. QUIE: Strike the language of the Green substitute and insert the following:

"SEC. 2. Section 101(a) of Public Law 93–52 is amended by substituting a colon ":" for the semicolon at the end thereof and adding the following: *'Provided further,* That each local educational agency which has been allocated funds under title I–A of the Elementary and Secondary Education Act, prior to September 30, 1973, pursuant to this Act at a rate for operations less than the rate for operations in fiscal year 1973, shall be allocated, consistent with the amounts previously provided by this Act, no less than the amount necessary to maintain the rate for operation for which allocations were made to each such agency in fiscal year 1973;' ".

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

Mr. PERKINS. Mr. Speaker, the amendment that I offer to the substitute amendment offered by the gentlewoman from Oregon (Mrs. GREEN) is a very simple amendment.

The effect of my amendment would be to allow those school districts which received increased grants under the first continuing resolution to retain those grants where the allocations have already been made by the Office of Education in July and August announcing how much money each local educational agency would receive. They would retain those grants.

Mr. Speaker, the facts supporting my amendment are simple and clear. Thousands of schoolchildren in all of the 50 States will be denied title I services and programs that they were receiving last year if my amendment is not adopted. School districts in 50 States will lose $117 million as compared with the amounts they received in fiscal year 1973.

On the other hand, Mr. Speaker, the position taken by the gentleman from Minnesota (Mr. QUIE) purporting to guarantee local educational agencies only 85 percent of what they received last year, will not only cut these school systems 15 percent but also will cut others even more drastically because hidden in the Quie amendment is language which would knock out the State hold harmless provision carried in the original continuing resolution.

Mr. Speaker, justice and fairness require our action today to protect services to thousands of children in all the States until the authorizing committee can make appropriate and equitable adjustments in the title I formula for the following years.

Mr. Speaker, the necessity for a hold harmless provision for local educational agencies in the continuing resolution and in the appropriations measures for fiscal year 1974 arises out of the fact that the basic title I formula requires the use of census data on the number of children coming from families whose income is less than $2,000 per annum.

In the last extension of the Elementary and Secondary Education Act, the Congress recognized that when the new 1970 census data became available, the low-income factor of $2,000 might be an unrealistic measure of the financial need of families. As a consequence, it wrote into Public Law 91–230, the Elementary and Secondary Education Amendments of 1969, a requirement that the U.S. Office of Education do an extensive analysis of the 1970 census data and its impact on the title I formula in distributing funds to local educational agencies. It required that the results of this study be submitted to the Congress by March 30, 1972.

Mr. Speaker, the first interim report of the Office of Education with respect to its analysis of the 1970 census data and its impact on the title I formula was not received until a year following that March 30 deadline. By way of explanation, I was advised that the administration had not extracted from the census data the necessary information on a county-by-county basis until December of 1972.

Hampered by the lack of this information, the Education and Labor Committee of the House and the Labor and Public Welfare Committee of the Senate did not have the data upon which to determine whether or not the existing title I formula was adequate to fulfill the objectives of title I of the Elementary and Secondary Education Act.

In the process of the hearings that we have conducted beginning in January of this year, it has become obvious that the existing title I formula does not accomplish title I objectives and works hardships on many districts unable to finance high quality education for the hundreds and thousands of young people who come from families with very low income.

The Education and Labor Committee is in the process of marking up legislation which will provide a more equitable allocation of funds for fiscal year 1975 and thereafter. In the meantime, it is essential that we take steps today to assure that the inequities in the formula do not adversely affect the several million children in the Nation's schools who need title I services but will not get them if we do not act today.

Now, I do not believe that we want to vote here today for the Green amendment.

What does it do? It repeals the States' hold-harmless provision. It freezes, without protection, the irregularities of the existing law. The fact as I understand it, the gentlelady's amendment would take more from the poorer districts to add to the more wealthy.

We do not have any assurance that we are going to get a HEW appropriation bill passed and signed by the President. Neither do we have any assurance that we will get the authorization bill. For this reason it is essential that we prevent drastic changes in allocations from fiscal year 1973 to fiscal year 1974.

I went before the Committee on Appropriations and made a fight for the $1.8 billion for the Elementary and Secondary Education Act this year. And with only $1.5 billion allocated we will only take $116 million that has never been allocated or which may never be spent, and give it to these poor districts that have already had money taken away from them, to bring these districts up to the same level of expenditure they had last year.

I would hope that we would not vote for an amendment that would close the school door on thousands of schoolchildren, but would vote for my substitute which would assure these children of a title I opportunity.

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

Mr. Speaker, as I have sat here and listened, even though I serve on the Committee on Education and Labor, it is difficult to play school board for the 50 States. Where are we? We are at the point now where we have three approaches to one problem. The problem is simply this. Some school districts across

the United States in September and August of 1973 suddenly learned that they were going to receive less money under title I of the Elementary and Secondary Education Act.

The reason for this fuss today is because of that single fact. There are I think—and I hope I do not do a disservice to any of those who are deeply involved in this—two basic reasons. One very simply is because we are now using the 1970 census data instead of the 1960 census data. Secondly is because incomes have risen. There are no longer as many people who are categorized as falling under the low-income factor of $2,000.

If I can, then, let me try in my way at least to separate out where we are. The Quie amendment in essence, the one that was offered first, says that each local educational agency will receive not less than 85 percent of the amount they received previously. The 85 percent hold harmless at the local level is designed to insure that regardless of whether there are less children there in fact or whether the incomes of the parents have changed in fact, that the educational agencies' allocation will not be seriously disrupted.

Second, the Green amendment as I heard it and as I listened to the gentlewoman from Oregon eloquently plead on behalf of it, provides that no local educational agency should receive less than it received in fiscal year 1973 for those children actually counted and eligible under the ESEA title I. That means there will be districts that will receive substantially less money than they did last year simply because of the two changes in the census data—the number of children counted and the income factor—so I think we ought to understand that the Green amendment does in a number of cases mean the amount of money that would go to the local educational agency would be substantially less than it received last year. It could also mean they would get more if they had more children being counted. So Members are going to have to figure that out for themselves in their own districts.

The Perkins amendment—and let me say to my chairman I know of no one who does a better job of defending the indefensible—says it does not make any difference where they are, we are in effect going to keep them at the 1960 level and count everybody as if we were back in the 1960 census. I am sorry, I really do not buy the Perkins amendment. I just do not think there is any defense for this House today maintaining the 1960 census data in 1973. I do not think I do a disservice to my chairman in saying that.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, where the gentleman is in error, it is not true we are holding to the 1960 census. What we are doing is assuring needy children support when the appropriations are not sufficient to provide support for all children counted under the 1970 census. Each year the number of children from families on welfare payments in excess of $2,000 on January 1 that have been added into the formula and the AFDC count has grown from 580,000 in 1965 to 3.5 million. That poses the whole problem. Several million children from low income families slightly above the $2,000 income factor are not counted each year while an increasing number of children whose families receive welfare payments in excess of $2,000 are added each year. When the formula is underfunded funds are taken from areas that cannot pay high AFDC payments to areas that can afford high AFDC payments.

Mr. STEIGER of Wisconsin. Mr. Speaker, I will not yield any more at this point.

The gentleman has answered my question. It is that we keep them at the 1960 data and I do not think it is fair. It may be fair for Kentucky but I do not think it is for the rest of the country.

On balance then, we are dealing with this when we get all through.

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

(On request of Mr. PERKINS, and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 1 additional minute.)

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, let me state I am the last one who would want to keep the 1960 data, however, I would like to utilize current data that reflect accurately where the poor children are. A $2,000 level of family income does not. The census definition of poverty in 1970 does more accurately reflect this.

Whether it is $3,000, $4,000, or $4,500, let the authorizing committee work this out for fiscal year 1975, but for the time let us make sure we do not turn kids out of programs this year.

Mr. STEIGER of Wisconsin. Mr. Speaker, I recognize that in my remaining 10 seconds it is not possible to rewrite the formula for title I ESEA, but at least I would hope that we recognize really that the Quie amendment and the Green amendment will have some positive impact on school districts across the United States.

I would only suggest that each of us estimate our own judgment about it. I happen to think that on balance the Quie amendment is the better one.

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

Mr. Speaker, no matter what we do here today, some districts are going to get more money than they deserve compared to other districts. None of these proposals prevent that from happening. What we are really looking at is what to do at this juncture when the school semester has already started.

Under the Quie amendment, compared to last year, each would get not less than 85 percent. The trouble is that allocations have already gone out. How are we going to tell some district which has been allocated more money than they deserve perhaps that they cannot have as much as they were notified they would get? We know that will not work.

On the other hand, under the Green amendment which is based on a specified number of dollars per pupil, uses as a yardstick the eligibility that is in the law. Children of the working poor who make over $2,000 would be excluded but those who receive welfare over $2,000 would be included. Here is what happens under that eligibility yardstick: A family, for example, the child of a family which makes $2,100 by the sweat of its brow—would be excluded. That district gets nothing for that child. In another district, there may be a child whose parents receive $3,500 in welfare, and it is included. So, we include welfare families that have $3,500 of income and exclude the working poor that only earn $2,100. The basic formula is just wrong.

It needs to be changed. The education and labor committee needs to get a new formula on the floor, and hopefully it will propose a bill in time for the 1974 allocation. So, all we can do at this point, it seems to me, is let some of them get more money than they deserve because they are going to anyway, but make sure that we do not harm those that should not be harmed.

I think at this juncture, all we can do is one of two things. First of all, vote for the Perkins amendment, and then in the end either for or against the whole ball of wax. One thing sure, we do not want the Quie amendment and we do not want the Green amendment. Both make it more unfair than it is now; then we end up with either the Perkins amendment or nothing.

Before money is allocated next year, I hope they will have this thing straightened out, because it cannot be properly done in an appropriations bill; but, meanwhile the least unfair situation would develop under the Perkins amendment.

Mr. PEYSER. Mr. Speaker, I have been listening, and I thought the gentleman from Wisconsin (Mr. STEIGER) did a good job in outlining the differences in these amendments. I do not want to re-cover his ground. We passed this resolution originally misunderstanding what was going to happen to title 1. From what I have gathered in the discussion today, we still do not know exactly what might happen to title 1 in our school districts.

Chairman PERKINS is offering his amendment on the basis that he can get another $116 million into this program. Now, he has to my knowledge no assurance that he can get this money, and I do not know that he is going to get the money. If he does not get the extra $116 million, every one of our school districts is going to be hurting just the way they are today. If there is some guarantee of that money, some of us might look at it differently, but at this point I know of no way that is going to happen.

Second, the amendment of the gentlewoman from Oregon (Mrs. GREEN) creates a genuine problem that is far bigger than was outlined in the previous discussions.

I agree philosophically, and I think most of us do, that all the aid that is

given under title I should go to where the children are. We agree with that, but we are dealing right now with the situation where school districts in good faith have gone ahead and contracted for title I teachers and title I programs.

Those school districts that have had a reduction in the number of children, under the amendment of the gentlewoman from Oregon, would not receive the money that they had already contracted for. If it were now taken away from them, the children who are there who are eligible will also end up being dropped, for the simple reason that unless there is enough money coming in to fulfill these contracts, there will be no title I programs in those areas.

If Members believe they have been hearing from people in their school districts, as I have, in my State of New York, and as Members have from all over the country, if we pass the amendment of the gentlewoman from Oregon (Mrs. GREEN), Members really are going to hear a scream, because it is going to end their program. It will help some districts, but others will be clobbered by this to the point that it would affect all title I children. Everyone will be affected. We now come down to the amendment of the gentleman from Minnesota (Mr. QUIE). The amendment is the closest thing to giving the school districts this year the best break.

The amendment is not perfect. The formula is not perfect. Hopefully, the committee is going to come out with something this year that in the future will solve these problems; but right now the amendment of the gentleman from Minnesota (Mr. QUIE) is the only amendment that is being offered here that is going to give the local school districts a chance.

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

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

Mr. GILMAN. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Minnesota (Mr. QUIE).

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

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

Mr. CEDERBERG. All these years I have been here since the passing of the Elementary and Secondary Education Act, all of the educators have been saying they are all for title I. Now they do not want to live under the rules of title I. Now, if a school district does not have that child who is eligible under title I, and that child is somewhere else, why should that school district get paid for that child?

Mr. PEYSER. The gentleman is perfectly right; but it was due to Congressional action and Office of Education action that school districts until the 1st of September this year did not know what their situation was. They had no reason to assume that we were going to pull the rug out from under them.

All I am saying is that we made a bad move for a number of years. Let us not kill the entire program this year. Let us get a new bill this year.

Mr. CEDERBERG. Oh, just continue the inequity?

Mr. PEYSER. Well, it is going to be more inequitable if Members vote for anything other than the amendment of the gentleman from Minnesota (Mr. QUIE). It is better than any amendment offered.

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

The Appropriations Committee has brought forth a continuing resolution, because come next Sunday there will be no authority to pay millions of Federal employees, to pay the bills for many Federal departments.

We should pass this continuing resolution to prevent a crisis after September 28.

What do we find? We find the whole membership of the Committee on Education and Labor here holding open meetings and holding private caucuses all over the floor of the House, on a bill they have been trying to correct for 8 years.

If we pursue this course, and if we amend our continuing resolution today, the 25th of September, when it has already been announced that we are not going to do any voting on Thursday or Friday, what chance will there be for the Senate to concur in what we do and for the President to sign the resolution?

What chance is there for the Senate to concur in what we do and for the White House to sign it?

Mr. Speaker, I believe that all those Members who are bringing up these amendments today are interfering with the orderly parliamentary process. We should pass the continuing resolution, send it over to the Senate, and complete our business so the Government can run. We will never settle this debate which is going on about authorization under title I.

I say that even though my State got hurt more than any other. If the gentleman from Michigan (Mr. CEDERBERG) wants to know where they are, I will take the gentleman to my district and show him thousands of people who did not live there 10 years ago.

In New Jersey, we have a 600-percent increase in the number of AFDC children, and under any of these formulas we do not get a square deal.

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

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

Mr. CEDERBERG. Mr. Speaker, the gentleman should obviously be in favor of the Green amendment in that case, because with 8,000 more children than they had before, they will get paid for them, as they should, under title I.

Mr. PATTEN. Mr. Speaker, I do not want the amendment. I want to pass the continuing resolution so this Government will be able to run after next Sunday.

AMENDMENT OFFERED BY MR. LATTA TO THE AMENDMENT OFFERED BY MR. QUIE

Mr. LATTA. Mr. Speaker, I offer an amendment to the amendment offered by Mr. QUIE.

The Clerk read as follows:

Amendment offered by Mr. LATTA to the amendment offered by Mr. QUIE: Strike out "84 per centum" and insert "100 per centum".

POINT OF ORDER

Mr. MAHON. Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. MAHON. Mr. Speaker, we have pending an amendment offered by the gentleman from Minnesota (Mr. QUIE) and then we have the amendment in the nature of a substitute offered by the gentlewoman from Oregon (Mrs. GREEN). Then we have the amendment offered by the gentleman from Kentucky (Mr. PERKINS).

Mr. Speaker, I am wondering if a further amendment at this time is in order.

The SPEAKER. The Chair will state that the amendment offered by the gentleman from Ohio (Mr. LATTA) is in order at this time. It is the understanding of the Chair that the amendment offered by the gentleman from Ohio (Mr. LATTA) does relate to the amendment offered by the gentleman from Minnesota (Mr. QUIE) and is an amendment thereto.

Mr. LATTA. I thank the Speaker.

Mr. Speaker, after listening to this debate a little bit earlier, I found myself in agreement with the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) believing that this action would put us right back where we started from, and that is where I believe we should be.

However, I now find that this would not be the case, and I believe that every Member of this House wants these title I funds to be paid to the school districts on the same basis used by HEW before the Congress changed the rules in the middle of the game, meaning after the school districts had already contracted for teachers for this year.

Now, this is where the school districts want to be, and that is where I believe this Congress ought to put them. After the Education Committee irons out the differences which are apparent here, we can then vote on another authorization bill.

Right now I believe this House should pass corrective legislation to save all of these school districts harmless for the full 100 percent.

Mr. Speaker, my amendment will do exactly that. It will give them 100 percent of the amount they were getting prior to this new formula. The amendment offered by the gentlewoman from Oregon does not make this guarantee. The Quie amendment only gives 85 percent. The amendment offered by the gentleman from Kentucky assures us only of a veto. My amendment is the only one which will assure 100-percent funding for all school districts based on last year's payments.

So, Mr. Speaker, I ask that the House support my amendment.

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

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

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

Mr. Speaker, by actuality, we have 72 of our 88 counties in Ohio that suffered a loss of 5 to 80 percent of the funds they previously had a right to participate in.

Reading, writing, and arithmetic are traditionally and historically the three guaranteed segments of what we think of as a good education, a quality education for students.

I wish to go on record as supporting my colleague, the gentleman from Ohio, and I say let us give them reading as they have had it, and let us give them a quality education. Nobody has protested this action except those who have been shortchanged.

Mr. Speaker, the adoption of this amendment will work toward providing them something for the future, and I believe this is the proper way to do it.

Mr. ANDREWS of North Carolina. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as a freshman Member, let me confess to you that in the some 9 months that I have been here I do not thoroughly understand, as a member of the Committee on Education and Labor, everything about these four proposals. I am being quite serious, and I think I do know something about education, but this is extremely complicated.

As I listened to the people on the committee and the people speaking here on the floor, however, some things have become very, very obvious. The distinguished gentleman from Wisconsin, and most of those who have spoken in support of the amendment offered by the gentleman from Minnesota (Mr. QUIE) or the approach of the gentlewoman from Oregon (Mrs. GREEN) will not speak about one thing, whereas, on the other hand, this beloved gentleman who is chairman of the committee practically will not talk about anything else, and that is AFDC.

Let me say this to you, in case you do not understand, and I think I have finally gotten it.

We are dealing here with a bill, with a proposal, which, in my opinion, is not only improper and unfair but I believe it is illegal. I believe it will have to be tested if we go on this way, and let me tell you why.

As I understand, it is required by the Constitution that we pass legislation uniformly across the country. For example, we cannot have a tax of 8 percent on an item in one State and 4 percent in another State. By the same token, as I understand it, it is required of us that we appropriate uniformly throughout the United States.

I believe in more recent years that has been varied slightly on the basis of some reasoning such as the cost of living and such as the cost of providing a service which may cause a variance from one point to another as regards an appropriation by the Congress.

However, in the ESEA you have all kinds of variances based not on anything dealing with a rationale and not on an act of this Congress but based upon what various State legislatures say the AFDC level shall be in their States, and, within those States, based upon what a county authority determines shall be the level of payment of AFDC even within the counties in the State.

What we are doing at the present time is saying that based on the census we will determine how many children we have in the various States from families with incomes of $2,000 or less and we will count those children, sir, in determining how much money you get at so much per head; but in addition to that, in addition to that, we will take whatever is determined by that State to be poor people in terms not of ESEA or education or any act of Congress but in terms of what that State legislature and the various counties within it are doing about AFDC. That means in many States, as the gentlewoman from Oregon said, the State legislature in some county determines that if a family of, let us say, only one child deserves AFDC, then they are paid up to $5,000. So we count that child in this program, and that is what the gentlewoman would do.

On the other hand, if in another State a man works at a sawmill or what have you and makes $5,000 or $4,000 or $3,000 or anything above $2,000, then those children are not counted although he may have six of them. That is the kind of problem we have here already. Hence we cannot know, based on the information as to the 1972 operation or the 1973 operation, how many poor children, which is what we are supposed to be talking about, by uniform standard there are in any of the States.

The committee is working hard and diligently. We met this morning and we are meeting tomorrow morning, and we are trying to iron these things out based on recently acquired information. Give us a chance to do that, and let us vote for the Perkins amendment and leave it as it is, because we are into the school year, and we will work it out.

Mrs. GREEN of Oregon. Will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentlewoman.

Mrs. GREEN of Oregon. I am not in disagreement on the unfairness of the $2,000. This morning we had the Commissioner of Education appear before the Committee on Appropriations and other people from the Office of Education. I asked them if we are not funding at the full $2,000 if we counted AFDC at $2,000, how much more would it cost. My recollection is it would cost over $1 billion. There is not a single person in this room who thinks the President is going to sign a bill that is going to add another $1 billion to the bill that was already voted out of the Committee on Appropriations.

That is why I believe my amendment should be adopted.

The SPEAKER. The time of the gentleman has expired.

(On request of Mr. PERKINS, and by unanimous consent, Mr. ANDREWS of North Carolina was allowed to proceed for 5 additional minutes.)

Mr. ANDREWS of North Carolina. Mr. Speaker, let me reply to the gentlewoman from Oregon that I believe what we ought to come up with is a formula, and it should not be uniform, I would agree with the chairman, because you have two isolated factors here. We ought to determine where the poor children are, but before doing that we ought to determine what level we want to follow, for instance, $2,000, $3,000, or $4,000. We should determine that. Then we should determine a cost-of-living differential. The situation of one State's cost of living may be different than that of another. We are trying to find the poor people. If we are talking about a $4,000 level then that may be poorer in one place than in another. Then how much do we need for that child once we have found him and we count the child, then what do we pay? We should, as I say, adjust it, make the uniform adjustment as to educational cost differentials between the States. And I do agree that there is a differential because what we are talking about in large part is as between the Southeast versus the urban and more affluent sections of our country. That is basically what is involved.

I would say that our adjustments should be based on rationales rather than on State and county AFDC determinations.

Mr. PEYSER. Mr. Speaker, would the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, does the gentleman from North Carolina agree that the Perkins amendment that has been offered does call for the release of another $116 million?

Mr. ANDREWS of North Carolina. I am glad the gentleman from New York has asked that question, and I will try to answer it. My understanding is that it is the same thing we had under the impact aid bill. We will get the $116 million, and everybody will get as much as they had before plus what that would bring under the present formula.

Mr. PEYSER. The question that was raised was that this will probably result in another court action which could mean that it would not be settled until 1974 or in the middle of fiscal 1975, before that $116 million would be available. What we are looking for is to have that $116 million effective in the program, and that money has to be made available today or else the school districts will not have the money.

That is the real problem that I have with the amendment offered by Mr. PERKINS. Unless we have 116 million more dollars to put in here, and that is why I cannot support the amendment.

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, I believe it is true that they held back $200 million, is that correct?

Mr. ANDREWS of North Carolina. That is correct.

Mr. SMITH of Iowa. So the money is already there.

Mr. ANDREWS of North Carolina. Yes, the money is already there.

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Speaker, the argument the gentleman has made about the rationale that has to be determined in the new formula, I agree with the gentleman on that heartily. Frankly, I think that this is the wrong place to try to work out all these differences on a very complicated matter in a continuing resolution. If the committee is working as hard as the gentleman says it is, and I am sure that it is, I am sure the committee will come up with a new rationale that will be acceptable, and will be of benefit to the school districts, and that we ought not to try to legislate thusly on an appropriation bill at this time, but instead to wait for the committee. The committee is holding hearings, and has been holding hearings, and trying to settle this particular knotty problem, and I am sure they can do it.

It is, I suppose, something like a cat in a barrel of mice, snatching here and there, and we are not really getting hold of the real problem here.

Mr. ANDREWS of North Carolina. That is certainly true, and if we could not settle it in 9 months then I do not believe we can settle it here on the floor in 9 or 90 minutes.

Mr. MICHEL. Mr. Speaker, I move to strike the requisite number of words, and I rise in opposition to the so-called Perkins amendment.

Mr. Speaker and Members of the House, I feel betwixt and between again today for here we are attempting to amend a continuing resolution. The subject matter itself is very complicated and I sympathize with my chairman in his hope that it not be amended. In a sense I feel for him but I cannot reach him.

I have gone along in times past opposing amendments to continuing resolutions feeling that this was a bad way to do business; but it is quite obvious to me that the HEW bill which we passed in the House at a level of $1,200,000,000 over the budget, and still to be acted upon on the other side, is going to get vetoed. So we are facing the prospect of living under a continuing resolution for an extended period of time. So rather than dawdle and dawdle and dawdle along in the hope that the legislative committee will do something about this thing, this is the only opportunity for some of us who normally would be restrained to come forward and say, let us do it now. This is the only opportunity where we have a chance.

I would say first and foremost by all means do not support the Perkins amendment. His only answer is one of more money, and that is all. He speaks of it providing uniformity but only in the sense that nobody gets less; that is all.

At a time when we are trying to hold Federal expenditures within reasonable bounds, do not for a moment think that that kind of a proposition is going to be passed or signed into law, or even that the people downtown will spend it unless they are forced to by a court proceeding.

I would say support the Green amendment because it is right; equitable, and defensible; It puts the money going where the kids are. I think that is what we were attempting to legislate for in the first place—the poor disadvantaged kids. But we have forgotten about them in favor of the professional educators and the school districts, and we have gotten so wrapped up in the pressures that come to bear from anyone who can write a letter, that we have forgotten about the kids themselves.

The thing that disturbs me here is the fact that the Green amendment is so right and defensible that it may go down. Sure some of the Members' school districts are going to lose; some are going to gain. Why cannot we for once in a blue moon do the right thing for the kids who cannot speak for themselves instead of listening solely to those more interested in preserving the old 1960 status quo?

Frankly, if the Green amendment goes down, I shall have to support the Quie amendment. Personally, I would prefer it be at a figure of 80 percent rather than 85, and my State would lose more than any other in this House under that formula. The only way to do this thing right is for all of us to come to grips with this thing, regardless of the pressures. So some States like my own will lose several million dollars if we update our figures, but the States under general revenue are making up far more than what they are going to lose. It is just ridiculous for us to continue following this silly formula tied to the sixties.

Mr. PERKINS talks about the spending level of $1.5 billion. Actually, the word that went out to the school districts around the country in July was at a level of $1,629,000,000. It is not going to be less than that. We passed the bill in the House at $1,810,000,000. As I said, I think that bill is going to be vetoed.

I just hope, Mr. Speaker, that at this juncture we are not going to be sold a bill of goods by the chairman of the committee that money is the only answer to this thing. His amendment ought to be soundly defeated. Let your conscience be your guide with respect to Mrs. GREEN and Mr. QUIE. Personally I am going to support Mrs. GREEN's amendment. Then if that should fail I will certainly support the Quie amendment.

Mr. ANDREWS of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from North Carolina.

Mr. ANDREWS of North Carolina. I understood the gentleman to stay that he believed that expenditure of the money was to be on the basis of where the poor children are. I ask him under the Quie or the Green amendments how we determine who are the poor children.

Mr. MICHEL. Mrs. GREEN might like to answer that question.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. There would not be a single school district in the country that would not have or could not obtain current figures. How many schoolchildren are enrolled in that school for that year? They have the statistics. How many are eligible under title I of the ESEA? Every school district can provide that information. It is current information, and it is not going back to the 1960 census figure, which the chairman's amendment does and which the Quie amendment does to a very great extent.

The SPEAKER. The time of the gentleman has expired.

(On request of Mr. PERKINS, and by unanimous consent, Mr. ANDREWS of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. ANDREWS of North Carolina. The question I am trying to ask is not about the average daily attendance, but how do we determine who are poor children? What I am trying to get at here is the truth of the matter.

We determine it according to what various districts and States say they will pay for aid to dependent children, to parents all over the country. That is what we are supposed to use to determine where the poor children are.

What it amounts to is that the poor get poorer and the rich get richer.

Mrs. GREEN of Oregon. Mr. Speaker, not one of the amendments is going to change the formula in terms of eligibility, so we might as well forget that. Under any amendment offered, the $2,000 cutoff will hold unless this Congress and this administration are prepared to add additional billions. The ADC remains the same. The only thing we are discussing here is whether or not we use the 1960 census figures or the current statistics—whether we pay some districts to educate children who are not there—and refuse to pay other school districts for children who, in fact, are in attendance. This is the issue today.

Hopefully, the authorizing committee will attack the real problem of different ADC payments and different "legal" levels of poverty in different cities or different parts of the country.

Mr. MICHEL. And, frankly, we have been bugging the people downtown and asking why they have not turned earlier to the updated figures. I think all of us would agree that with more and more money which we are putting into statistics and the gathering of information, we ought to keep as current as we can, and we have not done that. Again, Mr. Speaker, the Green amendment is the best amendment and we ought to support it.

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

Mr. Speaker, ai-yi-yi. I am chairman of the Appropriations Subcommittee having jurisdiction over the Departments of Labor and Health, Education, and Welfare. I called a special meeting of my subcommittee at 10 o'clock this morning, because I knew as sure as God made little apples what was going to happen here and I invited the Commissioner of Education and his assistants. We had the room packed with all the experts, just as we have here. We sat there for 2 hours. I let them go at it and they knocked each other's brains

out, just as they have been doing here. We quit at 12 o'clock and they did not know any more at 12 o'clock than they knew at 10 o'clock and they did not know any more than the Members or I do now.

For heaven's sake, let us not kid the troops. This is a mere continuing resolution. It is a very simple thing that ordinarily we pass in about 5 or 10 minutes, for the last hundred years that I have been here. It is the way we do these things.

Now we are going to take a can of worms like this, and they are crawling all over the floor, all over the place. We have experts. When I was an assistant attorney general, I tried 14 murder cases and never lost one. Because why? Because each time they called experts in, I called experts in. We had experts, experts, experts. I had them up to my elbows and so did the court. We have them here. We have the Quie amendment and we have the Perkins amendment and we have the Green amendment, and we have a substitute for this and a substitute for that.

Let me tell the Members that Senator MAGNUSON is sitting right now with the Senate Appropriations Committee. He is my opposite number in the Senate. They will act on the bill we passed on June 26 after they pass it, as the agents of our Members in the House we are going to meet with the Senate Members in conference on the HEW appropriation bill. For heaven's sake, that is what this is all about. Then we will come back with a bill. OK. Suppose the President vetoes it. He has done it before. We will come back with a compromise and it will be passed and he will sign it. And if he does not sign it for reasons best known to him, that is his business. What will happen? If the Members do not know, let me tell them.

The gentleman from Texas (Mr. MAHON) will come in with another continuing resolution, and the Members know what we can do then, and properly then we can amend the continuing resolution to deal with this problem by amending it to include the language upon which both Houses have already agreed.

Stop this long-winded nonsense. That is the procedure of this House. That is the proper procedure for dealing with this very complicated subject.

I am against all of these amendments, Mr. Speaker. Out of an abundance of caution, if for no other reason, for heaven's sake let us pass the continuing resolution and that is all. That is all.

Mr. QUIE. Mr. Speaker, I rise in opposition to all the amendments and substitutes to my amendment.

Mr. Speaker, we have five options before us right now. One thing we can do is vote down all amendments. If we do that, we would have every State held harmless compared to what they received in 1972. If, as the gentleman from Kentucky and others have said, that there is not going to be the $1,810,000,000 spent, but stays the same as it was in the last fiscal year, that will mean that the States that had an increase in 1973 over 1972 will have a loss in 1974. It will mean that those States that had a reduction in 1973 from 1972—and those were mostly Southern States—they will have an increase again, even though some of the population has left and gone someplace else.

So, that is why the resolution as presently written is inequitable. It seems to me that even worse than that is the Perkins amendment to the Green substitute. It is worse because it retains the 100 percent hold harmless to 1972 for the States and adds a 100 percent hold harmless for each district to 1973. The reasons why it is worse is that it does not permit any kind of a shift over to the 1970 census, but it leaves it entirely with that obsolete 1960 census. It seems to me that would be totally unacceptable.

It seems to me, then, the next worst one would be the Latta amendment, because that leaves every district 100 percent of what they received before. There has been some shift of population. There has been some shift, and we should not be educating children who are not there any more. This amendment would make certain that we continue to provide money for those who no longer exist there.

It seems to me the choice ought to be between the Green substitute and my amendment. In the Green substitute, the problem here stems from the fact that we are going to multiply the number of children who are counted under the 1970 census, $2,000 plus AFDC, which no one thinks is equitable. That is what is in the law, but nobody thinks it is equitable. Some Members look at it and try to see if they get more money for their States, but we cannot find anyone who says it is equitable. We can take a long time to talk about it, but we shall not do so right now.

We have to permit some of the shifts in population to work out now. We cannot go too far. The other thing is, if the children mentioned above all multiplied by the amount that was available per child during 1973, a smaller amount would be the factor than this year—1974. Last year the formula used the 1960 census. There was a 47-percent reduction in $2,000 income children in the 1970 census.

This is the complicated part of it, because to divide the total amount of money by the larger number of children counted in 1973, we have a smaller payment in 1973 per person than in 1974. That is why it is going to be a drastic cut in some districts.

It will not be as bad as leaving the continuing resolution as it is. It will not be that bad, but it is not going to help enough. It seems to me that we cannot correct the title 1 formula now, but this debate is good for all the Members here, because you can see how ridiculous the present title I formula is, but we have to go part way to correcting inequities.

The school districts did not know until the 1st of September what was going to happen. The Federal Government did not get the census information out soon enough. The Office of Education did not get it out, I guess, until the end of July. It was sent to the States; the States worked out how it would affect the counties; and from the counties worked it out for the school districts within the counties and the schools found out just recently. They had teachers hired and we just cannot knock them out of the box the way the continuing resolution is written.

Therefore, my proposal is that they get 85 percent of the money they received last year. Last year, where there was a shift in population, there was money reduced in some school districts and increased in other school districts. It was reduced in some States and increased in other States.

Let us not revert back to 1972, but let us not throw the baby out with the bath water before the authorization committee can act.

Therefore, I urge the Members to vote down the other amendments and support my amendment. If they cannot do that, I say that the next best one is the Green amendment.

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

Mr. Speaker, most of the Government would come to a grinding halt if we did not pass the continuing resolution. The present continuing resolution expires on September 30. We should not project into this continuing resolution issues which will complicate an agreement between the House and the Senate on this continuing resolution and delay the passage of the resolution.

Normally we try not to have amendments on continuing resolutions. An amendment on a continuing resolution is most unusual. I hope that we will not muddy the water and pass any of the pending amendments to this continuing resolution.

All of this debate today has exemplified once again that we cannot write complicated, complex legislation on the floor of the House of Representatives. We need to work these things out in committee and Members need to have an opportunity to study the proposals upon which they are to vote.

The chairman of the Committee on Education and Labor appeared before the Committee on Appropriations last June and asked that the committee put a proviso in the continuing resolution in order to give his committee more time—a very logical request—to work out some sort of solution to the problem which we have been discussing here today. So this language was put in the continuing resolution in the Committee on Appropriations and presented to the House, and the House approved the continuing resolution. It was also in the regular Labor-HEW bill that was passed by the House in June. So we are absolutely consistent in the resolution that is before us today in extending the existing provision.

It would seem to me that we should recognize that there are many inequities in this situation, that there will be inequities regardless of any of the amendments which are adopted here today. Therefore, the best thing to do is let the Committee on Education and Labor have

further opportunity to recommend a formula that will be more fair and equitable than the present formula, because the present formula is not good enough.

We passed the appropriation bill for the Office of Education. It has gone to the other body. It is being marked up and will be presented to the other body. In a very short time we should be in conference on the Labor-HEW appropriation bill. They will probably change the language that the House adopted in connection with the appropriation bill for HEW and we will have opportunity to address the matter that time.

What this continuing resolution does is just to carry forward the language in the original continuing resolution and in the appropriation bill for HEW.

But one will say, "Well, the HEW appropriation bill may be vetoed." If it is, we will have to pass a substitute bill or we will have to pass another continuing resolution. If by that time the Committee on Education and Labor has not come out with appropriate legislation, then this matter can be again considered. If necessary, we can try to write a new proviso that will meet the situation.

I think the only logical thing to do at this time is to vote against all these amendments. They all have good features; but it is a mistake to inject an item of this nature in this bill and risk the possibility of getting into an extended conference with the other body, and hazard a delay of the continuing resolution. As Members know, the present continuing resolution expires on midnight Sunday and the majority of the Government will be without funding authority on Monday morning.

We ought to act more responsibly by passing this simple continuing resolution today.

So I would say, Mr. Speaker, let us vote down all the amendments, the Latta amendment, the Perkins amendment, the Green amendment, and the Quie amendment—all the amendments. This is not to say that they are all bad because they do have some good features. But this is not the time or place to tackle the problem if we expect to get long-range, beneficial results.

Mr. BAUMAN. Mr. Speaker, I rise in support of the amendment of the gentleman from Ohio (Mr. LATTA) which has as its objective the guarantee that no local school jurisdictions will lose funds under title I during the present 1973–74 school year. Failing that I will support the amendment of the gentleman from Minnesota (Mr. QUIE).

Whatever the merits of the types of programs funded under title I and the need to revise the funding formula, the inequity of the sudden cutoff of funds at a point in time well into the current school year is the real problem we must solve.

In my own district, which includes more than half of the counties of Maryland, each county school system has lost substantial amounts of title I funds which have been shifted instead to the wealthier suburban counties and Baltimore City.

Coming at this time, hundreds of school employees, already contracted for, will lose their jobs. Reading and other special programs will end in midschool year. Admittedly this results from the operation of the current law which requires the use of 1970 census figures in determining how much each local jurisdiction is to receive under title I.

The fact is, however, that the Congress must accept full responsibility for this problem. The Department of Health Education, and Welfare anticipated this problem months ago and attempted to meet it by recommending the passage of the Better Schools Act, now pending in the other body. But Congress failed to act, and only now, under emergency conditions, are we faced with seeking a temporary solution. I say temporary because House Joint Resolution 727 is only a resolution continuing appropriations and we in Congress must find a permanent solution before we adjourn this session.

As in all legislation dealing with education, I deeply believe that we should not lose sight of the most important factor to be considered—that is the welfare of the thousands of young children who will be very directly and detrimentally affected by the shifting of title I funds in midschool year. Simple equity would seem to dictate that we act to guarantee at least for this year that no local school system will lose funds.

Lastly, in a broader sense, the problem we now face on title I funding calls into question the whole concept of Federal aid to education as it now exists. Such categorical grants, geared as they are to achieve various objectives deemed worthy by Federal officials, often fail to meet the far more specific needs of local school systems. Here, today, we see the mischief resulting from such a "strings attached" law. Areas needing help are denied aid, and those wealthy enough already are automatically given even more.

I therefore urge the adoption of an equitable amendment to House Joint Resolution 727, as a temporary solution and express the hope that Congress will act on a permanent remedy, perhaps by amending the pending HEW appropriations bill before the other body.

I include at this point in my remarks a table showing the past title I funding of Maryland counties in my district; the present funding using the 1970 census computation; and the effect of the Quie amendment which guarantees 85 percent of current title I funding for each local jurisdiction:

County	Fiscal year 1973	Fiscal year 1974	Quie amend. (85 percent)
Calvert	220, 899	171, 029	187, 764. 15
Caroline	186, 544	95, 555	158, 562. 40
Charles	373, 570	277, 294	317, 534. 50
Cecil	237, 755	172, 870	202, 091. 75
Dorchester	276, 926	125, 008	235, 387. 10
Harford	350, 292	293, 527	297, 748. 20
Kent	112, 215	44, 849	95, 382. 75
Queen Annes	141, 915	72, 294	120, 627. 75
Somerset	215, 120	110, 784	182, 852. 00
St. Marys	345, 957	227, 257	294, 063. 45
Talbot	142, 075	51, 208	120, 763. 75
Wicomico	322, 519	259, 890	274, 141. 15
Worcester	240, 484	106, 935	204, 411. 40
Total	3, 166, 271	2, 008, 500	2, 691, 330. 35

Mr. REID. Mr. Speaker, I rise in support of the Green substitute.

Mr. Speaker and Members of the House, let me see if I can clarify some of the debate.

First, the vote will occur on the Latta amendment to the Quie amendment, followed by the vote on the Perkins amendment, to the Quie amendment then the Green substitute, and finally the Quie amendment.

I believe the facts here are clear. First, the Green substitute, which I support, would hold harmless the eligible student, based on the current census. This is an eminently fair and sound proposition—sound and fair to the majority of States and for the majority of our children.

The Quie amendment, which changes the hold harmless formula from 100 percent to 85 percent, is a step in the right direction. It lessens the adverse effects on 29 States in providing a limited hold harmless provision for 21.

The Perkins amendment, however, is not a step forward in my judgment. It not only retains the inequitable hold-harmless formula at the 1972 level for State but adds a hold-harmless provision at the 1973 level for counties. In New York State, for example, the Perkins amendment would result in a loss for every school district in the State.

Mr. Speaker, the principle, is clear. The continuing appropriations measure, if it is not amended here on the floor, will prevent States with increased numbers of disadvantaged children from receiving funds and will give funds to States which have a decreased eligible population. The money should go first and foremost to where it is most needed—namely to those areas that have experienced increases in eligible children.

Lastly, let me just give the Members the figures as we have them, and then I will yield to the gentleman from New York.

Mr. Speaker, under the Green substitute, our estimates show that New York would receive $309 million, under the Quie amendment, $285 million, and under the continuing resolution, unamended, $255 million.

Thus, in terms of dollars and more particularly in terms of principle, the eligible student, and current figures, I commend the Members to the support of the Green substitute.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. REID. I yield to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I thank my colleague for yielding.

In the 10 years during which I have been on the Committee on Education and Labor, we have tried to design a formula for student impact under title I.

One thing which this bill has in it is provision for disadvantaged children and school districts, attempting to help them in such a way that the Federal Government should never pay for empty seats. There are too many seats that should be filled with children who have learning disabilities and other kinds of disad-

vantages for us to pay for empty seats. Were this another kind of a bill, we could afford to be more generous. But this is a modest bill.

Mr. Speaker, I have heard the chairman of the Committee on Appropriations say that we should stick with the bill and let it be handled in the Committee on Education and Labor. That is not an accurate portrayal of the problem.

There is an amendment in the continuing resolution which is continuing in nature. It is a discrimination amendment. It pays for empty seats. We cannot hold harmless the children from the impact of no money.

Mr. Speaker, the one amendment that says we should put the money where the children are is the Green amendment. The Green amendment is based on the latest figures of those children in attendance, and no money can go to districts where there are empty seats.

Now, if there is a need for districts to have money to cope with faulty enrollments due to school conditions, let the Committee on Education and Labor bring out that kind of an impact bill. But the only amendment that puts the money, according to title I, where the bill was designed to put the money in 1965 and thereafter is the Green amendment.

Not because it would do something for New York but because it would do something for 29 of the 50 States who would get more money under any other version except the Green amendment.

Mr. REID. I thank the gentleman from New York for his contribution.

I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I have just asked the author, the gentlewoman from Oregon, and have now clarified in my mind this fact: First, there is no hold-harmless phrase in her amendment. That to me is salutary. Second, the per pupil expenditure under the Green amendment will be at least that presently existing or existing in the immediate past and may possibly be slightly more. However, there will be no penalty. So it has the advantages pointed out by the gentleman from New York (Mr. CAREY) in that the children are counted where they are, which is, of course, meritorious; and, second, that for each child the level of expenditure will not be cut.

Mr. REID. The gentleman is correct.

Mr. HARRINGTON. Mr. Speaker, I rise in support of the amendment offered by Congressman QUIE of Minnesota on House Joint Resolution 727, continuing appropriations for fiscal year 1974 for all those departments and agencies whose programs and activities have not yet been enacted into law.

This resolution is an extension of an existing continuing resolution which funds, among other government programs, title I of the Elementary and Secondary Education Act.

New information in the form of results from the 1970 Census makes necessary the modification of the resolution, in order to justly allocate funds to States affected by the immigration of eligible children from other areas of the country.

The original continuing resolution, which provided funds for title I through September 30 of this year, contains a 100-percent "hold harmless" provision assuring that no State shall receive less funding than it did in fiscal year 1972. The distribution formula which resulted was equitable in light of statistics then available. But the 1970 Census indicates that 29 States, including Massachusetts, have attracted additional needy and eligible children, as a consequence of internal migration from other parts of the Nation. Holding fast to the previous distribution formula for funds over-assists certain States and under-assists others, usually those whose population is predominantly urbanized.

I would like to point out, Mr. Speaker, that the States which are disadvantaged by the inflexible 100-percent "hold harmless" provision are represented by 288 Members of the House and 58 Members of the Senate.

Congressman QUIE's amendment would hold local education agencies, rather than States, harmless at 85 percent of their previous funding. This offers the flexibility needed to adjust the distribution of funds in line with demographic shifts. Certain communities would receive less money because less children in need reside there. Other communities would receive upward adjustments in funding because more deserving children have moved to those areas. The concept of fairness at stake here is a simple one, and I urge my colleagues to subscribe to it.

Mr. GUYER. Mr. Speaker, historically and traditionally, reading, writing, and arithmetic are the basic essentials of a child's education. But as a result of serious cuts in elementary and secondary education title I reading programs, our fine youth are being seriously jeopardized in this most important educational opportunity. School districts in more than 71 counties in my State of Ohio alone have suffered from 5 to 80 percent cuts in title I funding due to the use of 1970 census figures in the funding formula under the previous continuing resolution.

Unless this oversight is corrected by inserting a local education area "hold harmless" clause into the continuing resolution that we are considering today, many small and rural school areas will find their students shortchanged in this important segment of education.

In order to substantially correct these gross inequities, I am supporting my fine colleague from Minnesota, Congressman QUIE in his amendment to House Joint Resolution 727 which inserts language assuring local school districts 85 percent of their 1973 funding. This amendment would approximate the provisions of legislation which Congressman LATTA and I introduced on September 6, providing that no local educational agency's allocation may be reduced for the fiscal year 1974 below its allocation for fiscal year 1973.

This measure would at least reduce the budget hardship that so many of the communities in our district have suffered.

Mr. BEARD. Mr. Speaker, I rise in support of the pending amendment to hold local education agencies harmless to not less than 85 percent of fiscal year 1973 allocations. The amendment will partially restore title I funds to some 90 school districts in Tennessee which have lost money ranging from $175 to $147,151.

Under the earlier continuing resolution, only States were held harmless at the previous year's funding—not local school districts. Allocations of that amount were based on the original ESEA title I formula with new 1970 census data. The result was a serious loss of funds to 90 local education agencies in Tennessee.

My support for the pending amendment is not based on the need for increased funds for title I but to prevent a massive breakdown in school budget programs already approved by local school boards. In many cases, local education agencies in Tennessee were not aware of the impending cutbacks until shortly before the beginning of the school year.

In my own district, 11 school systems are scheduled to be reduced a total of $716,375. Three of the poorest counties—Decatur, Fayette, and Giles Counties—are faced with huge deficits. In fiscal year 1973, Decatur County received $115,135 and with new allocation data will receive $28,944 in fiscal year 1974. Fayette County, one of the poorest in the Nation, received $788,857 in fiscal year 1973 and its fiscal year 1974 total will be $678,912. Giles County's fiscal year 1973 total was $294,000 and in fiscal year 1974 it is slated to receive $146,849—a loss of $147,151. In these three counties alone, losses of title I funds will amount to over $343,000.

Difficulty in planning is one of the most serious problems with Federal aid to education. Federal budgetary procedures should reflect adequate leadtime so that State and local education agencies get the maximum return on the education dollar

Mr. Speaker, I know that the ESEA title I formula has been much discussed during the debate on new education legislation in the Education Committee. I am sure the committee will attempt to address this problem in a substantive way. My position on future aid to education has not yet been determined. However, my support of the pending amendment is only to avoid serious dislocation among local education agencies this school year. You may be certain that I will take a good, hard look at future proposals to see that they pay adequate attention to giving State and local education agencies sufficient time to develop their budgets and curriculum. A continuation of the present situation can only lead to reduction in the quality of education our children are receiving.

Mr. Speaker, I ask that Governor Winfield Dunn's letter and enclosure on this subject be printed following my remarks.

STATE OF TENNESSEE,
September 4, 1973.

Hon. ROBIN L. BEARD, Jr.,
U.S. Representative,
Washington, D.C.

DEAR ROBIN: It has been brought to my attention that Congress, in passing the continuing resolution, requested that the 1970 census be used in distributing ESEA Title I funds. This action, coupled with the action of the Department of Health, Education and Welfare, is causing significant complications in Tennessee. I am enclosing for your

use and information a chart showing the funding changes in Tennessee. Thanks to your efforts Tennessee has been held harmless, and with the larger appropriation authorized in the continuing resolution, we actually gained some $5 million.

You will further note on this chart that some 90 school districts in Tennessee will lose money ranging from $175 to $147,151. It is obvious that the sudden transfer of these funds is causing hardships among the local school districts. This is further complicated by the fact that it was August before the Department of Health, Education and Welfare had notified the states of the revised formula.

I have been further informed that there is likely to be an effort made by some states to remove the hold harmless provisions for states in its entirety when they consider the HEW-Labor Appropriations Bill. If this is done, Tennessee will lose some $20 million in ESEA Title I funds. This in addition to the existing problems created by the redistribution of funds will do much to destroy the efforts being made with the use of Title I ESEA funds. It would, of course, be helpful if something could be done to protect those school districts which are losing significant amounts of money. I recognize, however, the time to do this is very short. I also recognize that any efforts along this line may well increase the HEW/Labor Appropriations Bill beyond acceptable limits.

In your review of substantive legislation for Title I ESEA funds, I would offer the following considerations. The first of these is that under the present law without the hold harmless provision for states there will be a tremendous shift in dollars from the south to the north. This is caused primarily by one factor, the addition of AFDC children to the eligible recipients. While it is obvious that an income below $2,000 is no longer adequate in defining the poverty level, the addition of AFDC recipients severely penalizes poorer states. Even cursory analysis will indicate that the major reason for the larger welfare rolls in the northern states is the fact that they are more capable of making payments to higher income individuals. There very obviously needs to be some adjustments made in the formula for distribution of funds under Title I ESEA. However, until this can be done I strongly urge you to maintain the hold harmless clause.

I would also urge that when and if changes are to be made in the distribution of funds that it would be more administratively viable if Congress would provide some transition mechanism for the school systems which are going to be losing or gaining funds. Thank you very much for your consideration in this matter.

Sincerely,

WINFIELD DUNN,
Governor.

THE 1973 FISCAL YEAR GRANT AND 1974 FISCAL YEAR PRELIMINARY GRANT FOR THE LOW INCOME, PART A, TITLE I, PUBLIC LAW 89-10 AS AMENDED, SHOWING INCREASE OR DECREASE

Local educational agency	Fiscal year 1973 grant	Fiscal year 1974 preliminary grant	Increase or decrease
Anderson County	$307,447	$420,968	$113,521
Clinton	11,205	17,452	6,247
Oak Ridge	42,580	84,279	41,699
Bedford County	153,233	158,767	5,534
Benton County	98,887	76,617	(22,270)
Bledsoe County	152,673	137,059	(15,614)
Blount County	285,737	323,494	37,757
Alcoa	57,707	47,248	(10,459)
Maryville	90,763	80,022	(10,741)
Bradley County	104,770	131,952	27,182
Cleveland	119,197	181,752	62,555
Campbell County	500,750	536,319	35,579
Cannon County	85,722	93,643	7,921
Carroll County	$43,281	$13,620	$(29,661)
Atwood	31,095	11,493	(19,602)
Hollow Rock-Bruceton	33,897	23,410	(10,487)
Huntingdon	69,893	36,180	(33,713)
McKenzie	49,584	37,032	(12,552)
South Carroll County	33,616	10,216	(23,400)
Trezevant	37,958	12,344	(25,614)
Carter County	290,920	325,197	34,277
Elizabethton	78,858	122,162	43,304
Cheatham County	60,088	80,874	20,786
Chester County	133,764	111,095	(22,669)
Claiborne County	412,778	396,280	(16,498)
Clay County	189,370	151,106	(38,264)
Cocke County	316,272	290,294	(25,978)
Newport	47,483	48,098	615
Coffee County	120,038	86,833	(33,205)
Manchester	26,893	43,842	16,949
Tullahoma	68,492	69,806	1,314
Crockett County	28,014	21,283	(6,731)
Alamo	45,661	32,775	(12,886)
Bells	40,479	28,519	(11,960)
Crockett Mills	19,190	14,472	(4,718)
Friendship	21,991	16,175	(5,816)
Gadsden	50,564	27,241	(23,323)
Maury City	31,235	25,964	(5,271)
Cumberland County	277,893	198,353	(79,540)
Davidson-Metro	1,479,808	2,512,614	1,032,806
Decatur County	115,135	28,944	(86,191)
DeKalb County	139,367	69,807	(69,560)
Dickson County	146,790	88,961	(57,829)
Dyer County	261,646	169,409	(92,237)
Dyersburg	126,761	86,833	(39,928)
Fayette County	788,857	678,912	(109,945)
Fentress County	253,802	194,522	(59,280)
Alvin C. York	39,079	40,011	932
Franklin County	236,715	164,301	(72,414)
Gibson County	392,048	306,043	(86,005)
Humboldt	91,603	103,582	10,979
Milan	60,369	25,123	(35,256)
Giles County	294,000	146,849	(147,151)
Grainger County	205,478	180,050	(25,428)
Greene County	397,230	358,823	(38,407)
Greeneville	88,942	164,301	75,359
Grundy County	183,768	161,321	(22,447)
Hamblen County	95,246	35,755	(59,491)
Morristown	116,395	210,697	94,302
Hamilton County	352,128	337,966	(14,162)
Chattanooga	924,161	1,648,970	724,809
Hancock County	203,938	351,162	147,224
Hardeman County	429,165	383,511	(45,654)
Hardin County	287,838	227,723	(60,115)
Hawkins County	390,507	343,500	(47,007)
Rogersville	28,854	14,046	(14,808)
Haywood County	644,728	570,797	(73,931)
Henderson County	190,070	113,649	(76,421)
Lexington	36,558	22,985	(13,593)
Henry County	150,152	160,896	10,744
Paris	34,176	59,591	25,415
Hickman County	139,788	139,613	(175)
Houston County	58,688	61,294	2,606
Humphreys County	106,030	136,634	30,604
Jackson County	189,511	151,957	(37,554)
Jefferson County	154,774	148,978	(5,796)
Johnson County	229,991	167,281	(62,710)
Knox County	295,822	586,972	291,150
Knoxville	943,631	1,282,484	338,853
Lake County	213,602	77,894	(135,708)
Lauderdale County	461,381	522,272	60,891
Lawrence County	279,434	318,812	39,378
Lewis County	71,154	43,416	(27,738)
Lincoln County	242,597	220,061	(22,536)
Fayetteville	52,385	58,740	6,335
Loudon County	147,630	167,281	19,651
Lenoir City	35,157	60,868	25,711
McMinn County	243,997	112,372	(131,625)
Athens	71,294	79,596	8,302
Etowah	12,606	8,088	(4,518)
McNairy County	317,112	243,472	(73,640)
Macon County	156,174	103,433	(52,741)
Madison County	405,634	352,864	(52,770)
Jackson	273,831	382,660	108,829
Marion County	281,675	229,426	(52,249)
Richard City	2,941	5,533	2,592
Marshall County	159,396	117,480	(41,916)
Maury County	336,721	391,173	54,452
Meigs County	112,894	61,294	(51,600)
Monroe County	294,282	208,143	(86,139)
Sweetwater	50,284	35,755	(14,529)
Montgomery-Clarksville	311,650	704,877	393,227
Moore County	35,717	27,242	(8,475)
Morgan County	238,674	206,866	(31,808)
Obion County	204,217	106,413	(97,804)
Union City	56,027	50,226	(5,801)
Overton County	264,727	171,537	(93,190)
Perry County	86,702	36,180	(50,522)
Pickett County	76,337	52,355	(23,982)
Polk County	108,552	90,238	(18,314)
Putnam County	287,838	253,688	(34,150)
Rhea County	155,334	135,357	(19,977)
Dayton	25,212	10,641	(14,571)
Roane County	$221,305	$232,831	$11,526
Harriman	59,809	67,253	7,444
Rockwood	48,043		(48,043)
Robertson County	283,496	151,532	(131,964)
Rutherford County	229,991	309,873	79,882
Murfreesboro	85,861	85,556	(305)
Scott County	233,632	255,816	22,184
Oneida	58,969	133,654	74,685
Sequatchie County	62,190	51,078	(11,112)
Sevier County	292,740	269,011	(23,729)
Shelby County	682,267	771,279	89,012
Memphis	3,137,922	7,264,574	4,126,652
Smith County	153,794	94,494	(59,300)
Stewart County	111,353	77,043	(34,310)
Sullivan County	403,113	510,355	107,242
Bristol	108,832	142,593	33,761
Kingsport	168,500	193,245	24,735
Sumner County	313,050	296,253	(16,797)
Tipton County	533,235	535,894	2,659
Covington	32,915	49,801	16,886
Trousdale County	58,828	77,468	18,640
Unicoi County	143,570	128,121	(15,449)
Union County	137,966	100,028	(37,938)
Van Buren County	62,890	34,903	(27,987)
Warren County	209,961	231,554	21,593
Washington County	239,655	261,349	21,694
Johnson City	153,934	222,615	68,681
Wayne County	188,810	128,972	(59,838)
Weakley County	205,478	176,219	(29,259)
White County	253,521	177,071	(76,450)
Williamson County	186,149	108,115	(78,034)
Franklin	73,255	83,853	10,598
Wilson County	131,803	147,700	15,897
Lebanon	53,366	102,582	49,216
Watertown	6,303	9,364	3,061
Total	31,273,191	36,288,395	5,015,204

Source: Tennessee State Department of Education, Aug. 14, 1973.

Mr. MILLER. Mr. Speaker, I support the Quie amendment and urge its adoption.

On June 26 this body considered House Joint Resolution 636, making continuing appropriations, and H.R. 8877, the fiscal year 1974 Labor-HEW appropriations bill. However, serious deficiencies exist in two provisions relating to the allocation of title I, ESEA funds. The provisos stipulate that no State will receive less title I funds than it received in fiscal year 1972. While no specific reference to local school districts is contained in the legislation, it was nevertheless the intent that they be accorded some measure of hold-harmless protection.

However, the Office of Education has construed the hold-harmless language as being applicable only to the States and accordingly made county allocations on the basis of the 1970 census data. Although the States are receiving the same level of funding as 1972, there have been drastic shifts in funding within the States. Many of the poorest school districts have experienced precipitous reductions in their title I grants while other districts have received windfalls. Knowing that use of the 1970 census data could have disruptive local effects, we intended, I believe, that no local educational agency be subjected to a precipitous loss of funds. Obviously that intent was never made clear either in the language of the proviso or the legislative history. The consequences have been dramatic.

In my home State of Ohio 71 of the 88 counties have lost funds ranging from 5 percent to 80 percent. One school district in the State will receive no funds, while others have been cut up to 80 per-

cent. Last school year my congressional district received $2.4 million in title I grants, but under the 1974 allocations, it receives $1.6 million—two-thirds of last year's level. All but 1 of the 13 counties in the 10th Congressional District have lost funds. In fact, the poorest county in the State loses $79,589—a 70-percent reduction. Of the 50 school districts in our area, 42 have had their allocations reduced—some by as much as 80 percent.

Needless to say, the lack of protection for local educational agencies under the current resolution has caused gross inequities and hardships among various school districts. The distressing fact is that the richer districts appear to have benefited at the expense of the poorer ones.

If the cutbacks were not enough in themselves to create problems locally, they were announced just as many schools were ready to open their doors. School boards had entered into contracts with their title I teachers and finalized their budgets. Suddenly, the money they had earmarked for teachers and programs was not there. The many school superintendents and education officials I have talked to over the past month and a half have told me they are in serious financial and legal straits and are counting on Congress to remedy the situation so they can fashion curriculums and programs for the remainder of the school year.

These drastic redistributions of title I funds coming at the beginning of the school year have already disrupted the education process, but we have the opportunity to prevent any serious harm if we act now. I therefore urge that the legislative intent be clarified by adopting the hold-harmless provision for local school districts so that they may be able to finish out the school year at reasonable levels of funding.

Mr. GILMAN. Mr. Speaker, I urge my colleagues to support the amendment offered by the gentleman from Minnesota (Mr. QUIE).

Our legislative goal in providing title I, ESEA funds is to assure high quality education for disadvantaged students, no matter where they may be living.

The proposed formula for distributing title I funds in the resolution before us could result in an outrageously inequitable apportionment to many of our States, unless we adopt Mr. QUIE's proposal.

House Joint Resolution 727, as it now stands, provides for the distribution of title I funds at a level that guarantees that no State will receive less funding than it had received in the most recent appropriation. There have been marked changes in population distribution since this last allocation.

The 1970 census amply demonstrates that many recipients of title I funds are now located in urbanized areas. If we approve the dispersal of title I funds at the hold-harmless provisions inherent in this resolution, we would be supporting flagrant abuses in per-student allotments. In some States the Federal share of educating a disadvantaged child will be as high as $438, while in other regions the per-student allotment would be as low as $170.

Our own State of New York stands to lose over $54 million in title I funds if we allow this unjust formula to remain unchanged.

If, however, we adopt Mr. QUIE's rational compromise, which provides for an 85-percent hold-harmless funding to local districts, we are making some gains at equalizing per-student allocations and will be providing a more equitable formula for all of our States.

Mr. Speaker, our congressional intent is to improve the quality of education for disadvantaged students. We must reach as many disadvantaged students as we can while, at the same time, providing the most effective assistance possible. Let us put our money where our children are.

Accordingly, I urge my colleagues to join in support of the Quie amendment.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members of the House may be permitted to revise and extend their remarks at this point in the RECORD in connection with the joint resolution and the pending amendments.

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

There was no objection.

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

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

Mr. PERKINS. Mr. Speaker, I want 5 minutes. I object.

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

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

There was no objection.

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

(Mrs. GREEN of Oregon and Mr. SISK asked and were given permission to yield their time to Mr. GIAIMO.)

Mr. GIAIMO. Mr. Speaker, I rise today in support of the Green amendment and hope that it will carry.

I speak here not as an expert on education, although I did serve on the Committee on Education and Labor for some years, but I do speak as a member of the Committee on Appropriations and primarily to urge people in the House today to voice their will on this very important item.

I must respectfully disagree with my chairman and the chairman of the subcommittee who say this is simply a continuing resolution and should not be amended at any point.

There is no such thing as a simple continuing resolution. A continuing resolution is a device for appropriating moneys running into the billions and billions of dollars for appropriations acts which have not yet been signed into law. Add to that fact that the Labor-HEW appropriation has still not been enacted into law. We are well past the beginning of the fiscal year which started July 1, and here we are practically going into the second quarter of the fiscal year on continuing resolutions.

I do not like the fact that this Government of ours continually operates on continuing resolutions, but it has become a fact of life, unfortunately. The fact is that if we are to cure inequities, inequities which affect our schoolchildren and our school districts, which need funds in order to educate these children, we have to do it in this body, in this House. We have to do it with the only mechanism and vehicle available to us. The only tool and vehicle that we have is the continuing resolution before us today.

We can debate at length in the Committee on Education and Labor, changes in the authorizing legislation and have done so for years and to no avail. Today, we can act effectively, and we can act today through the device of amending a continuing resolution. Because what we are saying by this amendment is: If you are going to spend money in accordance with the terms of the continuing resolution you must spend the money in the manner in which we are mandating today by virtue of the adoption of certain amendments.

So I say today is the day to act. It may create some delays and difficulties in the conference on the adoption of the continuing resolution between the House and the other body, but we have had difficulties before, and they can be worked out. I say that this is the time to end the inequities which exist.

I urge the adoption of the Green amendment.

The SPEAKER. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I yield back the balance of my time. I believe that I have discussed this matter enough.

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

Mr. CAREY of New York. Mr. Speaker, I think one of the ways to avoid budget-busting proposals is to go along with the views of the administration whenever we find them equitable.

The closest thing that we can get to educational revenue sharing, which has been advocated by the President as fiscally feasible, is the Green amendment.

If the Members believe in per population basis of disbursement of moneys, then put the money where the population is in the schools. That is what the Green amendment does. It is very close to educational revenue sharing. Let us give it a try.

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

Mr. REID. Mr. Speaker, I urge support of the Green substitute amendment on the basis of the very simple principle that funds should go to the eligible students based on the most current figures. As one of the drafters of the original

ESEA, I support its original premise—namely that funds should go where the children are. I think the substitute amendment offered by the gentlewoman from Oregon (Mrs. GREEN) achieves this, and I believe it should be supported.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to join with the gentleman from Connecticut (Mr. GIAIMO) in urging that we not adopt a policy which says that we do nothing. Clearly at this point a number of school districts are going to lose funds unless we take some action. I have some reservations about the Green amendment. Frankly, I would hope that the Quie amendment could be adopted. But either of those amendments is preferable to letting this opportunity pass whereby we will have lost the chance to correct the inequities that exist, and they exist not through the fault of anybody in particular, but simply because we are so late in making the changes that are necessary with reference to the school districts, that this opportunity we have now is the only opportunity we have to correct this problem.

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. WILLIAM D. FORD).

(By unanimous consent, Mr. WILLIAM D. FORD yielded his time to Mr. MEEDS.)

The SPEAKER. The Chair recognizes the gentleman from Washington (Mr. MEEDS) for 2 minutes.

Mr. MEEDS. Mr. Speaker, to add to the confusion, I am going to vote for the Quie amendment, against the Green amendment, against the Perkins amendment, and against the Latta amendment. I do this because I think the Quie amendment does something. It is not perfect.

I think there is great potential in the Green amendment, but because it fixes statistics and leaves us counting substantially fewer children in this country, I do not know what the effect will be. The effect may be, for instance, to cost about 60 percent of its entitlement to the State of Alabama. I do not think we can do that. I do not think we can do that with the precipitousness that this amendment does. I think we should have some time to work this out in the Committee on Education and Labor, to work this formula out.

The Quie amendment at least goes 15 percent toward balancing any inequity which presently exists, so it is not completely equitable. I think it is better than any of the others that are offered. I shall support it.

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

Mr. ANDREWS of North Carolina. Mr. Speaker, I should just like to disagree slightly with the gentleman who just spoke. The Quie amendment, I believe, is only 85 percent as bad as the others.

All of us during the latter part of the August recess, or shortly after our return here, were asked, What was the No. 1 problem in our districts? I read what many of you said—inflation, this, that, and other. The No. 1 problem in all of our districts is obviously human nature. Human nature is the problem here today. The best thing we can possibly do is to adopt the Perkins amendment and leave this like it is within the States and within the districts in those States until we can resolve this matter.

I urge the Members' support of the Perkins amendment.

The SPEAKER. The Chair recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, I have been one of the principal supporters on the Committee on Appropriations for using title I as a vehicle for distributing education funds in this country, but if we are going to use it to distribute more and more and more to the wealthy and less and less and less for the children of the poor, I am going to stop supporting it. That is what the Green amendment will do. That is what will happen if we do not adopt the Perkins amendment.

Under the Quie amendment, some districts will receive less than they have already been allocated. That would be a bad situation.

The Green amendment and the others exclude the children of the working poor who make over $2,000 per year and include all those who get big welfare payments. The children of families of $2,100 in income earned by the sweat of their brow would be excluded. The children of the families that get $3,900 on welfare would be included. That is not fair.

I urge you to adopt the Perkins amendment.

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

Mr. HARSHA. Mr. Speaker, I rise in support of the Quie amendment.

Mr. Speaker, a great many school districts throughout the Nation are facing a serious problem as a result of the distribution of title I funds. This problem has arisen as a result of the provision contained in both the continuing resolution providing funds for the first quarter of fiscal year 1974 and the Labor-HEW appropriations bill holding each State harmless to the total amount of assistance received in fiscal year 1972. The effect of using 1970 census data also contributed to the disparity in the redistribution of funds, and as a result many school districts have suffered tremendous reductions in their allocations.

While the continuing resolution provided for a hold-harmless provision for the States, it did not protect local school districts in any way. As a result, there has been a dramatic redistribution of funds within the States which has led to many inequities in the allocation of title I funds. In my own State of Ohio, 71 counties have lost funds varying from 5 to 80 percent. One school district will receive no funds, and many school districts have been reduced in their allocations up to 80 percent. Under the present formula, funds have been prevented from reaching many children eligible for title I assistance in States which have gained in population since 1970.

I wish to express my strong support of the Quie amendment to hold local districts harmless to 85 percent of the amount they received in fiscal 1973. Enactment of this amendment will permit moneys to shift to States which have gained population since 1970 and will restore funding to many school districts which experienced reductions because of the combined effects of the State hold-harmless provision and the 1970 census. In the case of Ohio, this change in distribution will increase the maximum funds available for title I assistance to a total of $57 million, an increase of $6 million from the present level of distribution, and allow a fairer distribution of funds within the State.

I strongly urge my colleagues to support this amendment. It will do much toward alleviating the extremely inequitable situation which prevails throughout the country with respect to this vital educational program.

Many school districts have already entered into contracts based on much higher amounts and unless this hold-harmless amendment is adopted they will have no way of honoring these contracts. This method of allocating funds to school districts after they have obligated themselves and without adequate advance notice of these cutbacks is totally unconscionable.

In the interest of fairness and equity the Quie amendment should be adopted.

(By unanimous consent, Mr. BURTON yielded his time to Mr. PERKINS.)

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS) for 2 minutes.

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

Mr. MAHON. Mr. Speaker, the language in the present continuing resolution was considered reasonably satisfactory on June 30 of this year by the House and by the Senate. So if it was reasonably satisfactory on June 30 of this year, why should it not be satisfactory for a few more days or a few more weeks?

The debate has clearly shown and the number of amendments offered has clearly shown that this is not the time to try to write legislation on the floor and particularly legislation of which the effect is so difficult to determine.

I am advised that we have no legislative program in the House for Thursday. Tomorrow is Wednesday. We need to get this legislation to the other body and cleared tomorrow so we can send it to the President, so it will take effect on Monday, at which time the present legislation will have expired.

The SPEAKER. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA) to the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment was rejected.

The SPEAKER. The question is on the amendment offered by the gentleman from Kentucky (Mr. PERKINS) to the substitute amendment offered by the gentlewoman from Oregon (Mrs. GREEN) for the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the

Speaker announced that the noes appeared to have it.

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

A recorded vote was refused.

So the amendment to the substitute amendment was rejected.

The SPEAKER. The question is on the substitute amendment offered by the gentlewoman from Oregon (Mrs. GREEN) for the amendment offered by the gentleman from Minnesota (Mr. QUIE).

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

Mrs. GREEN of Oregon. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

On a division (demanded by Mr. GIAIMO) there were—ayes 54, nays 76.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 184, nays 198, not voting 52, as follows:

[Roll No. 476]

YEAS—184

Abzug	Fraser	Nedzi
Adams	Fulton	Nelsen
Addabbo	Giaimo	O'Hara
Annunzio	Gibbons	O'Neill
Archer	Goldwater	Owens
Armstrong	Grasso	Patten
Ashbrook	Gray	Pettis
Aspin	Green, Oreg.	Pike
Badillo	Griffiths	Podell
Baker	Gross	Price, Ill.
Bell	Grover	Railsback
Bennett	Guyer	Randall
Biaggi	Hammer-schmidt	Rangel
Bingham	Hanrahan	Rarick
Blatnik	Harrington	Rees
Boland	Harvey	Regula
Brademas	Helstoski	Reid
Brasco	Hinshaw	Riegle
Bray	Holtzman	Robinson, Va.
Broomfield	Howard	Rodino
Broyhill, Va.	Huber	Roe
Burke, Mass.	Hudnut	Rosenthal
Byron	Hungate	Rostenkowski
Carey, N.Y.	Jarman	Roush
Carney, Ohio	Jones, Okla.	Rousselot
Casey, Tex.	Karth	Runnels
Cederberg	Kastenmeier	Ruppe
Chamberlain	Keating	Ruth
Chisholm	Kemp	Sarasin
Clancy	Ketchum	Satterfield
Clark	Kluczynski	Saylor
Clausen, Don H.	Koch	Scherle
Clawson, Del	Kuykendall	Schneebeli
Collier	Kyros	Schroeder
Collins, Ill.	Landgrebe	Seiberling
Collins, Tex.	Landrum	Shipley
Conlan	Latta	Shoup
Crane	Lehman	Shuster
Cronin	Lent	Sisk
Daniel, Robert W., Jr.	Litton	Staggers
Daniels, Dominick V.	Lujan	Steele
Davis, Ga.	McCloskey	Steelman
Delaney	McCollister	Steiger, Ariz.
Denholm	McKay	Stokes
Dennis	McKinney	Stratton
Derwinski	Madden	Studds
Diggs	Madigan	Sullivan
Dingell	Mallary	Symington
Donohue	Maraziti	Symms
Dulski	Martin, Nebr.	Talcott
du Pont	Mathias, Calif.	Teague, Calif.
Edwards, Calif.	Melcher	Thompson, N.J.
Esch	Michel	Thone
Fascell	Minshall, Ohio	Tiernan
Flynt	Mitchell, Md.	Ullman
Ford, William D.	Moakley	Van Deerlin
	Moorhead, Calif.	Vander Jagt
	Murphy, Ill.	Veysey
		Waggonner
		Whalen
		Whitehurst
		Wiggins
		Wilson, Bob
		Wolff
		Wyatt
		Wydler
		Wyman
		Yates
		Young, Ill.
		Zablocki

NAYS—198

Abdnor	Fuqua	Parris
Alexander	Gaydos	Passman
Anderson, Calif.	Gilman	Pepper
	Ginn	Perkins
Anderson, Ill.	Gonzalez	Peyser
Andrews, N.C.	Goodling	Pickle
Andrews, N. Dak.	Green, Pa.	Poage
	Gubser	Powell, Ohio
Arends	Gude	Preyer
Bafalis	Gunter	Price, Tex.
Barrett	Haley	Pritchard
Bauman	Hamilton	Quie
Beard	Hansen, Idaho	Quillen
Bergland	Harsha	Robison, N.Y.
Biester	Hastings	Rogers
Bolling	Hawkins	Roncalio, Wyo.
Bowen	Hays	Rooney, N.Y.
Breaux	Hechler, W. Va.	Rooney, Pa.
Breckinridge	Heinz	Rose
Brooks	Henderson	Roy
Brotzman	Hicks	Roybal
Brown, Calif.	Hillis	Ryan
Broyhill, N.C.	Hogan	Sarbanes
Burke, Fla.	Holifield	Sebelius
Burlison, Mo.	Holt	Shriver
Burton	Horton	Sikes
Butler	Hosmer	Skubitz
Camp	Hunt	Slack
Carter	Hutchinson	Smith, Iowa
Chappell	Ichord	Smith, N.Y.
Clay	Johnson, Colo.	Snyder
Cleveland	Jones, Ala.	Spence
Cochran	Jones, N.C.	Stanton, James V.
Cohen	Jordan	
Conable	Kazen	Stark
Corman	King	Steed
Coughlin	Leggett	Steiger, Wis.
Daniel, Dan	Long, Md.	Stuckey
Davis, S.C.	Lott	Taylor, N.C.
Davis, Wis.	McClory	Teague, Tex.
de la Garza	McCormack	Thomson, Wis.
Dellenback	McDade	Thornton
Dellums	McFall	Towell, Nev.
Dent	McSpadden	Treen
Devine	Mahon	Udall
Dickinson	Mailliard	Vanik
Downing	Martin, N.C.	Vigorito
Drinan	Mathis, Ga.	Waldie
Duncan	Matsunaga	Walsh
Eckhardt	Mayne	Wampler
Edwards, Ala.	Mazzoli	Ware
Eilberg	Meeds	White
Erlenborn	Mezvinsky	Whitten
Eshleman	Milford	Widnall
Evans, Colo.	Miller	Williams
Evins, Tenn.	Mink	Wilson, Charles H., Calif.
Findley	Mitchell, N.Y.	
Fish	Mizell	
Fisher	Mollohan	Wilson, Charles, Tex.
Flood	Montgomery	
Flowers	Morgan	Winn
Foley	Mosher	Yatron
Forsythe	Moss	Young, Alaska
Fountain	Myers	Young, Fla.
Frelinghuysen	Natcher	Young, S.C.
Frenzel	Nichols	Young, Tex.
Frey	Obey	Zion
Froehlich	O'Brien	Zwach

NOT VOTING—52

Ashley	Gettys	Nix
Bevill	Hanley	Patman
Blackburn	Hanna	Reuss
Boggs	Hansen, Wash.	Rhodes
Brinkley	Hébert	Rinaldo
Brown, Mich.	Heckler, Mass.	Roberts
Brown, Ohio	Johnson, Calif.	Roncallo, N.Y.
Buchanan	Johnson, Pa.	St Germain
Burgener	Jones, Tenn.	Sandman
Burke, Calif.	Long, La.	Stanton, J. William
Burleson, Tex.	McEwen	
Conte	Macdonald	Stephens
Conyers	Mann	Stubblefield
Cotter	Metcalfe	Taylor, Mo.
Culver	Mills, Ark.	Wright
Danielson	Minish	Wylie
Dorn	Moorhead, Pa.	Young, Ga.
Ford, Gerald R.	Murphy, N.Y.	

So the substitute amendment was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Blackburn.

Mr. Bevill with Mrs. Heckler of Massachusetts.

Mr. Cotter with Mr. McEwen.

Mr. Macdonald with Mr. Conte.

Mr. Minish with Mr. Burgener.

Mr. Moorhead of Pennsylvania with Mr. Brown of Michigan.

Mr. Stubblefield with Mr. Wylie.

Mr. St Germain with Mr. Sandman.

Mr. Nix with Mr. Rhodes.

Mr. Hanley with Mr. Rinaldo.

Mrs. Boggs with Mr. J. William Stanton.

Mr. Burleson of Texas with Mr. Roncallo of New York.

Mr. Culver with Mr. Taylor of Missouri.

Mr. Gettys with Mr. Brown of Ohio.

Mr. Hanna with Mr. Johnson of Pennsylvania.

Mr. Ashley with Mr. Gerald R. Ford.

Mr. Jones of Tennessee with Mr. Buchanan.

Mr. Metcalfe with Mrs. Burke of California.

Mr. Mann with Mr. Conyers.

Mr. Reuss with Mr. Danielson.

Mr. Roberts with Mrs. Hansen of Washington.

Mr. Stephens with Mr. Johnson of California.

Mr. Dorn with Mr. Long of Louisiana.

Mr. Brinkley with Mr. Mills of Arkansas.

Mr. Murphy of New York with Mr. Patman.

Mr. Young of Georgia with Mr. Wright.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 286, nays 94, not voting 54, as follows:

[Roll No. 477]

YEAS—286

Abzug	Conable	Goldwater
Adams	Conlan	Goodling
Addabbo	Corman	Grasso
Anderson, Calif.	Coughlin	Gray
	Cronin	Green, Oreg.
Anderson, Ill.	Daniel, Dan	Green, Pa.
Annunzio	Daniel, Robert W., Jr.	Griffiths
Arends		Grover
Armstrong	Daniels, Dominick V.	Gubser
Ashbrook		Gude
Badillo	Delaney	Gunter
Bafalis	Dellenback	Guyer
Baker	Dellums	Haley
Barrett	Dennis	Hammer-schmidt
Bauman	Dent	
Beard	Derwinski	Hanrahan
Bell	Devine	Hansen, Idaho
Bennett	Diggs	Harrington
Bergland	Dingell	Harsha
Biaggi	Donohue	Harvey
Biester	Drinan	Hastings
Bingham	Dulski	Hawkins
Blatnik	Duncan	Hays
Boland	du Pont	Heinz
Bolling	Eckhardt	Helstoski
Brasco	Edwards, Ala.	Hicks
Bray	Edwards, Calif.	Hillis
Broomfield	Eilberg	Hinshaw
Brotzman	Erlenborn	Hogan
Broyhill, Va.	Esch	Holifield
Burke, Fla.	Eshleman	Holtzman
Burke, Mass.	Evans, Colo.	Horton
Butler	Evins, Tenn.	Howard
Byron	Fascell	Huber
Carey, N.Y.	Findley	Hudnut
Carney, Ohio	Fish	Hungate
Cederberg	Fisher	Hunt
Chamberlain	Ford, William D.	Hutchinson
Chappell		Ichord
Chisholm	Forsythe	Johnson, Calif.
Clancy	Fraser	Johnson, Colo.
Clark	Frelinghuysen	Jones, Ala.
Clausen, Don H.	Frenzel	Jordan
	Frey	Keating
Clawson, Del	Froehlich	Kemp
Clay	Fulton	Ketchum
Cleveland	Fuqua	King
Cohen	Gaydos	Kluczynski
Collier	Giaimo	Koch
Collins, Ill.	Gibbons	Kuykendall
Collins, Tex.	Gilman	Kyros

Landgrebe	Owens	Stark
Latta	Parris	Steele
Leggett	Patten	Steiger, Ariz.
Lehman	Pepper	Steiger, Wis.
Lent	Pettis	Stokes
Litton	Peyser	Stratton
Long, Md.	Pike	Studds
McClory	Podell	Symms
McCloskey	Powell, Ohio	Talcott
McCormack	Price, Ill.	Teague, Calif.
McDade	Pritchard	Thompson, N.J.
McFall	Quie	Thomson, Wis.
McKay	Quillen	Thone
McKinney	Railsback	Tiernan
Madden	Randall	Towell, Nev.
Madigan	Rangel	Treen
Mailliard	Rees	Udall
Mallary	Regula	Ullman
Maraziti	Reid	Van Deerlin
Martin, Nebr.	Riegle	Vander Jagt
Mathias, Calif.	Robinson, Va.	Vanik
Matsunaga	Robison, N.Y.	Veysey
Mayne	Rodino	Vigorito
Mazzoli	Roe	Waldie
Meeds	Rogers	Walsh
Melcher	Roncalio, Wyo.	Ware
Michel	Rooney, Pa.	Whalen
Milford	Rosenthal	Widnall
Miller	Rostenkowski	Wiggins
Mink	Rousselot	Williams
Minshall, Ohio	Roybal	Wilson, Bob
Mitchell, Md.	Ruppe	Wilson,
Mitchell, N.Y.	Ryan	Charles H.,
Moakley	Sarasin	Calif.
Mollohan	Sarbanes	Wilson,
Moorhead,	Saylor	Charles, Tex.
Calif.	Schneebeli	Wolff
Morgan	Schroeder	Wyatt
Mosher	Sebelius	Wydler
Moss	Seiberling	Wyman
Murphy, Ill.	Shipley	Yates
Myers	Shoup	Yatron
Nedzi	Shuster	Young, Alaska
Nelsen	Sisk	Young, Fla.
Obey	Smith, N.Y.	Young, Ill.
O'Brien	Staggers	Zablocki
O'Hara	Stanton,	Zion
O'Neill	James V.	Zwach

NAYS—94

Abdnor	Ginn	Rarick
Alexander	Gonzalez	Rooney, N.Y.
Andrews, N.C.	Gross	Rose
Andrews,	Hamilton	Roush
N. Dak.	Hechler, W. Va.	Roy
Archer	Henderson	Runnels
Aspin	Holt	Ruth
Bowen	Hosmer	Satterfield
Brademas	Jarman	Scherle
Breaux	Jones, N.C.	Shriver
Breckinridge	Jones, Okla.	Sikes
Brooks	Kastenmeier	Skubitz
Brown, Calif.	Kazen	Slack
Broyhill, N.C.	Landrum	Smith, Iowa
Burlison, Mo.	Lott	Snyder
Burton	Lujan	Spence
Camp	McCollister	Steed
Carter	McSpadden	Steelman
Casey, Tex.	Mahon	Stuckey
Cochran	Martin, N.C.	Sullivan
Crane	Mathis, Ga.	Symington
Davis, Ga.	Mezvinsky	Taylor, N.C.
Davis, S.C.	Mizell	Thornton
Davis, Wis.	Montgomery	Waggonner
de la Garza	Natcher	Wampler
Denholm	Nichols	White
Dickinson	Passman	Whitehurst
Downing	Perkins	Whitten
Flood	Pickle	Winn
Flowers	Poage	Young, S.C.
Flynt	Preyer	Young, Tex.
Fountain	Price, Tex.	

NOT VOTING—54

Ashley	Gettys	Patman
Bevill	Hanley	Reuss
Blackburn	Hanna	Rhodes
Boggs	Hansen, Wash.	Rinaldo
Brinkley	Hébert	Roberts
Brown, Mich.	Heckler, Mass.	Roncallo, N.Y.
Brown, Ohio	Johnson, Pa.	St Germain
Buchanan	Jones, Tenn.	Sandman
Burgener	Karth	Stanton,
Burke, Calif.	Long, La.	J. William
Burleson, Tex.	McEwen	Stephens
Conte	Macdonald	Stubblefield
Conyers	Mann	Taylor, Mo.
Cotter	Metcalfe	Teague, Tex.
Culver	Mills, Ark.	Wright
Danielson	Minish	Wylie
Dorn	Moorhead, Pa.	Young, Ga.
Foley	Murphy, N.Y.	
Ford, Gerald R.	Nix	

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mrs. Boggs with Mr. Brinkley.
Mr. Minish with Mr. Metcalfe.
Mr. Moorhead of Pennsylvania with Mr. Young of Georgia.
Mr. Teague of Texas with Mr. Karth.
Mr. Nix with Mr. Hanna.
Mrs. Hansen of Washington with Mr. Burleson of Texas.
Mr. Bevill with Mr. Wylie.
Mrs. Burke of California with Mr. Foley.
Mr. Cotter with Mrs. Heckler of Massachusetts.
Mr. Danielson with Mr. Rhodes.
Mr. Jones of Tennessee with Mr. Taylor of Missouri.
Mr. Macdonald with Mr. Burgener.
Mr. Long of Louisiana with Mr. J. William Stanton.
Mr. St Germain with Mr. Buchanan.
Mr. Roberts with Mr. McEwen.
Mr. Murphy of New York with Mr. Sandman.
Mr. Stubblefield with Mr. Brown of Ohio.
Mr. Wright with Mr. Rinaldo.
Mr. Hanley with Mr. Conte.
Mr. Gettys with Mr. Brown of Michigan.
Mr. Conyers with Mr. Ashley.
Mr. Dorn with Mr. Blackburn.
Mr. Culver with Mr. Johnson of Pennsylvania.
Mr. Mills of Arkansas with Mr. Roncallo of New York.
Mr. Mann with Mr. Patman.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FINDLEY

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

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: Add a new section at the end of the resolution as follows:

"SEC. 3. None of the funds made available by this Act shall be used by the Cost of Living Council to formulate or carry out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products."

Mr. FINDLEY. Mr. Speaker, each of us in recent days undoubtedly has had a number of independent petroleum marketers visit our offices. They are literally writhing under the regulations established by the Cost of Living Council. The almost incredible fact is that the Cost of Living Council in setting up phase IV established a double standard, one standard for the independent retailer who does not refine or job his own products, and another standard for the big operators such as Exxon, Mobil, and so on, the firms who refine their own products and also market their own products at retail.

For this first group, the independent petroleum marketer, the Cost of Living Council deliberately chose their markup margin of January 10 as the margin the petroleum marketers in that category would be required to live with under phase IV. They chose it because it was the traditional low-price period of the year. It was the gas war time of the year, the time when margins were much lower than at any other time. They chose it, of course, in order to keep prices down.

For the other category, the retailer who is also a refinery—in other words, the big operator—they chose instead May 15 as the base day. Here, they chose that date for an entirely different reason. They chose it because May 15 happens to be a high profit time of the year.

Now, their rationale—believe it or not—was that they wanted to give the refinery-retailer an incentive for greater production to meet the rising demand for gasoline. Therefore, they gave the refinery, the big operator, the chance for better profits.

In addition, the Cost of Living Council gave the refiner-retailer the chance to pass through cost increases. This right was denied, of course, to the small independent.

The purpose of my amendment is just as simple and fair as any language could be. It requires that the Cost of Living Council treat all retailers alike, whether they be independent merchants; whether they also own their own refining operation. If May 15 makes sense for one retailer, let May 15 make sense for the rest. If January 10 makes sense for one, then let it be January 10 for the rest.

The truth is that this double standard is causing the independent petroleum marketers in the Nation to die out like flies. That is what this is doing. They simply cannot live with the margins prescribed by the Cost of Living Council.

The Members may have noticed in the paper that the President is putting some pressure on the Cost of Living Council to try to correct the problem. I do not have any inside information, but the best information I can get is that the Cost of Living Council at best will recommend a 1 or 2 cent price increase for the independent petroleum marketer, but no matter what the Cost of Living Council should decide to do today or tomorrow or next week, the Cost of Living Council ought to play fair with all retailers and have the same set of rules for the little fellow as for the big fellow.

The effect of all this is to cause less competition in this critical field, and of course in the long term the party that gets hurt as competition is reduced is the consumer. Therefore, this is clearly a pro-consumer amendment, a fair play amendment to strengthen a competitive marketplace system where competition is very precious.

Ever since the price freeze of last June, the ability of small independent service station owners to raise prices has been severely circumscribed by Government regulation. While there are many areas of phase IV which should be subjected to review and consideration, one area which appears to be clearly inequitable and in need of immediate change if independent gasoline marketers are to remain a competitive force in keeping gas prices low to consumers is the imposition of a January 10, 1973, date for determining independent service station prices and a different date, May 15, 1973, for determining the price of gas sold by the major oil companies.

It is important to note that the phase IV regulations break down the petroleum industry into four segments: producer,

refiner, reseller, and retailer. A special set of guidelines has been developed for each segment and it is recognized that vertically integrated firms can and do perform up to all four functions.

The date of January 10, 1973, for determining retailer margins was chosen by the Cost of Living Council after much study and review of margins on various dates. January 10, 1973, was chosen because, on average, operating margins were lower on that date than on dates thereafter. In fact, prices were quite depressed and profit margins were below normal.

The Cost of Living Council also investigated similar data for the producing and refining segments of the petroleum industry and their company-owned stations, which sell 25 percent of the gasoline to the public. Finally, ceiling price calculations for these sectors were based on May 15, 1973, costs, and prices. While it recognized that prices earlier in the year were considerably lower, the Cost of Living Council reasoned that the higher May 15, 1973, prices would provide an incentive to produce additional supplies. The right to pass-through costs was justified in this vein also. Thus by choosing the May 15, 1973 date and permitting cost pass-throughs, the Cost of Living Council purposely created a profitable climate for the major oil companies.

In other words, COLC decided to sacrifice the small independent businessmen in favor of the major oil companies at a time when the major oil companies were earning the greatest profits in history.

Just listen to these profits earned in the first 6 months of this year by a few of the big oil companies and the tremendous increase over the first 6 months of last year:

Exxon earned $1 billion, 18 million, up 48 percent over the same period last year.

Texaco earned $531 million, up 28 percent over last year.

Gulf earned $360 million, up 46 percent over last year.

Mobil earned $340 million, up 25 percent over 1972.

Standard of California earned $334 million, up 33 percent.

Standard of Indiana earned $242 million, up 29 percent.

Shell earned $169 million, up 52 percent.

Despite those profits, the Cost of Living Council decided that the majors were not earning enough and so they gave them the more profitable date of May 15 at which to set their pump prices of gasoline.

Second, COLC also provided for automatic increases in the price of crude oil, which the majors can pass forward on a dollar-for-dollar basis to independent wholesalers and retailers. The result is that these increases passthrough to the retailers, where they must be absorbed on gasoline, diesel, and No. 2 home heating oil. Of course the majors' outlets absorb their share of these price increases, which account for about 25 percent of the gas sold. But the small independents which sell the other 75 percent must absorb the majors' price increase because they cannot raise the ceiling price to reflect higher product cost. Thus, a direct subsidy from the small businessman to the multinational oil company results.

Realizing the inequity of this, President Nixon yesterday ordered the Cost of Living Council to come up with new price levels by the end of this week. However, the Washington Post says this morning that—

> Cost of Living Council sources said they expected the new ceilings would be about 2 cents higher than the current ceilings.

It seems that COLC is not even contemplating revising the dates for determining prices. Nor is it considering permitting the independent owners to pass through the cost increases which it permits the major companies to charge the small businessmen.

The action by the President is a stopgap measure only. Unless the small businessman is permitted to passthrough costs on a penny-for-penny basis, we will be right back in the same position several months from now. The reason is that the Cost of Living Council continues to allow the major oil companies to increase the price of gasoline which they sell to the independent small businessmen, but does not allow the small businessman to pass those cost increases on. Such blatant discrimination is unfair and will cause increased concentration in the oil industry, a decrease in competititon, and eventually higher prices for all consumers.

In any case, the President's action clearly will not affect the different and discriminatory dates of January 10 and May 15 established by COLC for the independent and the major gas dealers.

The amendment I am offering today will end that discrimination. All it says is that the Cost of Living Council may not discriminate among petroleum marketers in the method of establishing prices for petroleum products.

It does not tell COLC what price should be charged or what date or standard should be used in determining what price to set. All this amendment says is that all petroleum marketers should be treated alike.

Unless you want to see the petroleum industry monopolized by the giants unless we want to see all gas prices set at a uniformly high level with no independents around to keep prices low and competitive, then you should vote for this amendment.

Generally, the fact that independents must base their prices on January 10 margins, while the majors may charge May 15 prices, means that independents must price their gas 4 to 6 cents below the majors. In Illinois, independents must price their gas at about 36 cents, while the majors are charging from 40 to 42 cents.

All marketers should be treated alike. My amendment requires that, if passthrough is granted to one group of retailers, all must have the right. If one has the May 15 date as margin date, all must have it.

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

Mr. Speaker, I have the greatest sympathy for the amendment offered by the gentleman from Illinois, but I submit that it does not do at all what he has talked about. It does not mention small or large distributors or marketers. In fact, it becomes a very ambiguous amendment—

> none of the funds made available by this Act shall be used by the Cost of Living Council to formulate or carry out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products.

Now, clearly that would deny the right to even enforce historic markup standards. The bulk marketer has a smaller percentage of markup than some classes of retail marketers.

Because no marketer is defined here we leave it to the imagination to conjure up what a marketer looks like. What are the characteristics of a marketer? Is a refiner a marketer? Is a producer a marketer?

Nothing can be used from these funds to develop any standard which discriminates. In other words, they must all be the same. They must all be the same regardless of the character or make-up of their business.

I believe that the Cost of Living Council has made an ungodly mess of the petroleum regulations; but I submit that they will have a mandate from the Congress to make an even greater mess if the language proposed here is adopted as a limitation.

In the Committee on Interstate and Foreign Commerce we have for a number of weeks been working with the question of more equitable treatment for the retailer, with particular attention to the independent retailer.

I submit that is where this kind of a question should be dealt with. Attempting to do it here where we require very careful and precise definition of what is intended is not, in my judgment, possible. We could create some very serious errors.

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

Mr. MOSS. I yield to the gentleman from Illinois.

Mr. FINDLEY. I appreciate the gentleman yielding.

If there is any ambiguity in this language, the legislative history today will certainly help to clear it up. A marketer, of course, can cooperate at the refining level. He can operate at the jobbing level. He can operate at the retail level.

This amendment says that in establishing prices for petroleum products, the Cost of Living Council cannot discriminate within whatever level of marketing is at issue at this particular point. If it does not say that clearly to the gentleman's satisfaction, let my words in the RECORD clarify it for purposes of legislative history.

I am glad that the Committee on Interstate and Foreign Commerce has been holding hearings but the need is urgent.

Mr. MOSS. I do not yield further, but I do want to comment upon the fact that great care in debate in stating what we intend when the language itself cannot be used to support that intent is of little avail.

The language is not properly drafted.

It is not drafted with sufficient insight into the marketing structure. It is not drafted with sufficient understanding of the fact that there is discriminate treatment in various levels of marketing. For us to say that we do not intend what the amendment says does not cure the weakness of the amendment.

I would strongly urge that this is not the method of dealing with such a vital subject. We should not on this floor adopt this kind of limitation. We should leave it to the appropriate committees which have under consideration legislation which would resolve this issue.

Mr. MAHON. Mr. Speaker, I rise in opposition to the amendment.

The President has announced that new gasoline price regulations will be promulgated this week. I hope they will be fair and reasonable. I have been seeking to help gasoline retailers get a fair deal. I think all of us know that some of the regulations that have been made with reference to the retailers of gasoline have been absolutely unreasonable and indefensible. These regulations must be corrected. Undoubtedly they will be corrected. If the administration does not take appropriate action, then Congress through the passage of legislation sponsored by the appropriate committee must act. But this pending measure is not the vehicle in which to try to write legislation involving the Cost of Living Council and the price of gasoline or any other matter of this nature.

As stated earlier, I am, as a matter of orderly procedure, opposing all amendments to the pending measure. I shall vote against the pending amendment.

If it develops, after the announcements have been made as to the new regulations with respect to the price of gasoline, that they are not satisfactory to the Congress then let the appropriate committee of Congress quickly and effectively bring forth corrective legislation. I would certainly support such legislation under these circumstances.

I would hope that we would not burden this continuing resolution with an assortment of amendments. We must not look at the continuing resolution as a means of writing legislation on any and all subjects. Otherwise we are going to come to the point where we just cannot operate our system.

Mr. Speaker, I urge a vote against the amendment.

Mr. Speaker, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Texas,

There was no objection.

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

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

Mr. GROSS. Mr. Speaker, may I ask the gentleman this question:

Is this matter under study by the Committee on Banking and Currency?

Mr. MAHON. Mr. Speaker, I am not aware of what the committees are doing in regard to the gasoline pricing situation. I believe we have all had complaints—justifiable complaints—from our constituents on this subject. We have been in touch with our people, and certainly if there is any legislative action required, the appropriate committee should bring in the legislation.

Mr. GROSS. Mr. Speaker, the gentleman would not anticipate there would be any action taken if hearings have already started, would he? He would not anticipate any action before the end of this year, would he?

This matter is of prime importance at this time.

Mr. MAHON. Mr. Speaker, this amendment, it seems to me, is clearly out of order, not from a parliamentary standpoint, but from the standpoint of enacting legislating in an orderly way.

I would assume that this matter will be corrected before the end of this week, and if it is not corrected, then the Congress must take appropriate action.

Mr. GROSS. Mr. Speaker, I will ask the gentleman further, is this matter to be swept under the rug, or are we going to do something about it? The time for taking action is here now.

Mr. MAHON. I assume that the President is doing something about it this week, according to the announcements which have been made. I earnestly hope the President will correct the inequities of the Cost of Living Council.

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

Mr. MAHON. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker and Members of the House, I would just like to answer the question that was proposed and say that we have been holding hearings. We are in executive session now and have held two or three executive sessions. We hope to vote out the fuel allocation bill tomorrow, if it is possible to do that, and if not, as soon as possible.

Mr. MAHON. Mr. Speaker, was action taken on my unanimous-consent request for limitations of debate?

The SPEAKER. The Chair will inform the gentleman that such action was taken.

Members standing at the time of the limitation of debate will be recognized for 1 minute each.

The Chair recognizes the gentleman from Wisconsin (Mr. FROEHLICH).

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

The SPEAKER. The Chair recognizes the gentleman from Connecticut (Mr. SARASIN).

Mr. SARASIN. Mr. Speaker, I rise to urge the adoption of the amendment offered by the gentleman from Illinois requiring that all gasoline service station owners be treated equally under the law.

There is no justification for a regulation that allows one group of service stations to offer their gasoline for sale at prices which assure a profit while forcing others to sell at prices below their cost. Government does not have the right to tell a businessman that he must lose money.

Such a policy is even doubly unacceptable when the eventual outcome would be to force the independent petroleum marketer out of the business and give the major oil companies even greater control over fuel prices and supplies than they already have.

The role of Government in business should be, and has traditionally been, to prevent abuses of power, not to foster them. These regulatory powers, going back to the tradition of President Theodore Roosevelt, are based on the prevention of monopolistic practices and the preservation of fair competition and a free market economy.

Now we see Government, in its understandable zeal to combat the problem of inflation, promulgating a policy which could have the effect of furthering the potential for monopolistic abuses to the detriment of the small, independent businessmen who provide the most effective hedge against such abuses.

By adopting this amendment we in this Chamber can give clear and effective notice that all businessmen shall receive equal treatment under this program and that we shall continue to be vigilant in protecting against the unfair implementation of these controls.

The SPEAKER. The Chair recognizes the gentleman from Colorado (Mr. ARMSTRONG).

AMENDMENT OFFERED BY MR. ARMSTRONG TO THE AMENDMENT OFFERED BY MR. FINDLEY

Mr. ARMSTRONG. Mr. Speaker, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ARMSTRONG to the amendment offered by Mr. FINDLEY: Amend the Findley amendment by striking the word, "Petroleum" as it appears in lines 5 and 6.

Mr. ARMSTRONG. Mr. Speaker, this amendment has no bearing really on whether or not we believe that the continuing resolution is the place to settle the competence of the Cost of Living Council. I, myself, have grave misgivings about whether or not this is the right place for such regulation.

It is a fact, as someone said, that the Cost of Living Council has really botched things up. My opinion and the purpose of my amendment is to say if the discrimination to which Mr. FINDLEY referred is unfair in petroleum, then it is unfair in all products, so I say however you feel about the amendment of the gentleman from Illinois, please adopt this amendment so all products will be treated equally.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY) for 2 minutes.

Mr. FINDLEY. Mr. Speaker, the language in my amendment was carefully examined by attorneys who are familiar with the marketing system in this country, by people who are going out of business as a result of Cost of Living Council discriminations. There is no doubt in their minds but what this language says exactly what needs to be said to the Cost of Living Council and that it will be interpreted as being directed right at the heart of the problem, which is the discriminatory action of the Cost of Living

Council in basing prices for one segment of marketers on January 10 and basing prices for the other segment on May 15.

The gentleman from West Virginia says that the Committee on Interstate and Foreign Commerce will come out tomorrow with a bill on fuel allocation. That has nothing to do with this problem. This problem is a discriminatory practice by the Cost of Living Council between the small independent retailer on the one side and a big outfit like Exxon, Mobil, and Texaco on the other hand, who are not only retailers but also refiners.

Finally, I realize that this is an unusual place to take up legislation like this, but time is of the essence. If we are going to save these independent firms who perform such a vital role in our merchandising system and provide protection for the interests of the consumer, today is the time to take the action, and therefore I urge support of my amendment.

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

Mr. MAHON. Mr. Speaker, I rise in opposition to both amendments, and I now yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. All I wanted to say to the gentleman from Illinois was that we do have an amendment in there that all moneys appropriated for the refiner are passed on to the distributer and retailer.

Mr. FINDLEY. That helps, but it does not solve the problem.

Mr. STAGGERS. Let me say the gentleman has a good amendment.

Mr. FINDLEY. Thank you.

Mr. ICHORD. Mr. Speaker, I rise in support of the amendment of the gentleman from Illinois which I predict will be adopted by an overwhelming vote. The outcome of the vote is certain because it seeks to nullify one of the most ridiculous and inane orders ever made by any governmental body in modern times. The recent order of the Cost of Living Council freezing retail gasoline prices at January 10 levels and wholesale gasoline prices at May 15 levels without permitting retailers to pass on interim wholesale price increases threatens thousands of retail gas merchants with economic ruin and bankruptcy. The order is so ludicrous that it is void of all reason. As I stated in a recent letter to President Nixon, the action of the Cost of Living Council, which the Findley amendment seeks to reverse, "forces one to the conclusion that the Cost of Living Council is either incompetent, in collusion with the large oil companies to force independent station owners out of business, or intentionally trying to subvert any efforts to curb inflation by price controls."

I hope that after the vote today the Cost of Living Council will immediately amend the order. We should not be required to wait until the legislation clears the Congress and is signed by the President.

Mr. BIAGGI. Mr. Speaker, the President's announcement that he asked the Cost of Living Council to permit an increase in gasoline prices comes too late as usual. Many small, independent gasoline stations have been forced to close because they could not sustain the continued losses imposed on them by the Government.

Unfortunately, the result of the present policy is not so much to hold down inflation in influences on the market, but rather to eliminate independent competitors from the oil business. The Cost of Living Council devised two different formulas for determining profits in the oil industry. Stations that are outlets for major oil companies could use the higher May 15 date to determine their cost levels. Independent operators, meanwhile, had to use a January 10 date.

The result, as usual with the present administration, is big profits for the fat cats of the oil monopoly and short change for the small businessman and independent competitor. Congress must act now to change this situation.

The SPEAKER. The question is on the amendment offered by the gentleman from Colorado (Mr. ARMSTRONG) to the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment to the amendment was rejected.

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 7, answered "present" 2, not voting 54, as follows:

[Roll No. 478]

YEAS—371

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

NAYS—7

Bolling	Landgrebe	Van Deerlin
Eckhardt	Mahon	
Erlenborn	Moss	

ANSWERED "PRESENT"—2

Schneebeli	Smith, N.Y.

NOT VOTING—54

Arends	Brown, Mich.	Conyers
Ashley	Brown, Ohio	Cotter
Barrett	Buchanan	Culver
Bevill	Burgener	Danielson
Blackburn	Burke, Calif.	Dorn
Boggs	Burleson, Tex.	Gettys
Brinkley	Conte	Hanley

Hanna	Minish	Sandman
Hansen, Wash.	Moorhead, Pa.	Stanton,
Hébert	Murphy, N.Y.	J. William
Heckler, Mass.	Nix	Stephens
Johnson, Pa.	Patman	Stubblefield
Jones, Ala.	Reuss	Taylor, Mo.
Jones, Tenn.	Rhodes	Udall
Long, La.	Rinaldo	Wright
McEwen	Roberts	Wylie
Macdonald	Roncallo, N.Y.	Young, Ga.
Mann	Ryan	
Mills, Ark.	St Germain	

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Macdonald with Mr. Young of Georgia.
Mr. Burleson of Texas with Mr. Jones of Alabama.
Mr. Cotter with Mr. Mills of Arkansas.
Mr. Minish with Mr. Murphy of New York.
Mr. Moorhead of Pennsylvania with Mr. Conyers.
Mr. Stubblefield with Mr. Patman.
Mr. Nix with Mr. Ashley.
Mr. Barrett with Mr. Wylie.
Mrs. Burke of California with Mr. Mann.
Mr. St Germain with Mr. Sandman.
Mrs. Hansen of Washington with Mrs. Heckler of Massachusetts.
Mr. Hanley with Mr. Blackburn.
Mr. Gettys with Mr. Johnson of Pennsylvania.
Mr. Bevill with Mr. Taylor of Missouri.
Mrs. Boggs with Mr. Brown of Michigan.
Mr. Hanna with Mr. Rhodes.
Mr. Roberts with Mr. McEwen.
Mr. Udall with Mr. Brown of Ohio.
Mr. Long of Louisiana with Mr. J. William Stanton.
Mr. Jones of Tennessee with Mr. Buchanan.
Mr. Culver with Mr. Conte.
Mr. Danielson with Mr. Rinaldo.
Mr. Brinkley with Mr. Burgener.
Mr. Dorn with Mr. Roncallo of New York.
Mr. Reuss with Mr. Ryan.
Mr. Stephens with Mr. Wright.

The result of the vote was announced as above recorded.

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

Mr. Speaker, I want to confirm with my distinguished colleague from Texas that it is the Appropriations Committee's intention to continue the Job Corps at the same level of funding as it received in fiscal year 1973, which was $183.4 million. The chairman will recall that several Members had a colloquy on this subject on June 30 of this year when the conference report on the first continuing resolution was on the floor, and we did receive those assurances at that time. I am simply seeking to confirm that there has been no change in the committee's position since then and that those assurances are still to be viewed as the committee's express intent.

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

Mr. PICKLE. I yield to the distinguished chairman of the Appropriations Committee.

Mr. MAHON. Mr. Speaker, I wish to say that the gentleman is correct and that this continuing resolution does carry forward the same implications and language that was presented last June and that is reflected in the legislative history of the original continuing resolution. The answer to the gentleman's question is "Yes."

Mr. PICKLE. Mr. Speaker, I thank the distinguished gentleman from Texas.

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

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I would like to say for the benefit of the Members of the House that this continuing resolution makes available authority for the continuation of programs involving far in excess of $150 billion, and it is a matter of great consequence. It is not technically an appropriation bill, but in a true sense it is an appropriation bill because it makes funds available for various purposes of Government involving billions of dollars until Congress passes the respective appropriation bills or adjourns sine die.

In view of the importance of the measure, I shall ask for a rollcall vote on final passage.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 7, not voting 59, as follows:

[Roll No. 479]

YEAS—368

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

NAYS—7

Collins, Tex.	Rarick	Symms
Crane	Rousselot	
Gross	Smith, Iowa	

NOT VOTING—59

Ashley	Esch	Patman
Barrett	Gettys	Quie
Bevill	Hanley	Reuss
Blackburn	Hanna	Rhodes
Boggs	Hansen, Wash.	Rinaldo
Boiling	Hébert	Roberts
Brinkley	Heckler, Mass.	Roncallo, N.Y.
Brown, Mich.	Johnson, Pa.	St Germain
Buchanan	Jones, Ala.	Sandman
Burgener	Jones, Tenn.	Stanton,
Burke, Calif.	Landgrebe	J. William
Burleson, Tex.	Long, La.	Steiger, Wis.
Conte	McEwen	Stephens
Conyers	Macdonald	Stubblefield
Cotter	Mann	Taylor, Mo.
Culver	Milford	Wright
Daniels,	Mills, Ark.	Wylie
Dominick V.	Minish	Young, Ga.
Danielson	Moorhead, Pa.	Young, Ill.
Davis, Ga.	Murphy, N.Y.	
Dorn	Nix	

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. St Germain.
Mr. Macdonald with Mr. Conte.
Mr. Burleson of Texas with Mr. Milford.
Mr. Cotter with Mr. Jones of Tennessee.
Mr. Minish with Mr. Wright.
Mr. Moorhead of Pennsylvania with Mr. Conyers.
Mr. Stubblefield with Mr. Esch.
Mr. Nix with Mr. Ashley.
Mr. Barrett with Mr. Landgrebe.
Mrs. Burke of California with Mr. Mann.
Mr. Hanley with Mr. Rhodes.
Mr. Gettys with Mr. Patman.
Mr. Bevill with Mr. Blackburn.
Mrs. Boggs with Mrs. Heckler of Massachusetts.
Mr. Hanna with Mr. Young of Georgia.
Mr. Roberts with Mr. Burgener.
Mr. Long of Louisiana with Mr. Roncallo of New York.
Mr. Culver with Mr. McEwen.
Mr. Danielson with Mr. Rinaldo.
Mr. Brinkley with Mr. Sandman.
Mr. Stephens with Mr. J. William Stanton.
Mr. Dorn with Mr. Steiger of Wisconsin.
Mr. Reuss with Mr. Brown of Michigan.
Mr. Dominick V. Daniels with Mr. Wylie.
Mr. Davis of Georgia with Mr. Young of Illinois.
Mrs. Hansen of Washington with Mr. Taylor of Missouri.
Mr. Jones of Alabama with Mr. Buchanan.
Mr. Murphy of New York with Mr. Johnson of Pennsylvania.
Mr. Mills of Arkansas with Mr. Quie.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Quie amendment, the Findley amendment, and the continuing resolution just passed; and that I may include extraneous tabular and narrative material in my remarks.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2016, AMTRAK ASSISTANCE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and, without objection, appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, ADAMS, PODELL, METCALFE, HARVEY, KUYKENDALL, SKUBITZ, and SHOUP.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 14, HEALTH MAINTENANCE ORGANIZATIONS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 14) 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, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? The Chair hears none and, without objection appoints the following conferees: Messrs. STAGGERS, ROGERS, SATTERFIELD, KYROS, PREYER, SYMINGTON, ROY, NELSEN, CARTER, HASTINGS, HEINZ, and HUDNUT.

There was no objection.

PERSONAL EXPLANATION

Mr. FOUNTAIN. Mr. Speaker, on rollcall No. 475 on the conference report on the bill H.R. 8619, the agriculture-environmental and consumer protection appropriations bill, I was unavoidably detained on official business elsewhere in Washington, and could not get here in time. Had I been present I would have voted for the conference report.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1973

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 545 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 981) to amend the Immigration and Nationality Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a subsitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 545 provides for consideration of H.R. 981, which, as reported by our Committee on the Judiciary, would extend to the Western Hemisphere the seven-category preference system and the 20,000-per-country limit on the number of immigrant visas available annually, which is currently in effect for the Eastern Hemisphere, and also expand the present refugee category to include conditional entry for political refugees from any country in the world. The resolution provides an open rule with 2 hours of general debate, with the time being equally divided and controlled by the chairman and the ranking minority member of the committee.

House Resolution 545 further provides that, after general debate, the bill shall be read for amendment under the 5-minute rule, at which time it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary, now printed in H.R. 981 as an original bill. At the conclusion of such consideration, the committee would rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall then be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, the proposed legislation actually has its roots in the Immigration Act Amendments of 1965 which abolished the national quota system and established the principles of equity and family reunification as the basis of our immigration policy for the Eastern Hemisphere. These principles have never been extended to the Western Hemisphere, which since 1968 has been restricted to 120,000 visas per year on a first-come, first-served basis.

The result, entirely unforeseen and unintended, has been considerable hardship for intending immigrants from the Western Hemisphere. The committee in its

report cites two comparative examples illustrating the consequences which flow from the two different sets of immigration laws for the two hemispheres:

Under the provisions determining Eastern Hemisphere immigration, the 22-year-old British citizen daughter of a U.S. citizen or the Spanish wife of a permanent resident alien would receive preferential treatment over other intending immigrants whose relational ties were more distant, or who were entering under the occupational preferences.

In contrast, the 22-year-old Brazilian daughter of a U.S. citizen or the Canadian wife of a permanent resident alien would be required to line up behind all the other intending immigrants from the Western Hemisphere—now numbering close to 200,000—and to wait nearly two years for a visa.

Mr. Speaker, H.R. 981, as amended, also modifies the preference system by expanding the present refugee category to include conditional entry for political refugees from any country in the world. We know that existing law restricts refugees to those persons who have fled from communism or from certain defined areas of the Middle East.

The proposed legislation, which would increase Federal cost by an estimated $1.3 million per fiscal year, also includes certain other provisions which are designed to strengthen our immigration laws generally and to achieve uniformity in their application to the Eastern and Western Hemispheres.

Mr. Speaker, I urge the adoption of House Resolution 545 in order that H.R. 981 may be considered.

Mr. DEL CLAWSON. Mr. Speaker, today we are considering House Resolution 545 which provides the rule for H.R. 981, Immigration and Nationality Act Amendments of 1973. This is an open rule with 2 hours of general debate, and also makes the committee substitute in order as an original bill for the purpose of amendment.

The primary purpose of H.R. 981 is to extend to the Western Hemisphere the same preference system and the same 20,000 per country limit on the number of immigrant visas available annually, which is presently in effect for the Eastern Hemisphere.

Existing law provides for an annual ceiling of 120,000 special immigrant visas for natives of the Western Hemisphere. Unlike Eastern Hemisphere immigration, which is controlled by a preference system, and per country limitation, Western Hemisphere immigration operates on a first-come-first-served basis. In effect, the United States has two different immigration laws for the two hemispheres. This bill will retain the present annual ceiling of 120,000 Western Hemisphere immigrants, but will extend the 20,000 per country limit and the preference system to the Western Hemisphere. The seven point preference system is designed to give top priority to reuniting families and to attracting aliens with needed skills to this country.

The bill also contains provisions dealing with refugees, labor certifications, immigrants from colonies, immigrants from Cuba, and aliens in the Virgin Islands.

The cost of this bill is estimated to be $1,368,000 for each fiscal year following enactment.

The committee report contains communications from the Department of State and the Department of Justice, suggesting some modifications in the bill as introduced. One major modification suggested was setting the limit for Canada and Mexico at 35,000 instead of 20,000.

Mr. Speaker, I believe H.R. 981 is a needed piece of legislation and urge the adoption of this rule.

Mr. Speaker, I yield to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, this bill represents, along with H.R. 982 which has already passed this House, the results of more than 2 years of hearings and study by the Immigration, Citizenship and International Law Subcommittee of the Committee on the Judiciary.

Passage of this bill will complete the action necessary to meet the two most pressing needs of our immigration policy—to check the flow of illegal aliens into the United States, and to provide equal terms for the admission of natives of the Western Hemisphere—that is, a preference system similar to that applicable to the Eastern Hemisphere.

The purpose of H.R. 981, then, is to extend to natives of the Western Hemisphere exactly the same preference system and the 20,000 per country limitation on the annual number of immigrant visas, which applies to the rest of the world.

The absence of a hemisphere preference system and per country ceiling for the Western Hemisphere resulted from the imposition of a Western Hemisphere total ceiling of 120,000 by amendment originating in the other body during consideration of the 1965 Immigration Act. As a consequence, unlike Eastern Hemisphere immigration, aliens seeking admission from countries of the Western Hemisphere enjoy no relative preferences or priorities based upon skills.

Western Hemisphere immigration, therefore, since 1968 has operated entirely on a first-come, first-served basis, without any per country limitation. The only restriction is that an alien entering the country to perform skilled or unskilled labor must obtain a certification from the Secretary of Labor indicating that his entry will not adversely affect the American labor market. Parents, spouses, and children of U.S. citizens or of aliens legally admitted for permanent residence are exempt from this requirement.

As a direct result of the imposition of the Western Hemisphere ceiling of 120,000 without a preference system, all intending immigrants from this hemisphere who fall under the numerical ceiling are presently experiencing almost a 2-year wait for their visas. This backlog has been accumulating steadily, and the situation appears to be worsening each month.

The objective of this bill, accordingly, is to put an end to what amounts to two diverse immigration systems and to establish one uniform system with equal treatment for all aliens who seek admission to the United States.

H.R. 981 provides one uniform preference system—which is the means by which we establish priorities for aliens seeking admission under our selective immigration policy—for both hemispheres, and in both, the same per country limitation of 20,000 per year. The existing separate total hemisphere ceilings of 170,000 for the eastern and 120,000 for the western are maintained, however. That means there will be no increase in our total numerical worldwide immigration limitations.

A unified worldwide immigration system in some form is the ultimate goal after the Western Hemisphere situation has been resolved, and after there has been some opportunity to observe the operation of the preference system and per country numerical restriction in that hemisphere. The State Department has consistently recommended the temporary retention of separate ceilings so that the effects of the preference system on the Western Hemisphere may be evaluated before the next logical step is taken.

The bill proposes one slight change in the preference system—a redefinition of the refuge category to conform to the term in the U.N. protocol relating to the status of refugees. Extensive revision of the present preference system does not appear needed at this time, since experience in the Eastern Hemisphere indicates the objectives of the 1965 act—to bring order and uniformity of treatment—have been achieved for that part of the world.

With a uniform preference system and per country limitation, H.R. 981 marks the end of the last vestige of the old quota system. The discriminatory most-favored nation plan of immigration will now be completely abandoned. National origin no longer will be the key for admission—uniform treatment for all aliens regardless of place of birth will be our policy and law.

Other provisions of this bill are designed to meet special situations which have developed since the 1965 act. Section 2 will permit temporary workers to be admitted when a need is demonstrated for their services in any field of employment whether the jobs are seasonal in nature or permanent. This arrangement, to be carefully regulated by the Department of Labor, will be helpful to employers facing labor shortages and to aliens seeking to improve their economic lot. The need for this arrangement has been particularly demonstrated to the Immigration Subcommittee in Guam and in the Southwest. Another section of the bill provides that the remaining Cuban refugees in this country who have not yet acquired permanent resident status will not be charged against the hemisphere ceiling when they do qualify for such status. Another section will regularize the status of certain aliens who have long been resident in the Virgin Islands.

This is a good bill, one that is needed to bring uniformity and equality of treatment to our immigration system. I urge its prompt passage, Mr. Speaker.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EILBERG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 981) to amend the Immigration and Nationality Act, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 981, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Pennsylvania (Mr. EILBERG) will be recognized for 1 hour and the gentleman from Ohio (Mr. KEATING) will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania.

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

Mr. Chairman, the primary and overriding purpose of H.R. 981 is to amend the Immigration and Nationality Act in order to provide for equal and uniform treatment of all countries. The Congress began this important task in 1965 with the abolition of the national origins quota system, and I am pleased to move on with it today.

H.R. 981 is a matter of some urgency because of the increasingly deteriorating situation in the Western Hemisphere. According to the State Department, visas are available for September issuance to applicants from the Western Hemisphere who applied almost 2 years ago, before October 15, 1972. This applies to Canada and Mexico, as well as to the other countries in the Americas. Because of the absence of a Western Hemisphere preference system, all immigrants subject to numerical limitation must wait this 2-year period, regardless of their relation to U.S. citizens or to permanent resident aliens.

This very difficult situation is made worse by the sharp contrast with the Eastern Hemisphere. As of September 1973, visas are immediately available for the relative preferences for all independent countries under the Eastern Hemisphere ceiling with the one exception of the Philippines. What this means is that the Italian brother of a U.S. citizen may enter the country immediately, while his Canadian counterpart must wait 2 years. In addition to causing considerable unnecessary hardship for would-be immigrants, not surprisingly this inequitable situation is having an increasingly adverse effect on our foreign relations in this hemisphere. This is particularly true of Canada, where immigration has fallen from 38,327 in fiscal year 1965 to 10,776 in fiscal year 1972.

If I may briefly review the salient features of the immigration law, the Eastern Hemisphere is limited to 170,000 visas a year, with a 20,000 per country limit. Only two countries, Italy and the Philippines, are approaching that number. Within these two numerical restrictions, the visas are distributed according to a seven-category preference system which gives priority to reuniting families, attracting aliens with needed skills, and admitting refugees, in that order. At present, as I have noted, the relative preferences—first, second, fourth, and fifth—are current for all independent countries except the Philippines. Third preference, the professional occupational category, has about a 7-month waiting period, again for all independent countries except the Philippines. The nonprofessional occupational category, sixth preference, is current for all independent countries except Italy and the Philippines. In short, at least as measured in terms of the presence or absence of accumulating backlogs, the system is working comparatively well.

The Western Hemisphere, consisting of the Americas and the adjacent islands, is restricted to 120,000 visas a year for independent countries, a proportionately higher allotment than the 170,000 ceiling on the much larger Eastern Hemisphere. However, unlike the Eastern Hemisphere, Western Hemisphere immigration proceeds almost entirely on a first-come, first-served basis with no per-country limit and, most importantly, no preference system. As you know, the ceiling on Western Hemisphere immigration went into effect on July 1, 1968 as a result of the 1965 amendments. Prior to that time, immigration from this hemisphere was numerically unrestricted.

H.R. 981 amends the Immigration and Nationality Act by extending provision for both the seven-category preference system and the 20,000 per country limit to the Western Hemisphere. The two ceilings are retained at their present levels. The Committee has been cognizant throughout its consideration of this legislation of the recommendation made by the Commission on Population Growth and the American Future that "immigration levels not be increased" at this time. We are attempting to implement this recommendation.

In this regard, I would like to express my regret that I am unable to agree with the esteemed chairman of the Judiciary Committee at the per-country ceiling for Mexico and Canada should be set at 35,000. It is my understanding that he intends to introduce an amendment to this effect during the course of this debate. I would like to state at the outset that I must oppose this amendment on the floor, as I did in committee, on the basic principle that all countries should be treated equally. This, in fact, is the overriding purpose of the legislation before us today.

I would like to emphasize, at this point, that the major thrust of H.R. 981 is to establish a reasonable and orderly system of immigration for the Western Hemisphere in place of the chaotic procedure now existing. The bill does not increase the present immigration ceilings.

A second major purpose of H.R. 981 is amendment of the ambiguous and inadequate refugee provisions contained in the current law. The bill before us amends the definition of "refugee" to conform with the definition contained in the U.N. Protocol Relating to the Status of Refugees, to which the United States has acceded. The amended definition would remove the geographical and ideological limitations contained in the present law, and create a program which is worldwide in application. Refugees would continue to be granted conditional entry, as they are under the current law, with the opportunity to adjust their status to that of permanent resident alien after 2 years.

H.R. 981 also grants the Attorney General specific authority to parole certain defined refugees into the country pursuant to a recommendation by the Secretary of State, and after consultation with the Congress. The parole authority in the present law is unclear, too broad and is subject to misinterpretation. We have been particularly disturbed by the Attorney General's use of his parole authority without consultation with the appropriate congressional committees. As we point out in the report on this legislation—

> The Congress is charged by the Constitution with responsibility for the regulation of immigration, and this responsibility does not cease in the presence of an emergency refugee situation.

Another area which has been presenting difficulties is the labor certification program administered by the Department of Labor. Section 212(a)(14) of the Immigration and Nationality Act requires immigrants entering under the occupational preferences and specified Western Hemisphere immigrants to obtain certification from the Secretary of Labor to the effect that there are insufficient, willing and available U.S. workers in their occupation, and that their entry will not adversely affect the wages and working conditions of U.S. workers similarly employed. There is considerable evidence that this provision is being administered unevenly in different regions of the country by the Labor Department. In general, the Department has been uncooperative with the Congress and uninformative with the public regarding labor certification.

H.R. 981 makes only minor modifications in the labor certification provision itself, but adds a detailed reporting requirement. The Secretary of Labor will be required to submit quarterly reports to the Congress containing, and I quote directly from the bill—

> Complete and detailed statements of facts pertinent to the labor certification procedures including, but not limited to, lists of occupations in short supply or oversupply, regionally projected manpower needs, as well as up-to-date statistics on the number of labor certifications approved or denied.

We plan to return to further consideration of the entire labor certification program at a later time when we have more adequate information on its operation.

Another provision of H.R. 981 in the labor area is the removal of the restriction of H–2 temporary workers to employment which is temporary or seasonal in nature. This amendment is largely the result of the extensive illegal alien hearings held by the Immigration Subcommittee during the 92d Congress. In our opinion, it will ease some of the employment problems we have encountered, as well as meet the needs of many Mexicans who now enter as immigrants because they are unable to enter temporarily to work at permanent ongoing jobs. The protection provided U.S. labor is also strengthened. Labor certification would be statutorily required of H–2 temporary workers, and the period of stay would be limited to a maximum of 2 years.

Section 4 of H.R. 981 increases the annual visa allotment for colonies and dependencies from 200 to 600, chargeable to the hemisphere in which they are located rather than to the mother country, as is currently the case. Backlogs have developed in at least half of the dependencies. The committee believes that an increase to 600 would represent a reasonable allocation of visas to the dependencies. I want to emphasize that this provision provides only for a redistribution of visas; it does not increase the total number of admissible immigrants.

Two other provisions, relating to the Virgin Islands and Cuban refugees, are primarily of a housekeeping nature. Both are temporary in nature and limited in scope. Section 7 of H.R. 981 establishes a program under which certain aliens now in the Virgin Islands in a temporary nonimmigrant status would be afforded an opportunity to acquire permanent resident status. Section 8 provides that Cuban refugees in this country on the date of enactment who adjust their status to that of permanent resident alien will not be charged to the 120,000 Western Hemisphere ceiling.

Both provisions are designed to correct existing problems that were created many years ago. The proposed amendments will eliminate such situations in the future.

The subcommittee has worked long and hard to bring this essential legislation to the floor. A fair and reasonable immigration policy requires its enactment.

I urge my colleagues to support this very important immigration legislation.

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

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

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

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

Mr. FISH. Mr. Chairman, I support H.R. 981 and urge favorable consideration by the House.

The Immigration, Citizenship and International Law Subcommittee of the Committee on the Judiciary under the chairmanship of the able gentleman from Pennsylvania (Mr. EILBERG), has labored long and hard to bring about needed changes in our immigration law. Following 2 years of hearings on the illegal alien problem, the Subcommittee brought to the floor H.R. 982, a bill to bring an end to the flow of illegal aliens across our borders. I trust the other body will move before the end of this session to pass this urgently needed legislation.

Now this bill, H.R. 981, proposes to effect a second most needed improvement in our immigration system the establishment of a preference system and per country numerical ceiling for the Western Hemisphere. The absence of these provisions for the Western Hemisphere resulted from the manner in which the 1965 Immigration Act, after originating in the House, was amended by the other body. In consequence, since 1968 we have had what amounts to two different immigration systems for the two hemispheres.

H.R. 981, Mr. Chairman, proposes that the Western Hemisphere be given the same preference system as has operated so successfully for the Eastern Hemisphere since 1965. Additionally, the same 20,000 annual per country maximum ceiling on admissions would be established for the Western Hemisphere. Thus under a uniform system natives of all countries of the world will be treated exactly alike with priorities based not upon country of origin but upon family relationship to U.S. citizens and upon special skills needed in our country. This is the system that has operated so well for the Eastern Hemisphere with the result that in only one country of the world and a few dependent subareas is there any appreciable wait for admission of qualified aliens.

This bill retains separate total hemisphere numerical ceilings rather than proposing a worldwide total maximum number of admissions per year so that we can gain experience in the application of the preference system to the Western Hemisphere. If it is found that the patterns of immigration from countries of the Western Hemisphere are appropriately handled under the identical preference system used since 1965 for the Eastern Hemisphere, then the next logical step will be one numerical ceiling for the entire world.

H.R. 981 also contains a provision to increase the maximum annual admissions for the subareas or colonies from 200 to 600. It is expected this feature will clean up existing backlogs for Hong Kong, the British Virgin Islands, et cetera.

Other sections of the bill will clear up existing problems with Cuban refugees now in the United States and will regularize the status of a number of alien workers who have been resident in the Virgin Islands for 5 years or more. Section 2 of the bill will permit a more liberal admission of temporary workers to Guam and the southwest border areas when the Labor Department finds labor shortages in skills for which temporary aliens can qualify.

These needed improvements in our plan of immigration to be accomplished by this bill are provided without any increase in the existing hemisphere ceilings—170,000 for the Eastern Hemisphere and 120,000 for the Western Hemipshere. Thus our economy will not be asked to absorb additional aliens at a time when unemployment rates remain high.

Mr. Chairman, this is a good bill. I urge its prompt passage.

Mr. KEATING. Mr. Chairman, I strongly recommend passage of H.R. 981. This bill, along with H.R. 982, which has already received favorable action by this House, will provide solutions to the two pressing problems facing this country in the field of immigration. H.R. 982 will sharply reduce the present flood of illegal aliens across our borders. This bill, H.R. 981, will establish a preference system for the admission of eligible aliens from the Western Hemisphere—a badly needed change to correct an omission in the 1965 Immigration Act.

I wish to take this opportunity, Mr. Chairman, to pay tribute to Chairman RODINO of the Judiciary Committee, and the chairman, JOSHUA EILBERG, of the Subcommittee on Immigration, Citizenship, and International Law. Under their able leadership the Judiciary Committee has moved swiftly and efficiently, first, to meet the immediate most pressing needs for amendment to the general immigration law; second, to clean up the heavy backlog in private immigration bills and bring the private bill docket to current status for the first time in modern times; and third, to begin much needed oversight review and study on a continuing basis of the application of the laws relating to the issuance of immigrant and nonimmigrant visas and the admission of aliens to the United States. The subcommittee has labored diligently on these matters. It has been a cooperative joint undertaking by members from both sides of the aisle. It has been a great personal pleasure for me to work closely with Chairman EILBERG in our endeavor. I am happy to recognize their fine leadership publically. I am proud of what we have achieved and are accomplishing in the field of immigration.

This bill, H.R. 981, is a good bill—in some respects it can be said to be a minimal bill. It does not increase the numerical ceilings the Congress has set for the admission of aliens into the United States. It does meet an objective recommended by the Department of State and the Department of Justice—the establishment of a preference system for Western Hemisphere immigration. Thus it will bring order and uniformity to our immigration law so that immigration from the Western Hemisphere will be on the same orderly basis as the rest of the world.

When the Congress enacted the 1965 immigration amendments it did away with the old most favored nation policy and adopted a selective system for the admission of aliens to reunite families and to provide skills needed in the United States. This system for the selection of immigrants through the use of preferences for certain categories of aliens is based upon the concept that, so

long as demand for immigration to this country exceeds the amount of immigration to be permitted, there should also be a system of selection and preferential treatment for certain classes of immigrants—skilled workers, close relatives, refugees, et cetera. Moreover, no nation receives favored treatment—the new system is administered upon a first-come, first-served basis without reference to country of origin. However, separate numerical ceilings were set for the Eastern and Western Hemispheres and, as a result of amendments in the other body, no preference system was provided for natives of the Western Hemisphere. This has created an anomalous situation seriously disadvantaging persons born in the Western Hemisphere.

H.R. 981, in applying an identical system of priorities for both hemispheres, does away with the last vestige of discrimination and truly establishes a uniform—no favoritism—system of immigration. Earlier I stated the bill could be called a minimal bill. It better can be described as a transitional bill. It is designed to provide experience for the Western Hemisphere under a system of priorities identical to that applicable to the Eastern Hemisphere so that it can be ascertained whether or not it is logical and practical to have one worldwide numerical ceiling on immigration. Experience under the two hemisphere ceilings with identical preference systems will provide guidelines for a more thorough revision of the existing preference system for the entire world. Although the bill maintains separate numerical ceilings for the two hemispheres, as recommended by the Department of State, it does provide the same preference system, the same entrance requirements—identical conditions for natives of every country in the world, and identical treatment for every country in the world.

The salient features of H.R. 981 are:

First. It retains the present numerical ceilings—170,000 for the Eastern Hemisphere and 120,000 for the Western Hemisphere.

Second. It provides a uniform nondiscriminatory, no-favored nation treatment for every country in the world—all will have the same numerical maximum of 20,000 immigrants per year.

Third. It applies the same identical preference system to both hemispheres.

Fourth. It makes no basic changes in the existing preference system—only redefining refugees to accord with the United Nations Protocol definition, and adding to the labor certification requirements specific directions for the Labor Department to provide quarterly statistics to the Congress.

Fifth. It provides that temporary nonimmigrant workers may be admitted temporarily to permanent jobs when the Department of Labor certifies there is a shortage of U.S. workers and that U.S. wage standards will be maintained. This provision should be particularly helpful to employers in the Southwest in obtaining needed Mexican labor.

Sixth. It provides that the parole section of the law can be used for the admission of groups or classes of refugees—as has been done in the past—only with advance consultation with the Congress.

Seventh. It provides a cleanup program for approximately 11,000 nonimmigrant workers who were admitted to the Virgin Islands more than 5 years ago and have become a permanent work force there.

Eighth. It raises the limitation on immigration from dependent areas of the world which are not independent countries—such as Hong Kong, Cape Verde, Grenada, the British Virgin Islands, et cetera, from 200 to 600 annually—but without increasing the total numerical ceilings.

This is a good bill—the result of hearings extending over several Congresses. It has received thorough and conscientious study. It will correct inequities present in our system of immigration and provide uniform treatment for all aliens who apply for admission. I urge its prompt passage.

Mr. EILBERG. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, as you know, under the provisions of section 203(a) of the Immigration and Nationality Act, visa numbers for persons born in areas other than the independent countries of the Western Hemisphere are allocated by preference categories. The first preference is given to unmarried sons and daughters of U.S. citizens; second preference to spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence; and third preference is given to members of the professions or persons of exceptional ability in the sciences and arts. There are four additional preference categories as well as a nonpreference category for those who do not fit in any of the special groups.

While I certainly have no argument with the groups of people who are covered by the higher preference categories, I am distressed that those aliens who courageously served with the U.S. Armed Forces are not given any special preference for receiving immigrant visas.

Veterans have a special place in the hearts of Americans. We all recognize the debt of gratitude that we owe those who served in the Armed Forces to protect and preserve this great land. But we have been remiss in paying that debt to the aliens who have served honorably as members of our Armed Forces. As an example, under current law, it means nothing that a man or woman served 4 years with the U.S. Army during World War II when he or she applies for an immigrant visa number. This is wrong, and it is high time that we corrected this injustice.

I am therefore, tomorrow—when the bill comes up for amendment—offering an amendment to H.R. 981 to extend the first preference category prescribed by section 203(a) of the Immigration and Nationality Act to include those persons who have served at least 3 years in the Armed Forces of the United States and have been honorably discharged.

If adopted, those who put their lives on the line to serve in our Armed Forces, in our uniforms, under our commanders, under our flag, would be on an equal footing with the other groups who receive special preference status.

I think it is only right and only just that those who offered their lives in service to this country be given first preference status and be permitted to enter this country, if they so choose.

The text of my amendment reads as follows:

Page 16, immediately after line 19 insert the following:

(2) by inserting immediately before the period in paragraph (1) of subsection (a) the following: ", or who are persons who have served honorably at any time in the Armed Forces of the United States for a period or periods aggregating three years, and who, if separated from the service, were never separated except under honorable conditions";

Page 16, line 20, strike out "2" and insert in lieu thereof "3".

Page 17, line 23, strike out "3' and insert in lieu thereof "4".

Mr. KEATING. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I am pleased to join in support of H.R. 981, the Western Hemisphere preference bill.

It was my pleasure to serve as a member of the Immigration, Citizenship, and International Law Subcommittee of the Committee on the Judiciary during the extensive hearings on the illegal alien problem. I was privileged also to participate in significant hearings upon the operations of the immigration law since enactment of the 1965 amendments.

In my judgment, H.R. 982, the illegal alien bill, and H.R. 981, before us today, deal logically and effectively with the two most pressing problems facing this Nation in the formulation of a continuing immigration policy.

The two bills complement each other and might well have been considered in one legislative package. It is not possible to bring Western Hemisphere immigration under a systematic and effective system of priorities—that is a preference system for the issuance of visas—without bringing the illegal alien problem under control as H.R. 982 will do.

H.R. 981 is a bill to provide uniformity and equity for natives of the Western Hemisphere by applying the same system of priorities and qualifications as has been in effect for the rest of the world since 1965. The failure to bring the Western Hemisphere under a preference system was an oversight which has disadvantaged natives of the countries in this hemisphere. The aliens applying for admission from the Eastern Hemisphere have had the opportunity to gain priority, because of family relationships with U.S. citizens or because of their special skills. There has been no such opportunity for natives of Western Hemisphere countries and, as a result, all must secure labor certificates and wait 2 years for a visa. This bill will bring a halt to this unfair situation.

I am pleased, also, to note that H.R. 981 ends the last vestige of the old most-favored-nation policy by establishing one uniform maximum numerical ceiling for

every country in the world. Since 1965, England, Germany, Italy, France, Greece, and every other country of the Western Hemisphere have found that an annual per country maximum of 20,000 visas is sufficient. Currently there is no significant wait for admission by qualifying aliens in any country in the Eastern Hemisphere except the Philippines. H.R. 981 will set the same equal numerical ceiling for Western Hemisphere countries. Thus we will have no discrimination and no favoritism. All aliens desiring admission to this great country will be treated equally without reference to place of origin. I will oppose any attempt to give favored treatment or additional visa numbers to the natives of any country.

Mr. Chairman, I am pleased to call attention to another significant feature of this bill. It does not increase the maximum number of immigrants who may be admitted. While provisions are included to regularize the status of Cuban refugees and certain aliens in the Virgin Islands, it is important to note that these aliens have already been accepted in this country so no additional admissions will result. The existing maximum number of visas which may be issued—170,000 for the Eastern Hemisphere plus 120,000 for the Western Hemisphere—is unchanged. In view of the extent of unemployment in the United States today, along with the many other economic and social problems requiring solution, I believe our society can best face up to its challenges without opening our doors to increased immigration at this time.

This is a good bill, Mr. Chairman. I urge prompt passage.

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

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

Mr. DENNIS. I thank the gentleman for yielding.

I merely wish to state that I associate myself in general with his remarks and that I rise in support of H.R. 981, and in support of it in the form reported by the committee, which does give equal treatment. I would hope that any amendment which might be proposed, which would either increase the level of immigration or vary from the equal treatment as now provided in the bill, would be rejected.

I thank the gentleman.

Mr. MAYNE. I thank the gentleman from Indiana for his contribution.

Mr. EILBERG. Mr. Chairman, I yield to the gentlewoman from New York (Miss HOLTZMAN) such time as she may consume.

Miss HOLTZMAN. I thank the gentleman from Pennsylvania very much.

Mr. Chairman, I rise in support of H.R. 981. This bill has a number of very significant features, not the least of which is that it provides for equal treatment of the Eastern Hemisphere and the Western Hemisphere except for the numerical limitations. This is very important, because it will restore a basic principle to our entire immigration policy, and that is to give preference to the reunion of families and preference to persons who have special skills needed in our labor market.

I also wish to draw the attention of my colleagues to a very important change in the refugee provisions of H.R. 981. Under the present law a refugee is defined as a person who flees from political or religious or other persecution in a Communist country only. Persons who flee from a country that is not Communist, as a result of such persecution, do not acquire refugee status for immigration purposes. This bill makes a change that will accommodate all refugees from persecution, whether they come from Communist or non-Communist countries within the preference system and within the immigration limit. I think it is an important change.

Mr. Chairman, I urge the passage of this legislation.

Mr. KEATING. Mr. Chairman, I have no further request for time.

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

Mr. SEIBERLING. Mr. Chairman, I rise in support of H.R. 981, which represents the very extensive work of a very scholarly committee and is a bill which I think commends itself in every respect to the other Members of this Chamber.

One of the important aspects of H.R. 982, the illegal alien bill, which I also supported and which has passed this House already, was the assurance that was given that we were going to follow up by trying to bring some logical order and some balance into the handling of the Western Hemisphere immigration. This bill does just that.

It also brings a measure of humanity as well as rationality into our handling of immigrants from our neighbors to the north and to the south and provides for the same kind of orderly preference procedure and commonsense approach that exists with respect to handling immigration from the Eastern Hemisphere.

I do feel that the House should seriously consider the possibility, which I understand the chairman of the Judiciary Committee is going to raise by offering an amendment, of increasing the immigration quota from our two immediate neighbors, on the north and south, that is, Canada and Mexico. During the course of the subcommittee's hearings into the illegal alien problem we had hearings in Los Angeles, and in El Paso and spent considerable time looking at the origins of problems involving illegal immigration from south of our border with the Republic of Mexico.

I think we were all impressed with the fact that there is a very serious problem which exists when you have an affluent country on one side of a border and a country that is still in process of developing and has many serious economic problems on the other side.

We interviewed illegal immigrants who had been rounded up for transporting back across their border in the camp where they were awaiting transportation, and, to a man, they all said the only reason why they left Mexico and illegally entered the United States was because they were searching for work. All those whom we interrogated said they would not have left Mexico but for that fact, and if they could have obtained a job in Mexico they would have returned voluntarily to Mexico.

I agree that there is an important principle in treating all countries alike. I think a strong case can be made for that, and certainly we should move in that direction. At the same time I think the Members should consider the fact that to reduce the maximum allowable immigration under the preference system to 20,000 from each country, which is what this bill would do, will result in cutting in half the current flow of immigration from Mexico under the preference system. I think that could aggravate pressures and tensions inside Mexico. I think we have to consider the practical desirability of helping maintain a tranquil and stable atmosphere on the south side of the border.

In the end, the problems of Mexico can only be solved by the people of Mexico, with our help where that is possible. However, I believe that, in view of the serious economic conditions inside Mexico which create the pressure on Mexicians to cross the border, it could be a mistake to make a radical cut in the flow of legal immigration from Mexico at this time.

While I have not finally decided to support the anticipated amendment to increase the quota from Mexico and Canada to 35,000, I would like to point out that the State Department has recommended that this be done, and that the views of the chairman of the Judiciary Committee are entitled to considerable weight.

Mr. EILBERG. Mr. Chairman, I yield to the gentleman from Hawaii (Mr. MATSUNAGA) such time as he may consume.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the pending measure, H.R. 981, the proposed Immigration and Nationality Act Amendments of 1973. The main purpose of the bill is to extend to the Western Hemisphere the seven-category preference system and the 20,000 per country annual visa limit which are now in effect for the Eastern Hemisphere.

When the national origins quota system was abolished by the 1965 Immigration Act, Congress neglected to establish per country limits and preference systems for the Western Hemisphere, although they were established for the Eastern Hemisphere. This oversight has resulted in an extensive backlog of nearly 200,000 cases and has had an adverse effect on western hemispheric relations. To obtain a visa number this month, for example, Western Hemisphere intended immigrants would need a petition approved before October 15, 1971. The legislation under consideration seeks to alleviate this situation.

By adoption of a preference system,

immigrant applications will be processed more rapidly, thereby easing the tremendous backlog of cases. As it stands now, the Canadian wife of a U.S. citizen must wait the same length of time for admittance as does a Canadian immigrant with no relatives in this country. At the same time, the Spanish-citizen daughter of a U.S.-citizen receives preferential treatment over another Spanish immigrant whose only tie to the United States is a distant relative. Thus, the preference system will serve to establish a more rational and consistent policy toward both hemispheres.

H.R. 981 will retain separate hemispheric ceilings—170,000 for the Eastern Hemisphere and 120,000 for the Western Hemisphere—for two reasons: First, to keep immigration quotas at their present levels, and second, to postpone the establishment of worldwide ceilings until the effects of Western Hemisphere preference and per country limits can be assessed more fully.

The issue of applying a 20,000 limit to Canada and Mexico is admittedly controversial. However, it is a necessary step if we are to put an end to an immigration system based on nationality. For this reason, the bill does not extend preferential treatment to either Canada or Mexico, and thus forms the basis for equal opportunities for all immigrants.

In summary, H.R. 981 would apply a preference system to the Western Hemisphere immigrants, thus helping to alleviate the aggravation, frustration, and second-class treatment with which our neighbors in our half of the world have had to contend in order to gain admittance to the United States. This legislation represents an attempt to establish an immigration system that is consistent in both theory and practice. In 1965, when Congress overhauled the immigration system completely, immigrants from Asian countries began to have opportunities to settle in America on the same basis as those from Europe had enjoyed for decades. Just as those 1965 amendments signaled the end of discrimination against Asian-born immigrants, so will the enactment of H.R. 981 signal the end of our irrational system for dealing with intended immigrants from the Western Hemisphere.

I urge its passage.

Mr. EILBERG. Mr. Chairman, I yield to the gentleman from Texas (Mr. GONZALEZ), such time as he may consume.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished chairman of the subcommittee. Certainly, my intentions are to be very brief.

Mr. Chairman, I want to recite a little bit of history in connection with my voting record with respect to amendments to the fundamental immigration and naturalization laws. When we had the great bill that was celebrated nationally, and the President signed it in a special ceremony at the Statue of Liberty, I want to remind my colleagues that I voted against that bill. I was the only one that got up on the House floor and challenged the inclusion for the first time in in our history of a quota for the Western Hemisphere.

I felt then it was wholly unrealistic, that it was flying in the face of history, that it was overlooking some basic relationships that were inextricably linked in the historic development of our country, particularly the Southwest. At that time, peculiarly enough, the only one who got up and insisted and argued was the gentleman from Minnesota, at that time Mr. MacGregor, who last year was the campaign manager for the President in his reelection bid. I remember the surprise at the position taken by the then distinguished chairman of the Judiciary Committee (Mr. Cellers) who apparently at the last minute had a change of mind, a change in what he had originally stated had been his position.

Unfortunately, I believe that developments have borne out what he feared. I think that this bill in its present form, I cannot accept. I supported the committee in the last legislation they brought out a few weeks ago, the so-called Rodino bill, which I think is needed because of a problem that the distinguished gentleman from Ohio just outlined briefly a while ago, so do not accuse me of being partial in the sense that when it comes to immigration from Mexico, that I have unilateral and one-sided feelings.

I did vote and supported the Rodino bill, but I cannot support this bill in its present form because I predict, if it is adopted by the Congress and enacted into law, it will have mischievous results. It again flies in the full face of realism of the situation prevailing in the Americas, and particularly in the Southwestern United States.

Mr. Chairman, I have an amendment I hope I will have a chance to bring up and introduce tomorrow, and I will defer further discussion until that time.

Meanwhile, I do want to advise that in its present form this bill is unacceptable.

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

Mr. RODINO. Mr. Chairman, I rise in strong support of H.R. 981. We began the important job of immigration reform in 1965, and it is of critical importance that we continue with it at this time. The legislation before us today is the result of a thorough study specifically addressed to the unresolved immigration problem of the Western Hemisphere. That problem is caused by a numerical ceiling of 120,000 persons a year for the Western Hemisphere without any reasonable mechanics for the selection of immigrants. The State Department reports a backlog under that ceiling of close to 200,000 active cases as of January 1, 1973. Further, and most importantly, there is no system of priorities regarding admittance.

We have, in effect, two immigration laws for the two hemispheres. We place top priority on reuniting families from Eastern Hemisphere countries, but we make no such distinction for the Western Hemisphere. Since the current demand for Western Hemisphere visas far exceeds the number of visas available, the result is a 2-year waiting period equally applicable to the wives and children of permanent resident aliens, live-in maids, surgeons, brothers and sisters of U.S. citizens, clerical workers, unmarried, and married children over 21 of U.S. citizens. Under the provisions regulating Eastern Hemisphere immigration, these various intending immigrants are all assigned priorities according to the seven-category preference system. Within certain numerical restrictions, the preference category determines the order in which they enter. In the Western Hemisphere, however, the visas are distributed almost entirely on a first-come, first-served basis, with certain relatives exempt from labor certification.

We have had two different immigration laws for the two hemispheres since enactment of legislation restricting immigration from the Eastern Hemisphere in the 1920's. At the time the national origins quota system was adopted on a temporary basis in 1921 and permanently in 1924, immigration levels from this hemisphere were so low that numerical restriction was felt to be unnecessary. Western Hemisphere immigration continued to be numerically unrestricted until July 1, 1968, when the 120,000 ceiling went into effect as a result of the far-reaching 1965 amendments which finally abolished the national origins quota system. This system was undisguisedly based on the assumption that immigrants from some countries were more desirable than those from other countries. To illustrate its effects in 1964, Great Britain used less than half of her nontransferrable annual allotment of 65,361 visas while there was a waiting list of nearly a quarter of a million applicants for the annual Italian quota of 5,666 visas.

Understandably, abolition of the National Origins Quota System was our primary purpose in 1965, and this fact in large part accounts for the inadequate attention given at the time to the actual mechanics of visa disribution under the Wesern Hemisphere ceiling. As my colleagues who were here at the time will recall, the ceiling itself was the subject of considerable controversy. The House narrowly rejected it, and it was subsequently incorporated in the bill as the result of an amendment adopted in the Senate. However, it was not fully integrated into the basic design of the Immigration and Nationality Act since it failed to provide for an adequate mechanism for selecting immigrants from the Western Hemisphere. The primary purpose of H.R. 981 is to remedy this serious defect in our immigration laws.

H.R. 981 extends the preference system currently in effect for the Eastern Hemisphere to the Western Hemisphere. The only change made is the amendment of the definition of those eligible for seventh preference refugee status. The number of immigrants eligible for entry remains the same, with retention of the separate ceilings of 170,000 on the East-

ern Hemisphere and 120,000 on the Western Hemisphere.

During the hearings in 1965 on immigration legislation, I envisaged a three-step legislative program beginning with the repeal of the national origins concept for selecting immigrants, then developing experience with a preference system for the Western Hemisphere and culminating in a worldwide ceiling. Today, we consider this second step in perfecting a fair and equitable policy.

Our ultimate goal is a unified worldwide ceiling and some further perfection of the preference system, as well as modification of the labor certification program. However, as I noted in my testimony on H.R. 981 last March, elimination of the present inequitable treatment of the Western Hemisphere is so pressing a need that other legislative aims must take second place. In view of the hardships we are unintentionally causing would-be immigrants from the Western Hemisphere, and the adverse diplomatic effects of the increasingly deteriorating situation, we have concluded that immigration reform must be a two-step operation, with the first step embodied in the bill before us today. I am referring, of course, to the immediate extension of the Eastern Hemisphere preference system with its emphasis on family reunification to the Western Hemisphere.

Enactment of the refugee measures in H.R. 981, is also a matter of some urgency, particularly in view of the uncertainty of the Attorney General's present parole authority. Until 1965, we had never devised an adequate permanent means of dealing with the admission of refugees.

The enactment of the revised preference system—with the seventh preference for refugees—was a major step forward, but unfortunately it proved to be less than adequate. This fact became particularly evident in 1968, when many Czechs became refugees because of the Russian invasion of their country and we were unable to grant refugee status because the numbers allocated under the seventh preference had been exhausted. It was at that time that the members of the Judiciary Committee joined together to request the Attorney General to exercise his general parole authority so that we could offer asylum to the Czech refugees. More recently, I found it necesary to go to the Secretary of State, as well as the Attorney General, to seek the use of parole in behalf of the Soviet Jews who were fortunate enough to be able to leave the Soviet Union. I am pleased to say that the Secretary of State recommended the use and the Attorney General agreed to use parole.

While our response to specific situations has generally been humanitarian, it has always been ad hoc. I believe that the provisions in this bill are sufficiently flexible and generous to provide for all contingencies. However, unless there is full consultation by the Department of State and Justice with the Congress regarding use of the flexible refugee parole authority, we will necessarily have to return to a more restrictive position.

H.R. 981 also extends the 20,000 per-country limit now in effect in the Eastern Hemisphere to all countries in the Western Hemisphere. For reasons which I have outlined in detail in additional views appended to the committee report on this legislation, I will at the appropriate time introduce an amendment to increase the per-country allotments for the 2 contiguous countries to 35,000. This is also the limitation for Canada and Mexico provided by H.R. 9409, the administration's immigration bill.

The primary argument which has been used against such special treatment of Canada and Mexico is that it is analogous to the special treatement afforded countries in Northern Europe by the odious national origins quota system. In my opinion, such a comparison is pure sophistry. The words used may be the same—special relationship, unique position, et cetera—but their meaning in the two cases is vastly different. The unique or special relationship which existed between us and those countries favored by the National Origins Quota System was based on historical and sentimental considerations, combined with strong elements of racial prejudice and pseudoscientism. The unique relation we have with Canada and Mexico is geographical and physical—we live together on the same continent with miles and miles of unguarded common border, and until July 1968, these were open borders. We are involved in the practical day-to-day process of working and living together; we have factories which lie half in Canada; we have reciprocal trade agreements of all kinds with both countries; we have railroad lines weaving in and out of Canada; and we have innumerable social and cultural ties with both countries. Canada is our most important trading partner and we are theirs, and until recently we enjoyed thoroughly cordial relations.

In view of the current high volume of Mexican immigration, I foresee the primary problem with the 20,000 per country limit as arising there, rather than with Canada. Having disturbed our northern neighbor with our immigration policy, we now appear to be embarking on the course of similarly alienating our neighbor to the south. In its final report of January 15, 1973, the Special Study Group on Illegal Immigration from Mexico, appointed by the President after discussions with the President of Mexico, urged that there be no reduction in the present level of lawful immigration from Mexico. Yet H.R. 981 would accomplish an immediate reduction of over 50 percent in the number who could immigrate lawfully under the numerical ceiling. In fiscal year 1972, there were 64,040 immigrants from Mexico, of whom 41,707 were subject to the Western Hemisphere numerical limitation. Without question, the imposition of annual limitations of 20,000 each on Mexico and Canada would result in a Mexican backlog of such proportions that within a very short period we would be forced to enact special legislation to absorb it. This is the inevitable and unpalatable alternative to establishing a realistic limitation at this time.

With this one exception, I believe H.R. 981 in its present form to be excellent and critically important immigration legislation. We are well launched in this historical reform of one of the oldest and most important of our laws. I urge your support.

Mr. KEATING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I rise today in opposition to the Immigration and Nationality Act Amendments. The passage of this bill will only serve to complicate the plight of farmers and ranchers by denying them a viable labor market. What we need instead, is a program similar to the brocero program which existed from 1951 to 1963.

Looking back, the bracero program was the kind of program that had substantial appeals for those involved in it. U.S. farmers and ranchers like it, because it helped them meet their labor demands by supplying steady dependable help and at reasonable costs. Mexicans who participated in the program like it, because it enabled them to make significantly more money doing agricultural work in the United States than they were able to earn doing similar work in Mexico. The Government of Mexico favored the program, because it provided an additional means of obtaining U.S. dollars and it partially helped Mexico's domestic employment problems. In fact the only primary dissatisfactions with the bracero program stemmed from certain liberal politicians and organized labor representative who reviewed the program in the light of misguided idealism at best; and union organizational needs at worst.

I regretted the passing of the bracero program, and I have viewed with interest the varied attempts the detractors of the program have made to find a workable substitute. To date, nothing has really been developed. Farmers and ranchers in northwest Texas and throughout much of the Southwest still stand in dire need of steady and dependable form labor. I would point out here that the high unemployment rate has not materially changed this labor shortage situation, because there are just not that many people who are interested in working in agriculture. I say this despite the fact that the Department of Labor claims there are workers available in general and in northwest Texas in particular. I say this, because I know from bitter experience what other farmers and ranchers know; namely, that the chronically unemployed cannot do the needed jobs on farms and ranches—they just cannot do the work. The simple fact of the matter is farmwork is hard work. There is no real timeclock, work is governed more by the light of the sun and the state of the weather. Moreover, wages are typically low, because farmers, in the past, have not made enough money themselves to pay top dollar for farm labor. In this regard, as I and other farm State Members have often stated, the level of food

prices in the marketplace depend more on distribution and packaging costs than they do on farm production costs.

Mr. Chairman, the present welfare system and unemployment compensation system also have contributed to the farm labor shortage. In some cases individuals can make more money by drawing welfare and unemployment compensation than they can make by either working part time or not working at all.

When all is said and done, when the liberals are through gnashing their teeth over the supposed immorality of encouraging Mexicans willing to work on U.S. farmlands, and when the labor organizers are through bemoaning the fact that the bracero program undercuts their efforts to unionize American farmworkers, then one central fact remains. The farmers and ranchers of this Nation need new sources of farm labor and they need it desperately.

In an attempt to meet this need I introduced a bill during the last session of the Congress to reestablish the bracero program, put it under the jurisdiction of the Secretary of Agriculture, and empower the Secretary to establish certain program standards governing the provision of adequate wages, hours, and conditions of employment. Under my proposal, U.S. farmers and ranchers would have had the opportunity to get more help, and Mexicans who wanted to better themselves and their families by earning more money would have been free to do so in this country.

Mr. Chairman, on balance it seems to me there is a clear need for instituting a new bracero program or something close to it rather than passing the legislation before us today. Not only would it benefit American agriculture, it would also appeal greatly to Mexican farmworkers. Such a program would strike a new equilibrium between the labor resources of Mexico and the agriculture labor needs in the United States. It would better enable the food and fiber producers of this Nation to continue to provide their needed goods at reasonable costs to the American consumer.

Mr. RAILSBACK. I support H.R. 981, Mr. Chairmain, and urge its prompt passage. This legislation is urgently needed to bring uniformity and equity in the application of our system of immigration to aliens from all countries throughout the world.

The basic purpose of this legislation is to provide an adequate mechanism in the form of a preference system to implement the Western Hemisphere numerical ceiling of 120,000 immigrants per year. Unfortunately, when the 1965 Immigration Act was enacted by the 89th Congress, no preference system and no per country limit were provided when, by amendment in the other body, a numerical ceiling was first applied to admissions from the Western Hemisphere. As a result, natives of countries in the Western Hemisphere have been severely disadvantaged and our diplomatic relations have also suffered.

In effect, since 1968 the United States has had two different immigration systems. For Europe and the Eastern Hemisphere we have an annual ceiling of 170,000, with a 20,000 per country limitation, and a seven-point preference system whereby close relatives of U.S. citizens and permanent resident aliens and those having talents and skills needed in this country, are given preference over others. However, natives of the Western Hemisphere, no matter what their relationship or skill have to line up in the order of qualification with no preferences whatsoever among the 120,000 maximum annual admissions. As a result, the Canadian son of a U.S. citizen or the Chilean wife of a permanent resident alien, is required to get at the end of the line after other intending aliens from the Western Hemisphere whether close relatives or not. Today that waiting list includes approximately 200,000 aliens and only those who qualified prior to October 15, 1971 can obtain immigrant visas.

H.R. 981 will correct this situation by applying to the Western Hemisphere the identical preference system and 20,000 annual per country limitation as have been in effect for the Eastern Hemisphere since 1965. A point of serious discussion and careful study by our Committee was the question of whether Canada and Mexico, our neighboring countries, should be subject to the same 20,000 per country ceiling as the rest of the countries of the world, or be given special favored treatment. I believe that there should be a higher ceiling but this was not the decision of the committee.

This bill contains a number of other needed but less significant provisions: Section 2 will permit the admission of temporary workers for as long as a year, renewable for a second year to any type employment, whether it be temporary or permanent in nature, provided the Labor Department has determined no qualified U.S. citizens are available at the place to which the alien is destined and wages and working conditions will not be adversely affected. This provision should provide much needed workers for employers presently unable to find ranch hands, agricultural workers, and so forth. Additionally, this provision will be particularly helpful to natives of Mexico who are interested in short run economic opportunities in the United States.

The bill also modifies the definition of refugees admissible to the United States to conform it to the definition in the United Nations Protocol Relating to the Status of Refugees, to which the United States acceded in 1968. The refugee conditional entry provisions are made applicable to the Western Hemisphere so that a uniform refugee system will be applied for the entire world.

More significantly, provisions have been placed in this bill to insure that the State Department and Attorney General will not abuse the parole sections of the Immigration Act by admitting large groups of refugees as parolees after the refugee quota has been exhausted. In the past large numbers of Hungarian, Cuban, and Czechoslovakian refugees have been paroled in by the executive branch. In this bill such group or class utilization of the parole provisions of the law can be done only after advance consultation with the Congress.

These, then, are the important provisions of H.R. 981, a bill greatly needed to bring order and uniformity to our immigration system.

Mr. Chairman, I urge favorable action upon this bill.

Mr. BIAGGI. Mr. Chairman, I rise in support of this legislation, H.R. 981, to amend the Immigration and Nationality Act. I feel that passage of this bill will result in an immigration system which is fair and equitable for all the nations and peoples of the world.

The most important provision in this legislation is the establishment of a realistic 20,000-person limitation on the number of immigrant visas which can be issued to one country. This provision will end, at long last, the archaic "quota system" of immigration which blatantly discriminated against thousands of persons, who were denied admission to the United States because of their nationality. At the same time, this section would also eliminate the equally unfair "special treatment policy" afforded certain nations at the expense of others.

There are other important provisions in this legislation which I fully support and commend the committee for taking up. Section 5, in particular, deals with a grave problem; namely, that of the refugee, and his place in our immigration policy. In the past, the conditions under which a person could enter this country as a refugee, were extremely limited. H.R. 981 seeks to remedy this unfortunate situation. The bill includes two new important provisions under which a person can enter as a refugee. For the first time, refugees can now come from the Western Hemisphere. In the past, only those persons from the Eastern Hemisphere were allowed. Recent events in Latin America, particularly in Chile and Argentina, as well as the threat of, and presence of communism, in other Latin American countries seems to dictate the need for this important revision in the law. Now the beleaguered peoples of these lands still have the opportunities to escape to freedom.

The continuing plight of the Jews of the Soviet Union, and Iraq, those of Assyrian ancestry, the residents of Northern Ireland as well as all other persons who must endure persecution at the hands of their homeland governments, can now look to the United States for relief. In this legislation, there is a section which expands the definition of "refugee" to include those persons who can claim that a return to their homeland will result in persecution, or those that can show a "well-founded fear of persecution on account of race, religion, or nationality."

Mr. Chairman, the immigrant in this country has had a long and distinguished history. Many individuals who entered this country as immigrants have worked themselves into positions of prominence in our society. This legislation which we are considering today seeks to promote an even fairer opportunity for people throughout the world to enter the United States.

It attempts to provide these persons who suffer persecution an opportunity to live in freedom. For many others in the

world who live in poverty and misery, the United States still represents the promised land. Let us not dispel this concept, let us continue to allow these people to realize this dream.

Mr. Chairman, the Judiciary Committee, and particularly its distinguished chairman, Mr. RODINO, deserve the commendation of all my colleagues for this excellent legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I will vote for passage of H.R. 981, although I confess to some bewilderment as to why we are legislating on the side of legal aliens at a time when illegal aliens are swarming into the country at the rate of more than 1 million a year.

It is not without compassion that I view this tremendous influx of illegal aliens. In our own cities all across the country we have poverty, poor housing, deprivation, and other substandard conditions. Poor as they are, it is hard to believe that there are people in other lands who consider them preferable to the hardships they must endure in their home countries. It is hard to believe that otherwise good citizens in Mexico, Central, and South America and elsewhere will risk their rights to someday enter the United States legally—even risk their very lives to live in the United States under conditions which we consider deplorable but which they consider preferable to even worse hardships in their native lands.

It is only when I realize the burdens they impose upon our educational systems, and the risk they impose that our own children may be discriminated against in getting a good education that I can oppose the presence in our schools of children whose parents are in this country illegally. But, when we realize that in the schools of Washington, D.C., there are some 7,000 of these children, and in New York 70,000—10 times as many—then we also realize that our own children may be slighted in educational opportunities available to them.

Welfare organizations across the Nation are feeling pressures imposed upon them by applications from aliens in this country illegally. This is especially true in larger cities like Chicago and Los Angeles. Social workers place greater emphasis on the needs of their clients than upon their eligibility for relief. There simply are not enough welfare funds and food stamps to serve illegal alien applicants and adequately care for our own needy people.

There is no way to estimate the millions of dollars sent out of this country in the form of social security benefits to persons who acquired their eligibility while working here illegally and who were subsequently deported.

Those aliens here illegally, or those here in a legal status but working in violation of the terms of their entry, create a competitive situation of some magnitude in the job market, and especially with those jobs of a menial nature, wherein unemployment tends to run at a high level. A survey last year in the suburbs of a large eastern city revealed that approximately 20 percent of the jobs were held by illegal aliens.

In the entire spectrum of public service, ranging from police and fire protection to public assistance to medical care, these neediest of the needy compete with American citizens. Not even in a country as big and as wealthy as this one can we care for our own unfortunate citizens and those who have illegally slipped across our borders.

Since coming to Congress I have, as a member of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, sat through several days of hearings to examine the economy and efficiency of the Immigration and Naturalization Service. It is this agency that is charged with enforcing immigration laws and keeping our borders secure.

While the complete findings by the subcommittee are some months away from being compiled, it has become abundantly apparent to me that managerial and operational weaknesses on the part of the Immigration and Naturalization Service are not all of their own making. Rather, they are the product of the parent agency, Department of Justice's failure to attach a proper degree of importance to the vital function of the INS. This failure has been manifest in lack of support by justice for INS requests for manpower and financing.

I will cite just two examples of the foregoing. At the San Ysidro Port of Entry in California, INS has a full complement of only 30 inspectors to examine 125,000 arrivals a day at the facility. There is no money for additional people.

In Los Angeles, San Francisco, and New York, as well as in other big cities, automobiles for use by enforcement personnel are acquired from the border patrol after these vehicles have been driven 50,000 to 60,000 miles. These are large cars, equipped with high performance engines and are totally unsuitable for day-in, day-out service in the congested traffic of a big city. These cars are said to be in poor mechanical condition when they are received and generally only one vehicle is available for every eight enforcement officers, where, in other Federal law enforcement agencies there is one for each two officers.

Regardless of the merits of H.R. 981 I cannot be terribly impressed with this particular answer to our immigration problems when there are other, much more pressing needs in the area of alien interests.

I sincerely hope that when the report of the Legal and Monetary Affairs Subcommittee is completed, it will be used by the appropriate congressional committee as a guide toward legislation that will be effective in controlling violations of our borders and stemming the tide of illegal aliens that engulfs this country.

Mr. HUTCHINSON. Mr. Chairman, since the enactment of the 1965 Immigration Amendments, experience has made clear the necessity for certain modifications, particularly with reference to the Western Hemisphere. The imposition of a numerical ceiling upon the Western Hemisphere for the first time resulted from Senate amendments in 1965 to the legislation originating in the House of Representatives to phase out the most favored nation immigration policy. As a consequence, no preference system was established for immigrants for the Western Hemisphere.

This bill, H.R. 981, addresses this second of the two most pressing problems in the field of immigration. H.R. 982, passed by the House May 3, 1973, attacked the first problem, to reduce sharply the flood of illegal aliens into this country. This bill, H.R. 981, will correct an inequity in our present law which has operated unfairly to the disadvantage of natives of the Western Hemisphere. With these two bills, the Immigration, Citizenship, and International Law Subcommittee of the Judiciary has provided a constructive and logical package to resolve our present day immigration needs.

H.R. 981 applies to the Western Hemisphere the same preference system as has worked so well since 1965 for the Eastern Hemisphere. When H.R. 981 is enacted into law, natives of every country in the world will qualify for admission under the same selective system—the system which gives preference in the issuance of visas to close relatives of U.S. citizens and permanent resident aliens, and to aliens with skills needed in our country.

Mr. Chairman, this bill will do away with the last vestige of discrimination whereby an alien from one country can have an advantage over the natives of another country. Aliens from every country in the world will be able to qualify under exactly the same numerical limitations, the same relative preferences, the same occupational qualifications.

This bill, in providing equality of treatment, does so without any increase in the annual maximum numerical ceiling for the admission of aliens. This, to me, is a most significant feature of the bill. I am concerned about the long-term effects of immigration upon this country. This matter was the subject of great concern to the President's Commission of Population Growth and the American Future. The Commission report stated:

> The relative importance of immigration as a component of population growth has increased significantly as declining birth rates diminish the level of natural increase.

There was a sharp division of opinion within the Commission on policies regarding the number of immigrants to be admitted to this country. Some favored a gradual decrease in immigration, As the report of the Commission concluded:

> This group was concerned with the inconsistency of planning for population stabilization for our country and at the same time accepting large numbers of immigrants each year. They were concerned that the filling of many jobs in this country each year by immigrants would have an increasingly unfavorable impact on our own disadvantaged, particularly when unemployment is substantial. Finally, they were concerned because they believe that immigrant does have a considerable impact on United States population growth, making the stabilization objective much more difficult.

The Commission majority felt that the present level of immigration should not be increased. I am pleased to say that this bill follows that recommendation—providing for retention of the two existing hemisphere ceilings totalling 270,000 admissions with no increase.

I urge prompt passage of H.R. 981, Mr. Chairman. It is a good bill that will improve our immigration system.

Mr. WON PAT. Mr. Chairman, I thank the gentleman for yielding so that I may add my support for H.R. 981, a bill to amend the Immigration Act. I would also like to commend our colleague, Congressman JOSHUA EILBERG, and his fellow members of the House Judiciary Committee for a job well done on this legislation.

The success today of H.R. 981 is a vital matter to the economic well-being of our fellow Americans on the mainland and in the territories of Guam and the Virgin Islands. For too long, the territories have suffered severe economic problems because of our inability to attract the kind and number of professional workers we need in order to develop and prosper.

The root of this problem, I believe, lies with the current restrictions which prohibit temporary alien laborers of the H–2 category from holding positions that are considered by the U.S. Department of Labor to be of a "permanent" nature. Thus, alien workers, who constitute 24 percent of the total work force in the territory of Guam, are ineligible to be employed in tourist or resort facilities such as hotels and restaurants, or in farming and a host of other service, industrial, or retail positions.

Were it not for those entering Guam under the B–2 provision, the so-called treaty trader employees brought in to operate foreign firms, and military dependents moonlighting for extra money, Guam's food and hotel industry would almost come to a standstill. The same might also be said for other aspects of our economy as well.

On June 14, I emphasized the gravity of Guam's labor difficulties in a statement before the Immigration Subcommittee. Shortly thereafter, Congressman EILBERG and his colleagues went to Guam for a firsthand look at the problems which I described.

I am pleased to say that their committee report on H.R. 981 expertly states Guam's labor shortage problems, and I quote:

In recent hearings held by a special immigration study group on Guam, it was found that the restrictions on the admission of H–2 workers has had a severe impact on Guam's economy . . . The current restriction on the admission of temporary workers to Guam has had the effect of placing Japanese and other foreign investors in a better competitive economic position than American businessmen. The Committee believes this to be patently unfair and feels that the removal of the temporary workers restrictions will enable American employers in Guam to compete on a more equal basis.

Simply stated, Guam, which is located 9,500 miles from the U.S. mainland, with a population of only 100,000 and with an extraordinarily high cost of living, is not in a position to compete for the skilled labor found here in the States.

We do not intend to be eternally dependent on outside labor sources. Guam will do everything within its power to train our own people to fill some of these highly skilled professions. But that will take time. The temporary workers that we will be authorized to import for a maximum stay of 2 years under the expanded provisions of the H–2 classification will provide invaluable assistance in the continuation of Guam's economic growth.

I therefore urge my colleagues to give H.R. 981 their full support. I thank you for your attention.

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

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration and Nationality Act Amendments of 1973".

Mr. EILBERG. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the White House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 981) to amend the Immigration and Nationality Act, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE VICE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following communication from the Vice President of the United States:

THE VICE PRESIDENT,
Washington, September 25, 1973.

HON. CARL ALBERT,
Speaker of the House of Representatives, the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I respectfully request that the House of Representatives undertake a full inquiry into the charges which have apparently been made against me in the course of an investigation by the United States Attorney for the District of Maryland.

This request is made in the dual interests of preserving the Constitutional stature of my Office and accomplishing my personal vindication.

After the most careful study, my counsel have advised me that the Constitution bars a criminal proceeding of any kind—federal or state, county or town—against a President or Vice President while he holds office.

Accordingly, I cannot acquiesce in any criminal proceeding being lodged against me in Maryland or elsewhere. And I cannot look to any such proceeding for vindication.

In these circumstances, I believe, it is the right and duty of the Vice President to turn to the House. A closely parallel precedent so suggests.

Almost a century and a half ago, Vice President Calhoun was beset with charges of improper participation in the profits of an Army contract made while he had been Secretary of War. On December 29, 1826, he addressed to your Body a communication whose eloquent language I can better quote than rival:

"An imperious sense of duty, and a sacred regard to the honor of the station which I occupy, compel me to approach your body in its high character of grand inquest of the nation.

"Charges have been made against me of the most serious nature, and which, if true ought to degrade me from the high station in which I have been placed by the choice of my fellow-citizens, and to consign my name to perpetual infamy.

"In claiming the investigation of the House, I am sensible that, under our free and happy institutions, the conduct of public servants is a fair subject of the closest scrutiny and the freest remarks, and that a firm and faithful discharge of duty affords, ordinarily, ample protection against political attacks; but, when such attacks assume the character of impeachable offenses, and become, in some degree, official, by being placed among the public records, an officer thus assailed, however base the instrument used, if conscious of innocence, can look for refuge only to the Hall of the immediate Representatives of the People."

Vice President Calhoun concluded his communication with a "challenge" to "the freest investigation of the House, as the only means effectively to repel this premeditated attack." Your Body responded at once by establishing a select committee, which subpoenaed witnesses and documents, held exhaustive hearings, and submitted a Report on February 13, 1827. The Report, exonerating the Vice President of any wrongdoing, was laid on the table (together with minority views even more strongly in his favor) and the accusations were thereby put to rest.

Like my predecessor Calhoun I am the subject of public attacks that may "assume the character of impeachable offenses," and thus require investigation by the House as the repository of "the sole Power of Impeachment" and the "grand inquest of the nation." No investigation in any other forum could either substitute for the investigation by the House contemplated by Article I, Section 2, Clause 5 of the Constitution or lay to rest in a timely and definitive manner the unfounded charges whose currency unavoidably jeopardizes the functions of my Office.

The wisdom of the Framers of the Constitution in making the House the only proper agency to investigate the conduct of a President or Vice President has been borne out by recent events. Since the Maryland investigation became a matter of public knowledge some seven weeks ago, there has been a constant and ever-broadening stream of rumors, accusations and speculations aimed at me. I regret to say that the source, in many instances, can have been only the prosecutors themselves.

The result has been so to foul the atmosphere that no grand or petit jury could fairly consider this matter on the merits.

I therefore respectfully call upon the House to discharge its Constitutional obligation.

I shall, of course, cooperate fully. As I have said before, I have nothing to hide. I have directed my counsel to deliver forthwith to the Clerk of the House all of my original records of which copies have previously been furnished to the United States Attorney. If there is any other way in which I can be of aid, I am wholly at the disposal of the House.

I am confident that, like Vice President Calhoun, I shall be vindicated by the House.

Respectfully yours

SPIRO T. AGNEW.

ORDER OF BUSINESS

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

The SPEAKER. Does the gentleman insist on his point of order?

Mr. GONZALEZ. Mr. Speaker, I believe the Members of the House should have a chance to have the letter read to them at this time.

The SPEAKER. The Chair will inform

the gentleman that the letter has already been read.

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

PERSONAL STATEMENT

Mr. LANDGREBE. Mr. Speaker, during the final vote on the continuing resolution (H.J. Res. 727) I was in the hallway talking to one of my staff members and failed to vote. Had I been in the Chamber, I would have voted "nay" on the continuing resolution.

FREEDOM BEHIND IRON CURTAIN RECEIVING SUPPORT OF AMERICANS

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

Mr. ICHORD. Mr. Speaker, as more and more of Russia's intellectuals in the fields of art and science step forth to bravely challenge the oppressive anti-intellectualism of the Communist Party leadership of the Soviet Union, I am proud to note the growing support the cause of freedom behind the Iron Curtain is receiving from our own countrymen.

The National Academy of Science, which recently made it clear that scientific détente with the Soviets might cease if the Kremlin did not desist from its persecution of Russian nuclear physicist Andrei Sakharov and others, has now been joined by the 6,000 members of the Federation of American Scientists. The FAS has long encouraged political détente with Moscow but its spokesmen now urge that before that détente proceeds any further, a "second round" in the struggle for permanent peace must be the struggle for intellectual freedom.

Furthermore, the president of the American Federation of Labor-Congress of Industrial Organizations—Mr. George Meany—spoke out eloquently on September 17, 1973, when he said that congressional approval of a most-favored-nation clause for trade with the Soviet Union "would be an abandonment of this Nation's principles to support free nations, free economics, and free peoples."

And, of course, our colleagues on the other side of the Capitol have overwhelmingly approved a Senate amendment condemning Soviet treatment of dissidents.

Now, I see that yet another Russian intellectual—woman novelist Lydia Chukovskaya—has released a blistering attack on the Kremlin's efforts to suppress Sakharov, writer Alexander Solzhenitsyn and others by means of an open letter to the people of Russia. She notes that "Stalin is dead, but his business goes on" and she especially criticizes the intellectuals who have sided with the Kremlin in attacking dissident colleagues. Of this group she says—

> They are educated, well-read, and they know well the real value of Solzhenitsyn and of Sakharov and most important, of themselves. It isn't worth wasting words on them. The signature of (composer) Shostakovich on the protest of musicians against Sakharov proves irrefutably that . . . genius and evil are compatible. Genius and betrayal. Genius and lies . . .

Miss Chukovskaya declares that in the Soviet Union "we have an unwritten law which is stronger than any in our written code of laws . . . the one crime for which the authorities never forgive anyone: Every person must be severely punished for the slightest attemp to think independently."

And she warns the Kremlin masters of Communist tyranny that a "sincere wrath" may develop in Russia because of a "soundproof wall" that has been erected to separate the people from their "prophets and martyrs." This "wrath," she writes could "flood your wretched wall—and drown in blood both the guilty and the just, without distinction."

Mr. Speaker, ladies and gentlemen of this House, does this not remind us of our own heritage in the cause of liberty? As Thomas Paine said so well in "Common Sense"—"O! ye that love mankind! Ye that dare oppose not only the tyranny but the tyrant, stand forth!" This is what all free men and women must do in this critical hour when intellectuals so long choked by the yoke of communism are finally risking everything in an effort to remove the shackles of Soviet despotism.

TEACHING CHILDREN TO TALK: A MODEL CITIES SUCCESS STORY

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

Mr. VAN DEERLIN. Mr. Speaker, thanks to the model cities program, the young children of San Ysidro, Calif., are learning to talk to each other.

San Ysidro, which is in my district, also shares a border with Mexico—and in many ways is more closely attuned to the Spanish language and culture than those of our own country. It is said that Spanish is the primary language spoken in the three-quarters of the homes.

Obviously, this linguistic dichotomy has created some special problems for the local schools which must help the Spanish-speaking youngsters bridge the gap with English while taking the English-speaking minority the other way to some command of Spanish.

Naturally, San Ysidro was an early qualifier for aid under the bilingual education program, a proven success but aimed primarily at children in the elementary years.

There was a feeling in San Ysidro that bilingual training would be even more effective if applied to younger, pre-school children, those 3 to 4 years old.

Accordingly, San Ysidro, in an innovative departure from the usual way of doing things, filed for bilingual aid under the HUD model cities program. One major advantage offered by model cities over the usual categorical education aid programs is the opportunity to employ significant numbers of local people in community service jobs.

The San Ysidro schools signed up with model cities back in 1970, and the program has been gathering momentum ever since.

But now there are dark clouds on the horizon; the same Federal Government which got the program going in San Ysidro is now threatening to derail it.

Funding is down from the high-water mark of 1971, when more than $700,000 was allocated, and Federal administrators have warned San Ysidrans support may be dropped altogether following this, the third full year of the model cities effort.

Local school administrators have reacted with understandable anguish. They were promised a 5-year program and now may be getting only 3, thanks mainly to the administration's insistence on revenue sharing through the States.

In a letter earlier this year to HUD, Bob Colegrove, the San Ysidro Schools superintendent, likened a proposed 45-percent cut in model cities spending to "taking the engine out of the car and expecting it to run."

But talking figures and percentages does not begin to tell the story of the setback in human terms if the administration is allowed to junk the model cities effort.

The kids are there, and they need the help. The San Ysidro program enrolls 420 small children, 240 of them financed by model cities. In addition, 83 people in the community are employed as classroom aides and in other capacities in jobs paying from $330 to $430 a month.

According to Superintendent Colegrove, early results of the bilingual training have been "very promising." He predicts that if the program is allowed to continue for the full 5 years, the children entering kindergarten and the first grade with newly acquired linguistic skills will pull the district close to State norms for academic performance. With its high proportion of children with language handicaps, San Ysidro traditionally has ranked near the bottom in achievement on the statewide tests.

Mr. Colegrove said:

> Youngsters now completing the preschool and going into kindergarten are able to communicate in both languages regardless of whether they're Mexican-American, Black, or Anglo.

How has the San Ysidro system been able to accomplish all this? Money alone is obviously not the complete answer.

The system in San Ysidro works by taking the preschoolers and giving them steady exposure to the alien tongue, English or Spanish. When they try to speak in their own language, the teacher or aide keeps the conversation going in the other language. The kids are young enough to absorb it all with none of the trauma that might be suffered by adults or older children.

Except for formal language instruction, the children of San Ysidro play and learn together. Even play periods are bilingual, with Spanish and English alternating as the languages of the day. Not so long ago, the Spanish-speaking students were not allowed to speak any Spanish, and since no one was really teaching them English, they spent most of their time in school in silence—and undereducated.

Mr. Speaker, I think all of us would agree that what San Ysidro has accomplished is a vast improvement over what went before. For the first time in the history of this border community, all the children are being presented with

the keys to learning. And there is the promise they will grow up knowing of languages and customs other than their own—surely a laudable goal.

Model cities has had its failures. But I would hope that all our colleagues would consider the success stories like San Ysidro before deciding in their own minds whether the program should continue, and if so, in what guise.

FREEDOM OF IMMIGRATION STILL DENIED IN SOVIET UNION

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

Mr. CAREY of New York. Mr. Speaker, cosponsors of Mills/Vanik/Jackson legislation, which denies most-favored-nation status to the Soviet Union, unless freedom of emigration is guaranteed to all Soviet citizens, have initiated a renewed effort to insure passage of this important United States-Soviet quid-pro-quo.

The 280-plus cosponsors in the House called a press conference this morning, will discuss the issue at a special order this afternoon, and will deliver 1-minute speeches concerning specific individuals denied the right to emigrate. These speeches will continue until passage of Mills/Vanik/Jackson, or an equally equitable resolution of this matter of the most basic human rights is achieved.

This morning, in the initial speech, I shall discuss the case of Silva Zalmonson.

THE CASE OF SILVA ZALMONSON

Mr. Speaker, emigration from the Soviet Union is not free. Silva Zalmonson is serving her third year of a 10-year sentence for trying to emigrate.

Silva, an engineer from Riga, will be 29 years old next month. She will celebrate her birthday in her cell at Potma prison in Soviet Mordovia. Like almost 40 other Jews who are languishing in Soviet prisons, Silva's major crime is her desire to emigrate to Israel.

Applying to emigrate first in 1968, she was repeatedly denied permission by Soviet authorities. In June 1970, Silva, her husband and her brothers were arrested with seven other persons in connection with an attempt to flee the country illegally, a treasonable offense in the Soviet Union. As a result of the infamous "Leningrad Trial" which followed, Silva was sentenced to 10 years hard labor in a prison camp. Her husband, Eduard Kuznetsov, was condemned to death, but as a result of a worldwide protest, his sentence was commuted to 15 years hard labor. Silva's two brothers are serving prison terms of 8 and 10 years, respectively.

Silva, a past victim of a severe case of TB, now suffers from a peptic ulcer, malnutrition, and immient deafness. Forced to perform tiring labor for long hours, provided with only a meager diet, and denied adequate medical treatment, Silva's continued imprisonment endangers her life.

Silva Zalmonson is not free to emigrate. It is to help Silva Zalmonson, and hundreds of thousands like her, that the Mills-Vanik bill must and will be passed by Congress.

SILVA ZALMANSON

[Data Submitted by National Conference on Soviet Jewry]

Profile: Silva Zalmanson.

Born: October 25, 1944.

From: Riga.

Status: Married (to P.O.C. Eduard Kuznetsov).

Occupation: Engineer.

Arrested: June 15, 1970.

Trial: (First Leningrad Trial) December 1970 (secret).

Charge: Conspiring to "hijack" a plane to Isarel.

Sentence: 10 yrs. strict regime.

Charges: She was arrested in connection with an attempt to flee the country which is illegal and "treasonable". Since the vehicle to have been used was an airplane, she was also charged with theft of government property; also "anti-Soviet propaganda" and "anti-Soviet organization."

Prison: At first in Mordovia, she is now in Potma. A food package sent to her in 1971, was returned (to the US) one year later. Another attempt to circumvent the food ban by sending warm clothing was carried out in December 1972 to Silva in Potma: USSR, RSFSR, Moscow, Uchr. 5110//1 Zh H., Silva Zalmanson. Silva's first appeal, filed after she had served 2½ years of the 10 year sentence, was rejected on grounds of her classification as a political prisoner; in her second appeal, which was also rejected, she protested this and claimed she was a Prisoner of Conscience. Friends feel it is now up to Israel and the West to exert pressure.

Illness: According to her uncle, Abraham Zalmanson, 23 Micva St. Bat Yam, Israel, in the past Silva suffered a "severe open case of TB," which required surgical intervention and recuperation in a special sanatorium. She now has a peptic ulcer and requires a special diet. Conditions in the camps have contributed to her physical and emotional deterioration. She has malnutrition and is possibly in danger of becoming deaf.

Silva Isofovna Zalmanson was born October 25, 1944. In Siberia. In 1968 she graduated from the Riga Polythechnical Institute and became a mechanical engineer. She worked as a designer at the Sarkana Zavaigzne factory in Riga. In 1968 she tried, in vain, to obtain permission from her local OVIR to leave for Israel. She appealed with this request to Soviet and foreign organizations. In 1970 she married Eduard Samuilovich Kuznetsov. That year she was deprived of the possibility of appealing again for permission to leave for Israel since the management of her factory refused to give her the necessary personal reference.

Despite inferences at her trial, Silva Zalmanson never believed that she was "anti-Soviet," but she was frustrated by a bureaucracy which demanded papers before she could leave the Soviet Union, then denied her the possibility of securing those documents.

She admitted at her trial that from approximately 1968, she helped print "Zionist" material. To the prosecutor's question as to whether she realized how "hostile" Zionism is to Marxism-Leninism, Silva Zalmanson answered that she did not think so, and considered that in Zionism there are sides that are not hostile to Soviet ideology, but that its main point was the reunification of Jews in one state.

To the end she clung to her belief that there was no place for her in contemporary Soviet society, and that the only place she could serve her Jewish national goals was in Israel, which she considered to be her homeland. Forced to reject life in a Soviet society, which was hostile to her beliefs and to Jewish tradition, she clung to that desire even when sentenced by a harsh court to prison.

Silva was arrested, with 10 other persons (2 non-Jews), in June 1970 in connection with an attempt to flee the country illegally, a treasonable offense in the USSR. Since the vehicle that was to have been used was an airplane, she was also charged with the theft of government property. Other charges included "anti-Soviet propaganda" and "anti-Soviet organization." On December 25, 1970, Silva Zalmanson was sentenced to ten years in strict regime. Her co-defendants received sentences which ranged from 4 to 15 years, the latter meted out to her husband (commuted from death, after world-wide protests were received in Moscow).

The young woman is now in Potma prison, and suffers from poor health. Her childhood respiratory ailments have come back to haunt her, and her hearing has begun to suffer. She has also developed a peptic ulcer, adding to her pain. Unable to maintain the heavy work demanded of her, and with only 2400 calories of meager food, she has had her semi-starvation diet cut in half on many occasions. Her condition has thus been described as poor, and deteriorating, by a fellow prisoner in Potma, Ruth Aleksandrovich, released in October of 1971.

PRESIDENT AND CONGRESS ENTERING ERA OF CONSTRUCTIVE COOPERATION

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

Mr. DERWINSKI. Mr. Speaker, I take this time to ask the Members to recall President Nixon's statement in his first inaugural address that "after an era of confrontation, we are entering an era of negotiations." I predict here today that the President and Congress will enter into an era of constructive cooperation not confrontation.

May I point out the obvious to the Members of the House that since the Democrats have substantial control of the Congress, they can push through any legislative package that they wish. However, it must be noted that the Republicans have demonstrated they have the strength to sustain Presidental vetos.

Practical politics and statesmanship clearly indicate the need for constructive cooperation between the legislative and executive branches especially at this time, and in my judgment, both the President and Congress are now in the mood to cooperate constructively rather than to seek confrontation.

Mr. Speaker, may I also point out that as the President can effectively negotiate difficult world problems with Chou En-Lai and Brezhnev, he should certainly be able to negotiate normal political differences with MIKE MANSFIELD and CARL ALBERT.

The President's legislative requests will be partially met by the Congress and predictably, there will be major changes made in Presidential proposals by various congressional committees. However, budget-busting bills will be vetoed by the President and sustained by Congress so that the stage is clearly set for legitimate compromises on budget figures and policy matters.

Notwithstanding the era the President sees developing, it is my prediction that there will be no tax increase imposed on American taxpayers by the Congress at this time. I believe we must emphasize

economy in Federal programs so that the budget can be kept under control and inflationary pressures absolutely minimized.

It would certainly be in order to streamline the Federal bureaucracy so that the duplication, waste, and mismanagement, which is so visible in too many Federal programs, can be eliminated and better service provided to the public at less cost to the taxpayer.

KISSINGER AND HYPOCRISY

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

Mr. ASHBROOK. Mr. Speaker, I am deeply disturbed by the hypocrisy displayed by Mr. Kissinger in his testimony before the Senate Foreign Relations Committee. At no time was this more evident than in Kissinger's assessment of Rhodesia and the Soviet Union.

When questioned about the administration's attempt to grant most-favored-nation status to the Soviet Union despite the country's denial of fundamental human rights, Kissinger rejected the view that our foreign policy should be aimed at transforming the domestic structure of nations. Kissinger stated:

Now I recognize there is a certain connection between domestic policy and foreign policy. But if we adopt as a national proposition the view that we must transform the domestic structure of all countries with which we deal, even if the foreign policy of those countries is otherwise moving in a more acceptable direction, then we will find ourselves massively involved in every country in the world, and then many of the concerns expressed by Senator Symington and Senator Church of a constant American involvement everywhere will come to the fore again.

Kissinger, however, expressed no qualms about intervening in Rhodesia's domestic affairs. When asked to give his thoughts on the Byrd amendment, which permits importation of certain strategic materials despite a U.N. embargo against Rhodesia because of certain internal policies, Kissinger answered in one sentence:

The administration will support the repeal of the Byrd amendment.

Therefore, the administration and Kissinger support a complete sanction on Rhodesia because of its internal policies, yet favor most-favored-nation status for the Soviet Union despite its internal policy of denying human rights.

What sort of hypocritical nonsense is this? Kissinger's application of two moral standards when judging Rhodesia and the Soviet Union is repugnant.

Russian novelist Alexander Solzhenitsyn, a man well acquainted with repression and denial of human liberty, has sharply criticized Western leaders for their lopsided way of looking at the world and the hypocrisy of their protests.

Could say, the Republic of South Africa, without being penalized, ever be expected to detain and torture a black leader for four years as General Grigorenko (Soviet dissident) has been? The storm of worldwide rage would have long ago swept the roof from that prison . . . There we have the whole hypocrisy of many Western protests. It is perfectly proper to protest if there is no danger to life, if the opponent is likely to back down and if you don't risk being denounced by the left (in fact, it is always better to protest together with the left).

I can only hope now that Mr. Kissinger has been confirmed as Secretary of State that he will reexamine his double standard of morality and adopt a more realistic view of the world.

WHERE, OH, WHERE ARE THOSE INVESTIGATORS?

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

Mr. RANDALL. Mr. Speaker, when Governor Love, the administration energy adviser, was good enough to come to our office just before the August recess, I thought he agreed that our congressional district was the worst hurt of any district in Missouri as to fuel shortages.

When he left I retained the clear impression that he had committed himself on behalf of the Office of Oil and Gas, Department of Interior, to send two investigators into our 16 counties in west central Missouri, during the August recess to conduct a survey followed by a report on the shortages of gas, diesel fuel, propane, and other petroleum products with the impact of such shortages on our farmers.

Well, I personally inquired when I was in Missouri during the August recess of my constituents in every county if they had seen or heard of these investigators moving about in our district. Everyone I talked to told me there had been no oil and gas investigators in any of our counties.

At this time I am required to reach one of two conclusions: either Governor Love or others in the executive branch had no intention of sending any investigators to our district or, if, in fact they did keep their commitment, the presence of these men in west central Missouri has been a masterpiece of concealment rivaling almost some other recent examples of concealment we hear about from the television hearings that have just been resumed in the other body of Congress.

These brief comments are the second installment of my daily effort to focus attention on the desperate shortage of fuel that our farmers are facing. Now, nearly 2 months after our conference with Governor Love, I ask the question, "Where oh where are those investigators?"

REGULATE COMMODITY MARKET TRADING—NOW

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

Mr. MELCHER. Mr. Speaker, soon after I became a Member of the House, I introduced a bill that would assure commodity exchanges, and particularly the Chicago and Kansas City Boards of Trade, would have adequate multiple delivery points for commodities in which they conduct futures trading.

It was very obviously needed reform, but only scratches the surface of the reforms needed and made obvious to an increasing number of people by the recent gyrations of soybean, wheat, corn, pork belly and cattle futures markets.

It is so obvious, indeed, that the Administrator of the Commodity Exchange Authority has come up with six proposed amendments to the CEA Act, including multiple delivery points.

The first change he proposes would give the CEA authority to enjoin violations of the CEA Act, including prevention of any trader acquiring sufficient control over a commodity futures contract to restrain trading in it.

He would require proof that futures trading in a commodity serves an economic purpose, authorize imposition of money penalties, extend fitness checks to traders, and give the CEA Administrator power to require the exchanges to follow his orders in emergency situations to establish orderly trading or liquidate a contract.

That is all right for a start but not near enough to do the right kind of a job.

A tune-up job will not be enough because there is a need for a real overhaul of the entire supervision of commodity trading. It needs rigid regulations and continuous oversight to protect the investors who have been flocking by the thousands to invest billions of dollars in commodity futures contracts.

Producers also need this protection because trading in commodities certainly does affect markets.

Unlike continuous trading stocks, futures contracts have monthly or bimonthly maturity dates and must be settled. The losers have to pay off in cash and the winners stick them up for every dime possible in the final squeezes that frequently occur. It can be like the gun play of Gary Cooper in "High Noon," except the money stakes are usually a great deal more than ever carried in a Wells-Fargo coach. The opportunity for collective abuse by unfair practices is there.

Certainly, in view of obvious influence of speculators on several commodity contracts in the last few months, it is the responsibility of this Congress to establish controls which will prevent speculators rigging price structures which can ruin producers and unnecessarily tax consumers.

I am convinced Congress must do it for I have been told repeatedly by Commodity Exchange people that my multiple delivery point bill would not be needed, the Chicago Board of Trade was going to designate more corn delivery points itself as soon as they could figure out freight differentials. They have been at it over 4 years now and I understand they have only actually calculated differentials for Toledo, Ohio, which is hardly in the heart of the cornbelt. The elapsed time is not much of a recommendation for their mathematical wizardry either.

I am including in the record the reforms recommended by Alex C. Caldwell, Administrator of the Commodity Exchange Authority, which I consider minmal:

REFORMS RECOMMENDED BY ALEX C. CALDWELL

1. To provide for injunction authority to stop any person from violating the Act or regulations and to stop any trader from maintaining sufficient control over a commodity futures contract to effectively restrain trading in such contract.

2. To give the Secretary authority to require boards of trade to demonstrate that the contracts for the commodities for which they are designated or seek designation serve an economic purpose.

3. To give the Secretary and the Commodity Exchange Commission authority to impose money penalties in administrative proceedings.

4. To expand registration and fitness check authority to include all individuals handling commodity customers' accounts. At present, such authority is limited to futures commission merchants and floor brokers.

5. To give the Secretary authority to require, in emergency situations, that contract markets take such actions as the Secretary may direct to facilitate the orderly trading in or liquidation of any futures contract.

6. To give the Secretary authority to require contract markets to permit the delivery of any commodity, on contracts of sale thereof for future delivery, of such grade or grades, at such point or points and at such quality and locational price differentials as the Secretary of Agriculture, after notice and opportunity for hearings, finds will tend to prevent or diminish price manipulation, market congestion, or the abnormal movement of such commodity in interstate commerce.

In addition to the above, the CEA is studying hedging operations so that it may recommend to the Congress a change in the definition of "bona fide" hedging. The purpose of the change would be to eliminate the problems caused by the present "double hedging" concept under which a person may hedge both his long and his short positions in the cash market. In doing so, however, care must be taken to avoid unnecessary restriction of legitimate hedging operations.

ALEX C. CALDWELL,
Administrator.

OIL AND FUEL CRISIS

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

Mr. MADDEN. Mr. Speaker, my district, the Calumet industrial region of Indiana, is a victim of the retail control and price war engineered by the conglomerate oil monopolys of the Nation. It is indeed unfortunate that the Nixon policy of controlling pieces and inflation over the last 4 years has been a monumental failure.

Reports in the last few days from my congressional district reveal that the small oil and gas retail stations, representing especially independent companies, are closing their businesses, because of discrimination on the part of the administration's Cost of Living Council, in allowing the wholesale oil and fuel conglomerates to raise prices which will, in a short time, bankrupt and close thousands of small fuel retailers over the Nation.

Mr. Speaker, today I have taken up with the Cost of Living Council the matter of this unfortunate discrimination against the small oil and fuel operators, requesting that they order an immediate abandonment of their discrimination in favor of the large conglomerates.

The men President Nixon has entrusted with the problem of allocation and price control of our energy supplies are subservient to the dictates of the large chain oil conglomerates of the Nation. Even the news media now are criticizing the President's fuel control policy as one that is developed by or for the major oil companies. Public opinion is gradually coming to realize that this ridiculous control plan of the administration will drive the independent operators out of business.

Recently, a news commentator, attending a so-called "allocation program" meeting, reported that the Gulf Oil Co. representative who was present pleaded for the Government to allow the major oil companies to continue their voluntary allocation program. Already, in the last 6 months of the voluntary allocation program, many independent gasoline dealers through the Nation have been forced out of business.

The President's Cost of Living Council has frozen the margins which independent service stations may charge at the January 10, 1973, level, while stations owned by the major oil companies may charge May 15 prices.

Retail prices were depressed for most gasoline retailers on January 10, 1973. Therefore, their gross profit margins were inadequate to meet the normal operating expense, and phase IV has locked them into this price squeeze position. The small retailer's profit margin which was frozen on January 10 puts him in a position of receiving no profit at all. His prices are lower today than they were a year ago, due to phase IV regulations; yet he must pay more for the gas he sells today than he did last year. Consequently, the independents and small retailers are now operating at a loss, with bankruptcy facing them in the immediate future.

I have talked with members of the Banking and Currency Committee today, and they are reporting out legislation within the next few days which I do hope the Congress will act upon immediately to correct this injustice to the small gas and fuel retailers.

CENTENNIAL IN HONOR OF DOWNEY, CALIF.

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

Mr. DEL CLAWSON. Mr. Speaker, festivities are underway in my home city of Downey to celebrate an event of particular historical significance.

One hundred years ago the city of Downey, Calif., was founded by former California Gov. John Gately Downey, the man who saved California for the Union during the Civil War.

John Downey had been Lieutenant Governor when Gov. Milton Latham resigned to become U.S. Senator in 1859. When the Civil War erupted, Governor Downey used the powers of his office to keep California in the Union. But he is judged thereby to have committed virtual political suicide, and Governor Downey failed reelection.

In 1859 Governor Downey had purchased the sprawling Santa Gertrudes Rancho at a sheriff's sale. After his term as Governor he offered small farm parcels of 10 to 40 acres at $10 per acre, as settlements. In 1873, the Southern Pacific built a spur line across the old rancho to haul the rich fruits of the land to distant markets. The railhead was called Downey. Around this station grew a city. The original plat was filed on October 13, 1973.

Less than 100 years later this city, founded by sturdy farmers, found itself propelled into the space age, when one of its major industries was called upon to contribute to the development of a spaceship that would take men to the moon.

The wearying trails to the West now flash by in an instant of space travel. The story of this unique community's development through its first century is a piece of fascinating Americana.

Now Downey is beginning its second century with a week-long centennial celebration from October 6–13, 1973. This event will be highlighted by an 1873 parade, centennial fair and barbeque, special religious services, a symphony concert featuring a musical history of Downey, a centennial ball, and a formal dedication program.

Today Downey is one of the major cities in Los Angeles County, with a population of 91,726 and an area of 13 square miles. Downey is a balanced community of fine homes, business, and industry. Its home-rule city charter, adopted in 1965, provides for an efficient council-manager form of government and constructive citizen participation which have earned wide recognition.

I believe I speak for my fellow citizens of Downey in greeting the beginning of Downey's second century with justifiable civic pride and high expectations for the future.

CONSUMER INFORMATION INDEX

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, I wish to take this opportunity to commend General Services Administrator Arthur Sampson and his staff for their excellent work in producing the latest issue of the Consumer Information Index. This worthwhile publication lists nearly 200 valuable books and pamphlets of interest to the consumer.

Since I am sure that others will find the listing as helpful as my own family has, I am going to have it sent out to all of the families in the largest city in my district with the following message:

Dear Friend, We all face higher and higher prices for food and other living expenses. Because of this, it is more important than ever that we get the most out of our spending dollar.

I am happy to pass on to you a pamphlet which many people, including Chester City Officials, have found most useful. It is a list of selected consumer publications that can help you in your daily buying decisions.

Between TV commercials and other adver-

tisements, it is hard to pick out the best buys. We don't always know where to turn for factual information. This index contains a comprehensive listing of publications which can give you those details.

Some of these publications are free, but there is a small charge for others. The prices are listed with each item. Please use the order blank on page 15, and send your order to: Consumer Product Information, Pueblo, Colorado, 81009. I hope you will find these publications useful.

Mr. Speaker, perhaps some of our colleagues will want to do the same thing. An important part of our job is keeping our constituents informed of what is available through the Government.

INTRODUCTION OF LEGISLATION GUARANTEEING EACH STATE A MINIMUM OF 80 PERCENT RETURN FOR CONTRIBUTIONS TO THE HIGHWAY TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina, (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I am introducing today legislation to correct a serious inequity that last year penalized quite unfairly a large number of the States of this Union.

The inequity exists in the rate of return to individual States of Federal highway funds apportioned annually from the highway trust fund.

In my own State of North Carolina, for example, the year 1972 saw only 50 cents in Federal highway funds returned to the State for every dollar we contributed to the trust fund. The State of Wisconsin fared even worse, with only 48 cents return on the dollar.

In fact, last year there were only 22 of the 50 States that received a dollar's return—or more—for every dollar contributed. These returns ranged from the $1.05 returned to Alabama and Maine to the $7.25 returned to Alaska for every dollar's contribution.

I realize, Mr. Speaker, that it would be impossible to guarantee each State a dollar return for every dollar donation, but when some States, like mine, are receiving half a dollar or less for every dollar contributed, I believe it is time we took steps to insure a more equitable rate of return for all the States.

Accordingly, I am proposing today that each State be guaranteed a minimum of 80 cents' return for every dollar it contributes to the highway trust fund.

I believe my colleagues will find, as I have found, that this guarantee of fairness to all the States is long overdue, and I urge the swiftest possible consideration of this legislation.

SUPPORT MILLS-VANIK-JACKSON BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN) is recognized for 5 minutes.

Mr. STEELMAN. Mr. Speaker, I am encouraged by the progress made to date toward detente with the Soviet Union. World peace is enhanced, I believe, by the expansion of trade with all the countries of the world. However, the relative failure of much of our postwar aid and trade policies with regard to international friendships, currency valuations, and trade balance should demonstrate to us the folly of philanthropic policies. We should demand a quid pro quo in all pending and future trading arrangements. There should be an equal benefit to this country in either economic or social terms, or both. We are giving away too much for too little benefit in our dealings so far with the Soviet Union.

I stand as resolute now as I was before, in demanding that the United States refrain from giving special trading rights to any country that uses human beings as bargaining tools, and want to take this occasion to restate my strong support of the Mills-Vanik-Jackson bill.

I am very upset to learn of reports that compromises are being considered for some momentary trade advantages. I do not feel that there has been any indication of permanent improvement in the situation of Soviet Jews and I feel it would be totally repugnant to any American for the Congress to allow human rights to be traded for commercial gain.

When Soviet dissidents risk imprisonment or expulsion to call press conferences and warn us that we may be giving away too much, too early, I believe it deserves close attention. One day it seems the Soviet Union is lessening restraints, the next day press reports indicate the opposite, or that government pronouncements are overstated at best.

If, at this delicate stage of debate in the House of Representatives, the Soviets are providing only lip service and token gestures in allowing the freedom to emigrate to all their citizens, we cannot trust them once we have committed ourselves, to carry our promises of freedom of choice.

Personally I do not plan to ever trade human rights for trade rights. Until I am thoroughly convinced that permanent, irreversible measures have been taken by the Soviet Union to end persecution of any minority, I will not alter my position in support of the Mills-Vanik-Jackson legislation.

FREEDOM OF EMIGRATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HUDNUT) is recognized for 60 minutes.

Mr. HUDNUT. Mr. Speaker, I am pleased to join with some of my distinguished colleagues from both sides of the aisle, to appeal to the conscience of the U.S. House of Representatives in urging the passage of the Mills-Vanik amendment.

There are tens of thousands of citizens in the Soviet Union—Jews, Germans, Russians, Ukrainians, Lithuanians, Armenians, Estonians, Latvians, Turks, and members of other ethnic groups—who want to leave the country and who have been seeking to exercise that right for years at the cost of endless difficulty and humiliation. I am informed that there are now approximately 120,000 outstanding applications for visas from Soviet Jews, and the Soviet authorities are doing everything they can to prevent this number from growing by intercepting letters of invitation sent to Soviet Jews from their relatives in Israel—presentation of such a letter of invitation being the necessary first step in the emigration process.

The point that really must be stressed today is that the situation of the Soviet Jews is not really a political issue, but a moral one; and I for one feel it would be a tragic mistake to see it in partisan political terms. Thousands of Jews in the Soviet Union are being denied the right to leave Russia. More than that, they are being heavily penalized for even making a request to emigrate. We have documented literally hundreds of cases in which men and women have lost their jobs immediately after applying for an exit visa. It happens almost automatically, as the first reprisal by the Soviet Government. Any Jew applying knows he will face loss of his job and a wait of several years, yet they continue to apply. We have documented many instances of social and professional sanctions used against scientists, professors, and other intellectuals for daring to assert the most basic of all civilized rights—the right to leave and go somewhere else. And the individual is not the only one who comes under fire. His relatives and friends all too frequently share his misfortunes.

With labor camps, prisons, and mental hospitals in the Soviet Union being full of people who have sought to exercise their basic human right to emigrate, a few specific case histories may help to dramatize the plight of everyone thus unfortunately treated. Consider these three:

One. Mr. and Mrs. Valery Panov: The Panovs were featured dancers with the Leningrad Kirov Ballet until they applied for permission to emigrate to Israel, about 2 years ago. They were fired from their positions and even forbidden to teach ballet. At the time of Soviet Communist Party Chief Leonid Brezhnev's visit to the United States, the Panovs were advised that if they "behaved" and were quiet for 3 months, their application would be favorably considered. The Panovs "behaved" for the requisite period, reapplied for a visa, and were again denied. Most recently in a move that can only be described as immoral and cynical, the authorities informed Mr. Panov that if he left his wife he could leave. Mrs. Panov, in turn, was told that if she divorced her husband she could rejoin the ballet company.

Two. Retired Army Col. Y. A. Davidovich: Col. Y. A. Davidovich, in 1945, was a hero of the Soviet Union. As a soldier during World War II he was wounded five times and awarded 15 military honors and medals. A career army officer, he became a full colonel in 1966, but a serious heart condition led to hospitalization and his withdrawal from active duty in 1969. In 1971 he started writing letters to Soviet officials protesting anti-Semitic propaganda in his home city, Minsk. Because of his persistence, he soon found himself accused of "slanderous activities and participating in a conspiracy." Despite his history of heart disease, he was subjected to numerous rigorous inter-

rogations by the KBG, the Soviet secret police. He has been threatened with deprivation of his rank and pension. About a year ago, he and his family applied for a visa for Israel, an application that is still denied. In a letter to Leonid Brezhnev, Davidovich said—

My experience brought me to the conclusion that my family and I can live a life worthy of a human being and a citizen in a Jewish State. Help us to go to our historical homeland, to Israel.

(3) Beniamin Levich and Yevgeny Levich: Beniamin Levich and his 24-year-old son, Yevgeny Levich, are scientists whose applications for immigration have been denied. Yevgeny, who has a serious stomach ailment for which he has been denied treatment, was recently and incredibly found fit for military service and was sent to an army camp to do heavy labor at an Arctic outpost. His father was told that Yevgeny's physical condition must be good or else he would not have been taken into the army. Recently Beniamin Levich was awarded a medal by the American Electro Chemical Society. Soviet authorities have prevented delivery of the society's invitation to Levich to come to Boston on October 9 to receive the medal.

The United States must affirm its commitment to the importance of protecting the basic human right to freedom of residence within the country of one's choice, and set its moral, political, and economic influence against countries who deny that right to persons within their borders. As 12 leading Soviet Jewish scientists recently said:

Apprehension for our future fate must not become a means for the unscrupulous exploitation of the humane feelings of American people or a pretext to abandon the fight for our human rights.

And the Soviet physicist, Andrei Sakharov, in his open letter to the U.S. Congress, echoed these sentiments in eloquent words:

The abandonment of a policy of principle would be a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall.

Such a denial would lead to stronger repressions on ideological grounds. It would be tantamount to total capitulation of democratic principles in face of blackmail, deceit and violence. The consequences of such a capitulation for international confidence, detente and the entire future of mankind are difficult to predict.

I express the hope that the Congress of the United States, reflecting the will and the traditional love of freedom of the American people, will realize its historical responsibility before mankind and will find the strength to rise above temporary partisan considerations of commercialism and prestige.

We know that the Soviet Union is not unresponsive to pressure from abroad. Nor is the Soviet Government unaware that efforts by Americans encourage the Jews in Russia. The Soviet Government has intercepted prayer books sent by Americans to Russian Jews. That Government has responded angrily to demonstrations by American citizens protesting the mistreatment of Soviet Jews. But when the pressure from Americans and Europeans builds up sufficiently, that Government does relent. The concessions are small and grudging, but they are real. A friend of mine visited the synagogue in Moscow recently, and was approached rather furtively by a plainly dressed man. The man looked around to satisfy himself that no one was listening, and in rather halting English he said:

Tell the people in America not to stop their protests. When Americans make noise, it does make a difference. It does help.

We all know that there are many ways to "make noise." Public opinion can express itself through books, plays, newspapers, or the broadcast media—and these can be very effective forums for presenting one's point of view. The news conference this morning would have been pointless without the media. And I am sure that the Soviets monitor the American media and note the opinions presented. But we would be incredibly naive if we thought that we could change the calculated policy of the Russian Government by a well-reasoned argument. It is not going to happen. What might change their current repressive policy is economic pressure—trade sanctions. Specifically, as has been proposed in the Mills-Vanik bill in the House. The Soviet Government wants something; it wants the favorable trade provisions the administration has promised it. Well, the American people want something, too—a fair shake for Soviet Jews. It is an old Yankee tradition to trade, and that is all we are really proposing. No one, I am sure, wants to go back to the mentality that prevailed during the cold war. Trade with Russia may well advance the interests of both nations, and may even advance the cause of peace. Those of us who support this bill are not blind to these things; nor do I think we are unreasonable. What we are saying is simply: If Russia wants to trade with the free world, she must obey at least the most elementary ground rules of that world. She must stop depriving people of the right to leave. She must stop imposing confiscatory exit taxes on those whose only "crime" is their religious faith. Then we will trade—but not until then.

MILLS-VANIK AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 60 minutes.

Ms. HOLTZMAN. Mr. Speaker, I have taken out this special order because I want to advise Members of the House of a very important bipartisan congressional action that was inaugerated today in support of the Mills-Vanik amendment. It is sponsored by a coalition group of 17 Democrats and 10 Republicans.

The Mills-Vanik amendment would withhold most favored nation status from any country which denies its citizens the right to emigrate.

As supporters of the Mills-Vanik amendment we feel very strongly that the purpose of that amendment should not be lost sight of: to relieve the plight faced by hundreds of thousands of Jews and political dissenters in the Soviet Union who have been forbidden to leave that country.

Despite all of the propaganda to the contrary, the fact remains that the Soviet Union is still preventing its citizens from exercising their right to emigrate and persecuting those who even attempt to leave.

To dramatize the need for the Mills-Vanik bill, 27 of my colleagues and I have decided to give specific examples of the suffering and oppression experienced by Soviet citizens seeking to exercise their basic right to emigrate. Today Congressman HUGH CAREY on the floor of the House outlined the tragic experiences of Silva Zalmanson. Tomorrow and each day thereafter that the House is in session, another Member of the House will recount the case history of a different persecuted Soviet citizen.

I believe that the Soviet citizens' fundamental right to emigrate and flee religious persecution must not be bartered away in our haste to "normalize" economic relations with the U.S.S.R.

At this time the bills denying the Soviet Union most-favored-nation status and restricting credit extensions until the repressive emigration policies are eliminated enjoy overwhelming support in both Houses of Congress. The Mills-Vanik bill has 280 cosponsors in the House, while the Jackson amendment has 76 Senate cosponsors. Being realistic, we must recognize that any compromise at this time would be seen as a retreat from our history of support for Soviet Jews and dissidents. Our failure to enact this legislation would not only be a cruel blow to those people who hope to emigrate as the result of its passage, but would also be a green light to the Soviet Union to continue its brutal repression against those who seek to leave for a freer life.

The United States has a long and proud history of interceding on behalf of peoples suffering from Government-inspired religious repression—one that dates back over 100 years.

We once before refused to continue trading with Russia because of extreme repression against Jews. In 1911, horrified by the government-sanctioned cruelty and violence that resulted in death and uprooting of thousands of Jews, the United States canceled a treaty that governed trade and commerce with czarist Russia. This act was spurred by a 300-to-1 vote in the U.S. House of Representatives to terminate the long-standing treaty which had governed Russian-American trade relations.

The administration has offered a number of spurious arguments against the Mills-Vanik amendment. According to Secretary of State Kissinger, we must draw the line in our economic and diplomatic relations at any interference with the "internal affairs" of another nation. It is hard to understand how the basic human right to be free from religious persecution can be blithely swept aside because it involves "internal" Soviet affairs. Surely, we are talking about issues of vital international and humanitarian concern that transcend Russian politics.

We also reject the administration's contention that greater trade will somehow magically transform attitudes and policies in the Soviet Union. There is absolutely no reason to think that trade

by itself will impress upon the Soviet leadership the humanitarian concerns we are talking about. The Russians have been trading with Western nations for years with no apparent softening of their emigration policies. In fact, last year we had $642 million worth of trade.

The arguments of the administration in opposition to the Mills-Vanik amendment are particularly suspect in the light of its failure to act on behalf of Soviet Jews, either as a matter of general policy or in individual cases. Despite public assurances of concern and effort by the President and Secretary Kissinger, the administration refuses to aid Soviet Jews seeking to emigrate to Israel. I have sought the White House's assistance in several such cases—hoping that it might act privately if it was unwilling to do so in the open—and each time I have been informed in writing that "we are not in a position to intervene." Because the administration will not use its power to alleviate the suffering of Soviet Jews, Congress must.

In any case, it is important to remember that much of the trade we are talking about with the Soviet Union is not the classical economists' free trade, but is subsidized trade—subsidies coming in the form of American credits and credit guarantees.

A recent low-interest loan by the Export-Import Bank involved a $50 to $75 million subsidy to the Soviet Union financed by American tax dollars.

If we are going to ask the American taxpayer to subsidize trade with the Soviet Union—as we did to the extent of $300 million in the disastrous grain deal—we should not be hesitant to use our economic power to extract some long overdue freedoms.

Mills-Vanik has become a symbol to the entire world, as well as the Soviet Jews, of our country's continued concern for humanitarian principles. The concessions being demanded of the Soviets are not unreasonable. In 1968, the Government of Poland removed most of its restrictions on emigration, allowing thousands of Jews to leave freely. We are simply asking the Soviet Union to conform its policies to the accepted standards of the world community, and grant the elementary right of emigration to its people.

Participants in the Mills-Vanik program as of this date include:

COSPONSORS

Elizabeth Holtzman (D-N.Y.), Hugh L. Carey (D-N.Y.), Phillip Burton (D-Calif.), Silvio O. Conte (R-Mass.), Alphonzo Bell (R-Calif.), Philip M. Crane (R-Ill.), Lawrence Coughlin (R-Pa.), Henry B. Gonzalez (D-Tex.), William H. Hudnut (R-Ind.), Dante B. Fascell (D-Fla.), Barry M. Goldwater, Jr. (R-Calif.), Benjamin S. Rosenthal (D-N.Y.), Herman Badillo (D-N.Y.).

Jonathan B. Bingham (D-N.Y.), Jack Brinkley (D-Ga.), Samuel S. Stratton (D-N.Y.), James Collins (R-Tex.), Bella S. Abzug (D-N.Y.), James V. Stanton (D-Ohio), Alan Steelman (R-Tex.), Robert F. Drinan (D-Mass.), Mario Biaggi (D-N.Y.), Edward I. Koch (D-N.Y.), William Lehman (D-Fla.), Larry Hogan (R-Md.), Lester Wolff (D-N.Y.), John H. Rousselot (R-Calif.).

Mr. CAREY of New York. Mr. Chairman, this morning a press conference was called by cosponsors and supporters of the Mills/Vanik/Jackson bill. This conference, plus the special order we are now holding and a series of 1 minute speeches, are all destined to make clear to the administration, and other concerned parties, that supporters of this legislation are holding firm.

Granting most-favored-nation status to the Soviet Union must be accompanied by a guarantee of emigration rights to Soviet citizens. If there is one thing I am certain about, concerning the pending trade bills, is that there cannot be a compromise on this issue.

Whether a private citizen or the leading Soviet scientist and academician, this right is basic to all men, including Soviet citizens. The Soviet Union pays specific lipservice to the right of free emigration. They are parties and signatories to the U.N. Declaration on Human Rights and the Human Rights Convention, which spells out certain rights that accrue to every human being, including freedom or emigration.

Grave pronouncements issue from certain circles that achieving détente with the Soviet Union outweighs every other consideration. Certainly, continued and increased commercial exchanges with the Soviet Union are desirable, as are exchanges in scientific, and cultural matters. However, I think we must place this entire issue in proper perspective.

The Soviet Union has reached the point in its economic development, at which it needs to satisfy an increasing demand for consumer goods. The Soviets also need to upgrade their capabilities in, among other areas, electronics, cybernetics and management. In addition, long-term credits are needed with which to finance expected Soviet buying in the United States.

Mr. Chairman, certainly, even a cursory glance at present Soviet needs in these areas, indicates the Soviets need us far more than we need them. Quite frankly, while there certainly is a direct benefit from trade, to the degree it eases international tensions and suspicions, the real beneficiary to increased United States-Soviet trade and financial exchanges is the Soviet Union.

One of the particular problems the Soviets are now experiencing is the fiscal squeeze caused by continued increases in military expenditures plus demand for consumer goods. The determination of the Soviets to maintain massive conventional forces in both the West and along the Sino-Soviet borders, plus high costs in manpower, time, and materials required to maintain roughly equivalent strategic nuclear parity with the United States, leaves comparatively little for the butter the Soviets are trying to provide along with the guns.

In other words, the Soviets just do not have the cash to import heavily from the United States. They need credit and if they need it as badly as I think they do, and as badly as Brezhnev needs it in order to bolster his hold on the collective leadership in the Politburo, then they will just have to bargain for it.

One of the things they have that we want is freedom of emigration from the Soviet Union. We have what they want: trade and financing; they have what we want: guarantees of basic human rights, including the right of emigration. Frankly, if the Soviet Union is to have access to our manufactures and technology, and if we are, in a sense, going to subsidize the Soviet defense effort with long-term financing for their consumer needs, then I think it not only proper, but likely, the Soviet Union will see the extreme practicality in permitting those who want to leave the Soviet Union to do so. I do not know what the Soviet leaderships' hangup with emigration is. The United States has tens of thousands of citizens emigrating each year. They go to Australia, Canada, Europe, South America. I do not see any mass, official paranoia or pique at the decisions of these individuals to live their lives where they desire. If a person prefers to live in Canberra rather than Chicago, then that is his business. Surely, soviet citizens moving from Irkutsk to Israel will not damage either the reputation or the functioning of the Soviet Union.

Mr. Chairman, I have taken the time to discuss these matters because I believe they have a direct relationship to the realities of our dealings with the Soviets in trade and financing. Certainly, giving way on the issue of freedom of emigration, even before we begin bargaining on the specifics of trade and credits, will set a pattern of unilateral U.S. accommodation to the viewpoints of the Soviet Union. I do not want to see our economic and trade policies again become the handmaiden to our foreign policy and its efforts toward détente. Business, after all, is business. I am sure that is the way the Soviet Union looks at trade. Our treating hard bargaining about dollars and cents, about exports of technology and hardware, any other way should deserve the derisive laughter of the international trade and finance communities.

General Secretary Brezhnev and Mr. Gromyko, in recent days have both delivered speeches in which they complain bitterly about U.S. interference in the internal affairs of the Soviet Union. But surely, Mr. Chairman, the basic rights of human beings transcend borders. Furthermore, we are not interfering; we are urging, we are bargaining: We are trying to get what we want, in exchange for what they want. The United States certainly has the right to decide what stakes are in the game. If the Soviets want to play badly enough, then recognition of what we require for participation is essential. In addition, I might mention that freedom of emigration is only the ticket to the game; it does not guarantee anything in the way of concessions or compromise. Trade discussions and negotiations and success therein will stand and fall on their own merits. Freedom of emigration will not secure tariff cuts, credit extension, or further subsidized grain shipments.

Mr. Chairman, I urge the members cosponsoring and supporting Mills/Vanik/Jackson to stand firm. We cannot permit our desire for détente or a trade bill to blindly lead us into bartering away our souls, our humanitarian sensibilities and our heritage of struggling to secure the guarantees of basic human rights to all mankind.

Mr. BADILLO. Mr. Chairman, I am pleased to join in this special order this afternoon to discuss an issue of deep, unending concern to the vast majority of American citizens and to our colleagues in the Congress—the continued repression, harassment, and intimidation of Jewish citizens by the Soviet Union and the vicious campaign by the U.S.S.R. to deny the freedom of movement to many of its citizens. In recent months this tragic situation has escalated to include the unconscionable actions of the Soviet Government and Russian soldiers toward Israeli and Jewish Soviet citizens during the World University Games in Moscow and the ill-conceived policies of the Soviet leadership toward those who are exercising their basic human rights of freedom of expression and responsible dissent, such as those uncivilized acts perpetrated against persons such as Andrei Sakharov, Aleksandr Solzhenitsyn, Andrei Amalrik, and others.

All of these despicable and repressive acts are occurring at a time when the House Ways and Means Committee is considering extending most-favored-nation status to the U.S.S.R. How, in good conscience, can this country grant special treatment to a nation which continues to engage in such reprehensible policies which represent a standing affront to the family of free nations and defy countless international agreements protecting individual civil liberties and human rights? I remain convinced that granting most-favored-nation status to the Soviet Union will be interpreted throughout the world as tacit approval for the continuation of the poorly-considered campaign to deny freedom of movement and emigration to Soviet Jews and to stifle free speech and expression.

As an original cosponsor of the Mills-Vanik Freedom of Emigration Act I am deeply troubled that some compromise is being attempted in the Ways and Means Committee. This is an issue on which there simply can be no compromise. Under one alternative which has been proposed the U.S.S.R. would still be able to deny its citizens the right to emigrate, regardless of promises made by the Soviet leadership or supposed protections which the plans affords. It would be pure folly to cave in to various pressures at this point and permit the President to have the authority to grant most-favored-nation status while the Russians are waging an intensive campaign against dissidents and Jewish citizens. Although an attempt toward détente with the Soviet Union is being made we must maintain our vigilance and no effort can be spared in removing the restrictions on the free movement of people or permitting people the right to openly discuss and take issue with their government's policies. In adhering to the Charter of the United Nations the U.S.S.R. supported that organization's basic principles of "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." However, its recent actions and policies would seem to belie such a commitment.

Mr. Chairman, there can be no justification for extending credit or investment guarantees to any country which would deny its citizens the right or opportunity to emigrate or to otherwise capriciously restrict their freedom of movement, either through the imposition of exhorbitant taxes or levies or the employment of policies which gravely intimidate them. There can be no special commercial or economic consideration granted to a nation which would seriously infringe upon its citizens' basic rights and do its utmost to trample their human dignity or to allow them to be subjected to scurrilous attacks, unfounded charges and political, economic, and social ostracism. We cannot be deceived by various tactics employed by the Soviet Union to cloud the issue or by feeble attempts to draw attention from it. How can reasonable men seriously consider entering into international commercial negotiations on a most-favored-nation basis with a country which arbitrarily cancels its international monetary obligations by fiat and demonstrates its utter disregard for property rights or international law?

Mr. Chairman, the Congress has a special opportunity to provide forceful evidence of this country's moral concern and indignation over the problem of the emigration rights of Soviet Jews and the acts of repression against those with courage to speak out. Before the United States can even begin to give serious consideration to establishing any special economic ties with the Soviet Union, that nation must promptly and clearly act to redress its present policies. To do otherwise would amount to a rejection of those lofty principles upon which the United States was founded. Thus, I urge the Ways and Means Committee to adopt the language of the Mills-Vanik amendment to the Trade Reform Act and to refrain from any pressures to dilute these provisions or otherwise neglect this important issue.

Mr. WOLFF. Mr. Chairman, within the next few weeks, the House will have before it the 1973 trade bill. One of the most controversial provisions in this legislation concerns the granting of most-favored-nation status to the Soviet Union, an issue which has not yet been resolved by the House Ways and Means Committee. I am an original coauthor of the Jackson-Vanik amendment to deny most-favored-nation status to the Soviet Union because of its discriminatory emigration policies, directed mainly toward Soviet Jews. The repressiveness of the Soviet Union's treatment of Soviet Jews has raised a cry of protest among the American people that we must not barter human rights and freedoms for trade or political convenience. As intolerable as the Soviet Union's emigration policy toward Soviet Jews is, the reasons for withholding most-favored-nation status seem to me even broader and deeper. There is, of course, a reason why many Soviet Jews and others are seeking to emigrate from the Soviet Union, and not only to be reunited with their families and loved ones here in the United States, in Israel, or other parts of the free world. The philosophy embraced by the Soviet Government has led to a negation of the basic rights that are guaranteed to every human being. Jews in the Soviet Union do not have freedom to worship; their synagogues have been closed as well as their schools. In essence, they and others like them in the Soviet Union, are denied the freedom of choice that is essential to human dignity. The point for us to realize is that trade or political concessions made by this country with the Soviet Union will have no lasting value if they are purchased at the expense of human rights and values that we eminently believe in and uphold.

I am not advocating that we force our own philosophy of government upon the Soviet Union before establishing any kind of détente with them. I believe that expanded trade and relations with the Soviet Union are important for increasing the possibility for peaceful coexistence in this world. However, I would like to echo here the statement that was made by the Authors League of America in a telegram to Premier Kosygin that—

> True detente between the United States and the USSR cannot be accomplished by commercial bartering or cultural tokenism. It depends on mutual trust and respect.

Traditionally, we have granted most-favored-nation status to those countries with whom we could work, or with whom we could anticipate to work, in a spirit of cooperation. For the past several years, the Soviet Union has aggravated United States efforts to bring peace in Indochina and to restore hostilities in the Middle East and Korea. The Soviet Union has done very little, indeed, to contribute toward a climate of mutual trust between our two countries.

There are concessions which the United States can make in the interests of achieving peace in the world. I do not feel, however, that they should entail our closing our eyes to either the role which the Soviet Union has played in aggravating hostilities in certain areas of the world nor to the intolerable campaign of suppression that has been mounted against Soviet Jews and leading intellectuals in the U.S.S.R. It is mandatory that the House Ways and Means Committee preserve the Jackson-Vanik amendment in the 1973 trade bill and thereby preserve our dedication to the principles of freedom.

Mr. DRINAN. Mr. Chairman, the next few days are critical for Soviet Jews and for freedom in the Soviet Union. Tomorrow the House Ways and Means Committee will be considering the provisions of H.R. 6767, the Trade Reform Act of 1973, that deal with the administration's proposal to grant most-favored-nation trading status to the Soviet Union. Also under consideration will be the so-called Jackson-Vanik-Mills provision, which I have cosponsored, which would prevent the granting of MFN treatment to the Soviet Union unless that nation allowed its citizens the right to freely emigrate. Clear majorities of both Houses of Congress have sponsored this legislation, but in the face of concerted administration pressure its fate in the Ways and Means Committee remains uncertain.

I hope that the Jackson-Vanik-Mills provision will prevail in the committee, and I hope as well that its acceptance will provide a lesson to the leaders of the Soviet Union that the people and the Congress of the United States will insist

now and in the future that the Soviet Union abide by the basic human rights and freedoms enumerated in the United Nations Universal Declaration of Human Rights—principles upon which genuine friendship and harmony among the civilized community of nations must be based.

Some arguments have been advanced against the Jackson-Vanik-Mills provision. Most of these arguments are based upon the false notion that somehow trade and political questions are separate and unrelated; that questions involving East-West trade must be looked at in a vacuum, without considerations remotely bearing the tag of "politics." Such is not the case—and in fact the administration's entire policy toward the Soviet Union, designed by Secretary of State Henry Kissinger—is based upon a principle that trade is inextricably linked to the widest range of intercourse between the two nations.

THE CHARACTER OF SOVIET-AMERICAN TRADE

In his report, "United States-Soviet Commercial Relations in a New Era," former Secretary of Commerce Peter G. Peterson quoted Alexander Hamilton as saying that—

> The spirit of commerce has a tendency to soften the hearts of man and to extinguish those inflammable rumors which have so often kindled into wars.

So it is that in some quarters the prospects of increased trade between the United States and the Soviet Union are being viewed as a panacea for the many issues, ideologies, and interests that have separated the United States and Russia. Amid this glow of optimism, I would like to express a few words of caution.

The points I wish to make are the East-West trade must be viewed as being essentially political in character; that this trade constitutes a form of political leverage not to be ignored by the United States; that expansion of Soviet-American trade is relatively insignificant in narrow economic terms beside potential diplomatic and political benefits to be gained; and that what is needed is significant improvement in East-West relations, not just a reversible—and modest—expansion of trade. In connection with this last goal, I will argue that it is in the vital interest of not only our country but the community of nations as well that the Soviet Union be held to universally accepted standards of basic human rights and freedoms.

THE ECONOMICS OF SOVIET-AMERICAN TRADE

In 1972, the year of the infamous "wheat deal," United States-Soviet trade turnover amounted to $640 million. U.S. exports to the Soviet Union were $545 million, ranking the Soviet Union behind Spain and Israel as U.S. trading partners, as we exported $972 million and $558 million to these nations, respectively.

United States-Soviet trade is likely to be characterized by "technology transfer," by which the technology-intensive goods and services of the United States will be exported to relatively backward sectors of the Soviet economy. In partial return, the Soviet Union will export to the United States primarily basic resources, including energy resources, either in the form of direct exports of raw materials or in the form of joint United States-Soviet ventures, with the U.S. supplying development capital and technological expertise, possibly including management services. Because of the chronic Soviet shortage of hard foreign currencies, potential Soviet-American trade will require substantial U.S. financing.

In truth, the Soviet Union has much to gain from us, while we have little to gain from them—at least in strictly economic terms. At the present time, a number of Soviet import needs can be identified that depend on a heavy influx of Western technology. Among these needs are areas where the United States appears to have a substantial technological advantage; large-scale petroleum and natural gas extraction, transmission, and distribution systems; management control systems utilizing computer facilities; mass production machinery; "agribusiness" systems; and tourist systems.

By way of contrast, at the present time there is very little that the Soviet Union has to offer the United States. And, the long-term potential for growth of Soviet-American trade will be sharply limited by the inability of the Soviet Union to match its heavy, and expensive, import needs with sufficient exports to afford a reasonable balance-of-payments situation. As a result of the limits upon Soviet export growth, it is apparent that the only way the Soviets will be able to meet their great import needs will be through securing very large amounts of foreign, long-term financing. Private institutions in the United States have shown considerable reluctance to make long-term financing arrangements in the face of the many uncertainties of future United States-Soviet relations. Thus the brunt of necessary financing will fall upon Government-sponsored agencies, principally the Export-Import Bank.

On a strictly economic basis, the Soviet Union will not be able to afford the massive Soviet-American trade that some look forward to. A political decision will be required to make this trade happen. It must be decided that the many economic risks of Soviet trade—I point to long-term financing agreements and the many risks inherent in natural gas exploration in Siberia as only two of many examples—can be justified by potential political/diplomatic gains. If we are to subsidize Soviet imports—through granting Eximbank credits—and thus Soviet economic development, then these subsidies must be viewed as a kind of foreign aid, and must logically be subject to the same political considerations that surround our foreign aid determinations.

The increasing demands of the Soviet consumer and the need to modernize seriously backward segments of the Soviet economy suggest that the Soviet Union has a great stake in seeing the fruition of Soviet-American technology transfer. The stake of U.S.-U.S.S.R. trade, as perceived by the Government of the Soviet Union, gives the United States valuable diplomatic as well as economic leverage. This potential must be utilized, not only for our own benefit, but for the larger benefit of the community of nations.

EQUAL TREATMENT

One of the arguments used by the administration and by representatives of the Soviet Government is that most-favored-nation treatment is accorded to all but a handful of U.S. trading partners, and that without MFN, as is the present situation, the Soviet Union is the victim of trade discrimination. It is argued that MFN is necessary so that the Soviet Union can receive "equal treatment" in trade.

I believe that the Soviet Union should receive equal treatment in our trade policy. What I object to is the fact that to date the Soviet Union has received not equal treatment, but preferential treatment. Such preferential treatment is unjustifiable on economic terms. Already the Soviets have bought American grain at bargain prices. The Soviets have received loans at preferential rates. The Soviets have consistently refused to comply with accepted norms for securing Eximbank financing. And the Soviet Union is hoping to receive preferential treatment for resource development as well.

The Soviet Union's desire for equal treatment is largely rhetorical. What they seem to want in fact is preferential treatment, and to date this is what they have received. We should not be blinded by the potential benefits of Soviet-American trade—which are real and desirable—as to foresake economic commonsense and reasoned self-interest in our trade policies.

More important is that this question of equal treatment reflects on the Soviet Union's desire to be granted MFN treatment. The Soviets have repeatedly stressed the state-to-state aspects of MFN as opposed to the economic implications. The Soviet leaders seem to regard MFN as a symbol of good faith and friendship. This is entirely understandable, for it is generally agreed that MFN would have only a marginal impact on Soviet exports. The preponderance of anticipated Soviet exports are basic resources and relatively unprocessed goods. As our tariff structure is so formulated as to penalize a product the more it is processed, Soviet exports, which fall at the lower end of the tariff scale, would not be heavily impacted by the discriminatory non-MFN tariff rates. MFN would acquire significance only if the Soviet Union began to export significant quantities of manufactured goods. This is unlikely—at least in the near future.

MFN is not terribly important in economic terms. It is important in political terms. If we are to grant Soviets preferential trade treatment, and if MFN is political in nature, then I believe that the United States has every good reason to insist that political considerations be included in the granting of MFN, and that the United States attempt to receive substantial political concessions in return for our granting a political benefit, MFN.

In fact, the only way that the United States can come out at least equal in the balance sheet with the Soviet Union in the proposed trade deals is if the political advantages secured through the trade are sufficient to overcome the economic

imbalance currently slated in favor of the Soviets.

THE LINKAGE OF TRADE AND DIPLOMACY

The administration's commendable desire for improved Soviet-American relations is based on a "linkage" theory of international relations. The linkage of every facet of United States-Soviet diplomatic and cultural interchange is designed to create an overarching structure to maintain and generate improvements in Soviet-American relations. The trade agreement with the Soviet Union, for example, is inextricably linked to other diplomatic endeavors—the SALT treaty, the accord on offensive strategic weapons, cultural, scientific, and maritime agreements, and the like. As Dr. Kissinger said in a congressional briefing in June 1972:

> We hope that the Soviet Union would acquire a stake in a wide spectrum of negotiations and that it would become that its interests would be best served if the entire process unfolded. We have sought, in short, to create a vested interest in mutual restraint.
>
> . . . The SALT agreement does not stand alone, isolated and incongruous in the relationship of hostility, vulnerable at any moment to the shock of some sudden crisis. It stands, rather, linked organically to a chain of agreements and to a broad understanding about international conduct appropriate to the dangers of a nuclear age.

The administration is not attempting to accomplish "isolated and incongruous" agreements, but to construct a network of initiatives, ranging the gamut of diplomatic and economic policy. It is hardly inconsistent under this view to link trade, politics, and diplomacy. It is, however, positively foolish not to link these issues, especially in the context of a developing Soviet-American trade that offers little in the way of economic advantages to the United States—with what advantages there are being of a very long-run nature.

Soviet spokesmen have criticized the Jackson-Vanik-Mills bill by claiming it to be an intolerable "interference" in the internal affairs of another country. To be sure, this is a delicate issue, and the United States would be well advised not to seek too steep a political price for trade. But the history of the United States is full of "interventions"—good and bad—in the internal affairs of other nations.

For that matter, the recent history of the Soviet Union is even more strikingly marked by such interventions. It seems that here again, as with the equal treatment argument used by the Soviets for MFN, the Soviets wish to have their cake and eat it too. Interference is bad, it seems, when they are on the receiving end. Their interference into our grain market—well, that is OK, we would be led to believe.

The Soviets have also ominously suggested that if they are not granted MFN that the whole détente may fall apart. This claim is scarcely credible. As noted previously, MFN will not be significant in economic terms for many years to come, if then. Given this, would a refusal on the part of Congress to grant the Soviet Union MFN, or a delay of a year or two, really be sufficient cause for the Soviet Union to break the arduously accomplished chain of improved relations with the United States? I think not.

I believe that if necessary, the détente, which is surely to be desired, can survive a delay in granting MFN. It can also survive our requirement for the granting of MFN that the Soviets respect international agreements, chiefly the United Nations Declaration of Human Rights. Specifically, I believe that the détente can survive required guarantees that the citizens of the Soviet Union have the right to freely emigrate, and to use another example of human rights that need to be secured, that the scientists and intellectuals of the Soviet Union have freedom of expression. I believe that Soviet violations of United Nations agreements and denials of basic human rights and freedoms are far more disruptive of international relations than a refusal—or delay—in granting MFN could possibly be.

The Soviets argue that tariffs are discriminatory and that granting of MFN should be normal and automatic. At the same time we should consider the U.N. Universal Declaration of Human Rights to be "normal and automatic," as well as enforceable.

Freedom of emigration in the Soviet Union is not the only basic freedom that needs to be guaranteed to the Soviet people, but it is the central issue today. There is no more basic freedom than the right to leave one's country if one so chooses—a right consistently and oppressively denied the Jewish citizens of the Soviet Union. The Jews of the Soviet Union have suffered enough. We in Congress can help and must.

I believe that there is no greater goal before mankind than the relaxation of world tensions and the eventual realization of world peace. The developing commercial ties between the Soviet Union and the United States offer hope for improvements in a wide range of relations between our two countries. But we should not confuse superficial appearances of improved relations for genuine and lasting accomplishments. In our dealings with the Soviet Union, we should not deny the moral principles upon which our Nation was founded, and we should not ignore the basic rights and freedoms of all peoples of the world as enumerated in universally accepted international declarations and obligations.

True peace and mutually advantageous trade between the Soviet Union and the other nations of the Western World will require significant changes in the Soviet system. We cannot presume to see these changes occur overnight, but neither should we forsake opportunities which come to us to speed the fruition of these changes.

Ms. ABZUG. Mr. Chairman, I commend my distinguished colleague from New York, Representative HOLTZMAN, on taking this afternoon's special order and in convening a press conference this morning.

Jackson-Vanik, the subject of both events today, is an issue that is vitally important not only to Members of Congress, to the American people but to many people around the world including specifically those in the Soviet Union.

As we approach a welcome period of détente that promises to end at last the cold war, we in the United States must do our part to develop a universal set of principles that will enable all people the right to emigrate freely, to practice freely their religion, and to have full academic and intellectual freedom.

As the Ways and Means Committee considers the important trade legislation, it must be aware of the interest of the American people, and the Members of Congress in seeing the inclusion of an undiluted version of the Jackson-Vanik resolution.

We must all continue the pressure to accomplish that goal.

Mr. ROUSSELOT. Mr. Speaker, I wholeheartedly support the Mills-Vanik amendment, which would deny most-favored-nation status to the Soviet Union until it liberalizes its emigration policies. Our concern is for the plight of all Soviet citizens, whether they be Jews who wish to emigrate to Israel, Ukrainians who seek to join relatives in Canada and elsewhere, or Latvians, Lithuanians, and Estonians, whose countries were annexed to the Soviet Union at the outset of World War II. The imprisonment and oppression of its citizens by the Soviet regime is a condition of which we are all aware, and it is one which demands not just sympathy but action on our part, and in no case should we settle for mere reports of progress as a substitute for the progress itself.

The action which we advocate is not limited to a denial of most-favored-nation status but, more importantly, would deny to the Soviets the credits and loan or investment guarantees by which the American taxpayer and consumer have subsidized such deals as the infamous Soviet wheat deal and the Kama River truck plant.

I believe I speak for most of my colleagues who have supported the Mills-Vanik amendment when I say that we are not opposed to Soviet trade as such. What we want to see, though, is trade, not massive giveaways of money, goods, and technology to support an increasingly repressive and aggressive Soviet state. If we must trade with the Russians, let us drive a hard bargain, as any rational trader would do.

The backwardness of their technology and the weakness of their planned economy have placed the Russians in such economic straits that we could demand both political and economic concessions as the price of our agreeing to do business with them. An article entitled "Russia's Economic Headache Turns Migraine" recently appeared in the London Economist magazine and was reprinted in the Los Angeles Times on August 5, 1973. This article describes the Soviet economic predicament in some detail, and I would like to call it to the attention of my colleagues at this time. The article follows:

RUSSIA'S ECONOMIC HEADACHE TURNS MIGRAINE

LONDON.—The size of the economic problem which is making the Russians look to the West for help gets clearer week by week.

This is the time of the year when Leonid I. Brezhnev, the Soviet Union's Communist Party leader, is anxiously watching the progress of the struggle to get in the harvest on the fields of the Ukraine and the nation's other major grain-growing areas.

Last year's disastrous grain harvest obliged

the government to dig deep into its gold reserves in order to pay for $2 billion worth of emergency grain purchases from the West.

The gold reserves are estimated to be still worth between $8 billion and $10 billion, but they are needed to support Russia's other economic fronts.

The trouble is that the news from the other fronts is not good either. The Soviet Union's gross domestic product increased by less than 2% last year.

In the opinion of the authors of a study of Soviet economic prospects in the 1970s, just published under the auspices of the U.S. Congress, there is probably the worst result since Stalin introduced central planning in 1929.

Since agriculture still accounts for a quarter of Russia's gross domestic product, last year's miserable harvest—the result of bad weather and bad organization—takes part of the blame for that. But Soviet industry, too, did badly last year.

A lot of things failed to reach their planned targets for the year. They included natural gas (3.5% under target), oil field equipment (15.4% under), chemical equipment (9.6), light industry equipment (11.0), grain harvesting combines (7.1), turbines (11.1), washing machines (15.4), refrigerators (2.6) and glass (4.4).

The production of steel by the continuous casting method is far behind schedule, and this must be a particular disappointment to the Soviet leaders, who have been hammering home the need for Soviet industry to get on top of modern techniques of production.

Productivity in industry, according to the rather special way the Soviet planners measure it, rose only by 1½% a year in 1971 and 1972, well short of the 3.7 average planned for the 1971–75 period.

The latest setbacks come at an awkward time for Brezhnev. The Soviet government is now engaged in the difficult exercise of trying to provide a better deal for the consumer while at the same time putting a lot of resources into modernizing industry and agriculture, and doing all this without cutting the defense program.

Recent imports of western grain, steel pipes and machinery have helped to make up the worst shortfalls in Russia's own output.

Last year Russia had a balance-of-payments deficit of around $700 million which is expected to jump to $2 billion this year and to an even higher figure in 1974.

So, Russia probably will have to dip further into its gold reserves, as well as expand its gold production.

Can the Soviet Union ever get back to the relatively fast growth rates of the early 1960s? There is little prospect of throwing in any dramatically new amounts of labor or capital.

The supply of capital for the basic industries—mining, steelmaking, engineering, petrochemicals and the rest—is not getting any easier, either. The Brezhnev government's decision to increase the supply of consumer goods pulls resources away from heavy industry.

HOARDING PREVAILS

Managers are terrified of being caught unprepared for some sudden change in production targets, so they hoard both labor and raw materials as a form of insurance, regardless of the manpower shortage and the official campaigns against waste of materials.

There are really only three things the Soviet leaders could in principle do to improve the situation. The first would be to make substantial cuts in the country's defense program.

But this switch from guns to butter would clearly be unacceptable to most of the present political and military leaders unless it was accompanied by a wide-ranging agreement with the West; and even then they would still feel the need to keep up Russia's military superiority over China and its grip on the eastern European states.

The second option would involve radical economic reforms that would free the managers from some of the shackles of centralized control.

The decree issued on April 3, which provided for the establishment of new industrial associations, similar to Western corporations and supposedly free from ministerial control, showed that the Soviet government is prepared to contemplate limited measures in the interests of efficiency. But any major decentralizing reforms are probably unthinkable because they might lead to demands for political reforms as well as to a temporary falling off of output.

This leaves the third option: the large-scale import of Western technology to help the Soviet Union buy time. That is the meaning of the big new deals which Russia is trying to negotiate with West Germany, the United States, Japan and other non-Communist industrial nations.

Mr. ROSENTHAL. Mr. Speaker, as chairman of the House Foreign Affairs Subcommittee on Europe, I have held extensive hearings over the past 3 years on the plight of Soviet Jewry. In an effort to study the problem firsthand, I visited the Soviet Union late last year. The conclusion I drew from my trip was that 1972 was a setback for Soviet Jews despite the record-high emigration to Israel, and 1973 doesn't look any better.

In Russia, I spent an evening in the home of a Soviet Jewish activist. He was a highly trained industrial engineer—until he applied for emigration to Israel 2 years ago. He immediately lost his job. So did his wife. They now live on the meager earnings of their 17-year-old son, waiting and hoping that their exit visa will eventually be granted.

I would like to talk today about another such activist. It can only be labeled the strange case of Avictor Levit. He was born in Russia, but emigrated to Israel, with his parents, as a child. In Israel, he became a Communist and decided to emigrate to the Soviet Union. He now calls this the immature act of a child rebeling against his parents. In the Soviet Union, he married a Russian Jewess, became a father and settled down to the life of a factory worker in Moscow. After a few years, he became disenchanted with the Soviet system and applied for a visa so that he could rejoin his ailing father in Haifa. His application for the visa cost him and his wife their jobs and he now supports himself by doing menial tasks and illegally teaching Hebrew at an underground school in Moscow. He has not heard about the status of his exit visa in over a year and has no way to find out.

Avictor Levit lives in constant fear of being arrested by the KGB. He will not take foreign visitors to his apartment because he is sure it is bugged and that the transcripts of the conversations would be used against him in court. When he meets a foreigner, they speak while wandering through back streets, alleys, and subway stations. If the police approach, he walks away. Attempts to contact Avictor Levit from outside the Soviet Union have repeatedly failed.

It is a sad picture and one not likely to change drastically in the near future. But the Soviet Jews retain an optimism based on equal measures of personal fortitude and a deep belief in their cause of building a new life in Israel. The members of our Foreign Affairs Committee Study Mission were heartened by their strong spirits which reinforced our resolve to do everything we can in Congress to help Soviet Jews.

I think the Soviets seriously misunderstand our political system by forgetting the role of Congress in passing trade legislation. I am convinced that these trade ties are useful to both countries, and to the cause of world peace. But both the President and the Soviets must understand that normal relations between our two countries cannot proceed while Soviet Jews, other minorities and dissidents are harassed.

I cannot at this point support American trade concessions, such as most favored nation status, as long as the Soviets continue to harass their citizens and erect barriers to their free emigration.

Mr. Speaker, it is vital that we not weaken our support for the Mills-Vanik-Jackson amendment. We must firmly adhere to our convictions. To do otherwise would be to abandon millions of persons who are held virtual prisoners in the land of their birth. There is no room for compromise on the issue of human rights.

BOG FAMILY CONTRIBUTION SCHEDULE FOR 1974–75

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 10 minutes.

Mr. O'HARA. Mr. Speaker, section 411 of the Higher Education Act of 1965, as amended, directs that no later than February 1 of each year, the Commissioner of Education shall submit to the Congress a proposed family contribution schedule which will help set the size of basic opportunity grants for the succeeding academic year. According to the same provision of law, this proposed schedule will then come into effect unless one or the other House shall have by May 1 following, adopted a resolution of disapproval.

On February 1 of this year, precisely on schedule, the Commissioner filed the first such schedule—to take effect during the academic year now getting under way.

In my capacity as chairman of the Special Subcommittee on Education, which has jurisdiction over this legislation, I at once introduced a pro forma resolution of disapproval, and called for hearings by the subcommittee with regard to the proposed schedule.

The hearings, held on February 7, demonstrated considerable dissatisfaction with the schedule, and the correspondence that came in during the following weeks emphasized that dissatisfaction. However, the subcommittee, meeting in legislative session on April 3, voted to table the resolution of disapproval, in order to permit the launching of the basic opportunity grant program in time to be of some use to students for the academic year which is just now getting underway.

At the time of that April 3 meeting, the distinguished gentleman from Oregon (Mr. DELLENBACK) who is ranking minority member of the subcommittee,

joined with me, in conveying to the Commissioner of Education a very strong recommendation that in developing the family contribution schedule for the academic year which will begin in the fall of 1974, he pay very careful attention to the congressional and public skepticism about the first year's schedule, notably as it dealt with the treatment of assets—home, farm, and business.

The letter reads as follows:

APRIL 3, 1973.

Hon. JOHN R. OTTINA,
Acting Commissioner of Education,
Office of Education,
Washington, D.C.

DEAR COMMISSIONER OTTINA: We have been directed by the Subcommittee to advise you that H. Res. 204, a resolution of disapproval of the proposed BOG family contribution schedule, has been laid on the table, and that as far as this Subcommittee is concerned, the Office of Education is free to proceed with the implementation of the schedule and the program, subject, of course, to action by the Congress in appropriating needed funds.

We are also authorized to say, in the name of the Subcommittee, that your cooperation and willingness to engage in a constructive dialogue with the Subcommittee on the proposed schedule has been deeply appreciated.

We would like to make two suggestions, also at the direction of the Subcommittee.

First, we would like to request that you make every effort to have the proposed family contribution schedule for next year in the hands of the Subcommittee substantially earlier than you were able to do so this year. You met the statutory deadline this year, and the Subcommittee is aware of the problems involved in the first draft of regulations for a new program. So there is no criticism implied in this request. But next year's schedule will obviously be based in substantial part on this year's schedule, and we feel that you will be able to get it to us earlier; and that it would be helpful to students, their families, the institutions, and to the Subcommittee if we had more time to deal with the details of the proposed schedule next winter.

In addition to this procedural recommendation, we would urge upon you a very careful and intensive analysis of the impact of this year's family contribution schedule upon the students involved, with a view to developing hard data on the issues as yet unresolved, notably, but not exclusively, the treatment of assets under the first year's schedule. It was more than evident at the meeting today that there was and remains considerable dissatisfaction with the manner in which the proposed schedule treats assets. Our unanimity in voting to table the resolution expressed a unanimity in wishing to see the program go forward, but should not be read as an enthusiastic endorsement of present guidelines.

With our best personal regards.

JAMES G. O'HARA,
Chairman.
JOHN DELLENBACK,
Member of Congress.

Today, Mr. Speaker, the Commissioner of Education has submitted the family contribution schedule for the academic year 1974–75—substantially in advance of the statutory deadline. For that, he deserves our commendation.

In submitting the schedule now, the Commissioner has met the spirit of two congressional "signals." The first was the letter, which appears above. The second was the text of a bill, introduced by the gentleman from Oregon and myself, calling for an advance in the dates of submission and congressional action. If that bill had been enacted by now, the date for submission this year would have been August 15—and, in subsequent years, July 1. And the deadline for congressional action would have been December 15, this year, and November 1, in subsequent years.

I appreciate the efforts of the Commissioner of Education to meet the need for early action. But I am deeply disappointed that in doing so, he has departed from what seems to me to be the spirit of the legislative review language of Section 411.

The Commissioner, in filing his "new" BOG schedule, has filed exactly the same schedule that was in effect last year. He has made no changes whatever in it. He has taken no account whatever of the serious criticism that has been levied against the existing schedule ever since it first hit the printed page last February.

Now it is perfectly true—and I find it a helpful indication—that the Commissioner has indicated a willingness to consider the comments that are received as the public looks at the new schedule. But at the same time, the Commissioner is asking us to review what we have reviewed before—and to complete our action by December 15—whether or not we will have had an opportunity to see the schedule which the Commissioner in fact intends to promulgate.

Congressional review is not an empty formality, Mr. Speaker. It is not my intention to be content with a review of last year's schedule—when we all know what was wrong with that schedule. Nor do I intend to utilize the only weapon the Congress has—a resolution of disapproval—on a schedule which no one intends to be taken seriously.

I have introduced a pro forma resolution of disapproval, which will serve as a basis for our subcommittee's hearings on the resubmitted schedule. But I will serve notice here and now that I will not ask my subcommittee to dispose of the resolution, until we have a better idea than we now have what we are being asked to permit the Office of Education to do.

I agree with the Commissioner of Education. The time available to students and their families and the institutions of higher education is very valuable, and it should not be wasted in shadowboxing.

It is my intention to begin hearings on the new schedule in subcommittee in the very near future. It is my hope that by the time the hearings are concluded we will have, in fact, a new family contribution schedule.

PORTUGUESE MASSACRES OF CIVILIANS IN MOZAMBIQUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, a turning point in many conflicts is the discovery of atrocities committed by an alien army against the civilian population; the discovery and publicity given to the My Lai massacre in Vietnam was, in a sense, a turning point in the evolution of American public opinion toward our tragic involvement in the Vietnam war. Where there is an attempt to repress the aspirations of a whole population, massacres of civilians, including women and children, seem to be the inevitable result. What is not so inevitable, however, is for these crimes against humanity to become known to the people ultimately responsible for the conduct of their armed forces.

Frelimo, the liberation movement in Mozambique, has constantly complained of widespread atrocities by the Portuguese armed forces against the African population, but without any attention being paid by the Western countries, including the United States. Now that widespread publicity has been obtained for the reports of white missionaries about a massacre of hundreds of African villagers in the Tete province of Mozambique, many Western Europeans are beginning to review their collaboration with Portugal within NATO. Sweden proposed a resolution in the U.N. Committee on Decolonization, condemning Portugal for this massacre; West Germany's ruling party has promised to support the liberation movements and halt arms supplies for Portugal; Holland has accounted that it will call for a complete arms embargo on Portugal in the forthcoming General Assembly; even Canada has agreed to raise questions about the Portuguese wars in Africa within NATO.

For this reason, it is important that the facts be made known to the American people, and I include the following article, describing the massacres, published in the London Times of July 10, 1973, in the RECORD at this point.

MASSACRES IN MOZAMBIQUE

(By Father Adrian Hastings, College of the Ascension, Birmingham, England)

Western Central Mozambique has for the past few years been in a state of continual conflict between the Portuguese Army and Frelimo (the Mozambique Liberation Front). Many Africans in the area, as elsewhere in Mozambique, sympathize with the Frelimo guerrillas, and give them food and shelter from time to time, partly doubtless under coercion.

The principal reason why they support the guerrillas is the brutal treatment they frequently receive from government representatives. This was true of the past but it is even more true of today. Faced with the growth of guerrilla activity, the Portuguese forces have grown ever more brutal, carrying out the systematic genocidal massacre of people in villages thought to have helped Frelimo.

There was a whole series of such massacres in the Mucumbura area between May and November 1971, for ghastliness each rivalling that of My Lai, in Vietnam. The security forces feel free in the knowledge that there are no journalists for hundreds of miles and the victims know no European language; but the Spanish missionaries in the area obtained detailed information and themselves buried many of the victims.

As a result of their attempts to protest and bring what was happening to public notice the two Fathers, Martin Hernandez and Alfonso Valverde, were arrested and have now been in prison, untried, for 18 months in Lourenco Marques. Since their arrest early in 1972 many further massacres have taken place, the latest of which we know being that of several hundred people at the village of Wiriyamu last December. Hitherto no news of it has reached the rest of the world.

Since then all the missions in the country areas of that part have been closed by the Government so that it is hardly possible to obtain information of more recent atrocities.

The full account of the Wiriyamu massacre, carefully and secretly compiled by missionaries in the area, is as follows:

In spite of the difficulties which have arisen in making a complete list of the names of the victims of the massacre in the village of Wiriyamu, the sources of the detailed information we have collected give us the right to maintain the affirmation that there were more than 400 victims.

From our search we can vouch for the following facts: On the afternoon of December 16, 1972, the village of Wiriyamu was the victim of a military attack on the part of the armed forces.

Following a bombardment, the soldiers who had been transported here by helicopter and had already surrounded the village invaded it with ferocity, increasing the terror of the inhabitants already terrorized by the bombs. Once inside the village the soldiers started ransacking the huts, and this was followed immediately by the massacre of the people.

One group of soldiers got together a part of the people in a courtyard to shoot them. The villagers were forced to sit in two groups, the men on one side and the women on the other, so that they could more easily see those who were being shot. By means of a signal a soldier indicated whom he wished, either man or woman.

The indicated person stood up, separating himself from the group. The soldier shot him. The victim fell dead. This procedure brought about the largest number of victims. Many children at the breast and on the backs of their mothers were shot at the same time as their mothers.

* * * * *

One woman called Vaina was invited to stand up. She had her child in her arms, a boy of nine months. The woman fell dead with a bullet shot. The child fell with his mother and sat by her. He cried desperately and a soldier advanced to stop him crying. He kicked the boy violently, destroying his head. "Shut up, dog," the soldier said.

The prostrate child cried no more and the soldier returned with his boot covered with blood. His fellow soldiers acclaimed the deed with a round of applause. "Well done, you are a brave man." It was the beginning of a macabre football match. His companion followed his example.

Other soldiers, wandering about, forced people into their huts which they then set alight and the people were burnt to death inside them. Sometimes, before setting fire to the huts, they threw hand grenades inside which exploded over the victims.

* * * * *

Wandering about the village the soldiers found a woman named Zostina who was pregnant. They asked her the sex of the child inside her. "I don't know," she replied. "You soon will," they said. Immediately they opened her stomach with knives, violently extracting her entrails. Showing her the foetus, which throbbed convulsively, they said: "Look, now you know." Afterwards the woman and child were consumed in the flames.

Other soldiers amused themselves by grasping children by their feet and striking them on the ground. Among many others the following died in this way:

Domingas (girl aged one month), Chanu (boy aged one year), Kulewa (boy aged three), Chipiri (boy aged two), Chauma (girl aged four), Maconda (boy aged two), Marco (boy aged one), Luisa (girl aged five), Mario (boy aged five), Raul (boy aged five).

Several officers of the Directorate-General of Security (DGS) accompanied the soldiers and were also involved in the killing. One of them before killing, began sometimes by attacking the victims with his fists until they were exhausted. Then he gave them the finishing shot. Among those who died in this way were Kupesa, a boy, and Chakupa and Djone, adult men.

Many people were taken outside the village and killed. On the following day many corpses of adolescents and children from 11 to 15 years were found at the Nyantawatawa river. They could be counted by tens. The bodies were totally mutilated.

Some of them had been decapitated and others had had their heads smashed. The corpses were lying about in different positions. Some were piled up in mounds, others thrown aside, some side by side, the greater number scattered along the river. There were indications that there had been some ghastly game before the victims were massacred. There were no survivors to explain what happened.

A voice with authority had kept on shouting: "Kill them all that no one be left." One witness said that an Army officer had suggested a policy of clemency, with the idea of taking these people to a fortified village, but the voice was heard to say: "These are the orders of our chief, kill them all. Those who remain alive will denounce us."

Two children found by accident after the end of the massacre were burnt inside a hut by the same officer of the DGS. These scenes continued until nightfall. Taking advantage of the darkness, which fell rapidly, some victims managed to escape death by flight.

There is no comparable episode on record in the history of twentieth century colonialism in Africa.

IMMIGRATION AND NATIONALITY MATTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, my distinguished colleague, the Honorable EDWARD M. HUTCHINSON, the ranking minority member on the Committee on the Judiciary, joins me in advising the Members of the House of Representatives that for the first time in the 26½ years that matters relating to immigration and nationality have been within the jurisdiction of the Committee on the Judiciary, the committee has a current docket of private immigration bills.

This desirable situation exists because of the enactment of fair and equitable immigration laws, and by the much-needed change in the Committee Rules of Procedure governing consideration of such bills which was so welcomed by the Members of Congress.

Introduction of private bills reached a peak in the 90th Congress when over 6,000 bills were referred to the Committee on the Judiciary. Approximately 4,000 of those bills were reintroduced in the 91st Congress and over 2,000 in the last Congress. Fewer than 400 private bills have been introduced in the present Congress and all of those bills ready for consideration have now been acted upon. I would like to take this opportunity to congratulate the Honorable JOSHUA EILBERG, chairman of the Subcommittee on Immigration, Citizenship, and International Law, the Members of that subcommittee, as well as all those Members who worked so diligently with me in the 92d Congress to accomplish this goal.

Now when a Member of Congress has a truly meritorious case, he can be assured that it will be considered promptly.

BAN SUPERSONIC FLIGHTS OVER UNITED STATES

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 prohibit commercial flights by supersonic aircraft into or over the United States until the Environmental Protection Agency, to the satisfaction of Congress, determines that the SST will not have detrimental physiological, psychological, or environmental effects and that it meets all standards prescribed under the Federal Aviation Act of 1958 with regard to aircraft in commercial service.

Several weeks ago, I wrote to Alexander Butterfield, Administrator of the FAA, urging that he deny permission for the Anglo-French SST, the Concorde, to visit the United States this month. I pointed out to Administrator Butterfield that the Congress has acknowledged the American people's desire to prevent additional contamination and destruction of our environment by postponing and refusing to subsidize further development of an American SST, and that we are applying a double standard if we allow foreign SST's to land in this country or even fly over it. Regrettably, the FAA did not turn down the Concorde's application and it now sits at our own Dulles Airport, having already visited Dallas and Fort Worth, Tex.

I understand from the FAA that the Concorde has been required to operate at subsonic speeds while flying over U.S. airspace. While this requirement might help to minimize the environmental impact of the SST, it does not necessarily insure that the SST will meet FAA safety standards in existence for U.S. aircraft; in fact, it could very well add to the safety hazards connected with the SST. In June of this year, the Soviet Union's SST which was participating in the Paris Air Show crashed, killing 14 persons. Observers of the crash and aviation experts alike felt that the maneuvers which the Russian SST was performing at subsonic speeds may very well have been a critical factor in the crash of the aircraft.

I am deeply grateful that the United States has not experienced a similar tragedy during the Concorde's present visit; however, while the possibility of such danger continues to exist, as well as inherent environmental danger, I feel Congress must act, consistent with its earlier mandate regarding the American SST, to prohibit further flights by foreign SST's into or over the United States.

It makes little sense to me that we take steps to discourage the development of our own SST until adequate safety and environmental safeguards can be established, and yet allow foreign SST's to pose the same kinds of dangers to the American people. In an effort to remove this double standard, to protect the well-being of our citizens and to reaffirm the

intent of Congress, I have introduced my bill to ban U.S. flights of foreign SST's.

HIGH HOLY DAYS 5734

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, September 26 is a significant day for those of the Jewish faith for its marks the beginning of the Jewish religious New Year 5734.

I am happy to join my colleagues in the Congress and my constituents and friends of the Jewish faith in observing the advent of the Jewish High Holy Days beginning with Rosh Hashanah on September 26 and 27 and ending with Yom Kippur on October 5 and 6.

Rosh Hashanah is a most solemn day, distinguished by reflection, prayer, and penitence. It is a holy day on which Jews all over the world assemble in synagogues to ask God's forgiveness for man's sins and to pray for the unification of mankind. "Unite all of us in the bond of brotherhood" is the beginning of one of the beautiful, thousand-year-old prayers associated with this holy day.

On Rosh Hashanah, or New Year, the shofar, or ram's horn, is sounded. The blowing of the ram's horn on this day has a deep symbolism. It is considered so important that the day has been called "the day of the clarion call." Only a man of outstanding character is permitted to sound the shofar, and its shattering sound is meant to awaken man's conscience to renew his faith and to return to God.

October 6, the Day of Atonement, or Yom Kippur, is always observed solemnly. It is the climax of 10 days of penitence with which the Jewish New Year commences. This is the most sacred day of all—for on this day the Lord judges each individual. Jews fast all day, confess, and repent, and ask forgiveness from the Lord and from their fellow man. In turn, they freely forgive their neighbors and look forward to a good new life.

The Jewish tradition of setting apart one day in every year to concentrate to their utmost ability on the spiritual advancement of man is without parallel in the history of humanity. And the fact that for thousands of years Jews all over the world have united in prayer and repentance on the very same day is immeasurable in its significance, particularly when one realizes the impediments that have been in the way of Jewish religious observances and the oppressive religious persecution to which the Jews have been subjected for centuries.

Denial of freedom to worship, wherever and whenever it occurs, is a crime against our common humanity and a violation of the noblest aspirations of the spirit of man. In recent years the Soviet Union has imposed hindrances on the religious freedom of the Jews residing within the Soviet Union by placing major restrictions on the training of new clerics. Many of the Jews who seek to emigrate to Israel give the lack of religious freedom as a reason for renouncing their Soviet citizenship.

Therefore, I have joined over 250 of my colleagues in the 93d Congress in the introduction of the Freedom of Emigration Act. Our Government has an opportunity in this situation to assert moral leadership by refusing to proceed with expanded East-West trade until the Soviet Union clearly recognizes the basic human rights of all of its citizens.

During the celebration of the Jewish high holidays, we recall once again the suffering endured by the Jewish people, and mankind's conscience cries out against the betrayal of human rights which they have tragically experienced. In the coming year, I do hope that the Jewish people may have freedom from persecution and may enjoy peace and prosperity.

As the Congressman for the 11th District of Illinois, where many of my friends and constituents of the Jewish faith reside, I take great pleasure, with the advent of the High Holy Days 5734, in extending my greetings and best wishes to them for the new year.

A NEW APPROACH TO CAMPAIGN FINANCING AND ETHICAL PROBLEMS IN THE THREE BRANCHES OF THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON), is recognized for 30 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, on September 12 I introduced in this Chamber H.R. 10218, a bill aimed at creating a new institutional framework in Government for the regulation of political campaign financing—and also for dealing comprehensively with conflicts of interest and other ethical problems in all three branches of Government. I appreciate this opportunity to explain the bill in detail, because I have been receiving queries about several of its innovative concepts. I regard the bill as more far reaching and, in many respects, more stringent than the other proposals we have under consideration, including S. 372, which the Senate has sent us, and H.R. 762, the so-called Anderson-Udall bill.

Title I of my legislation sets up a Federal Board of Elections and Ethics—hereinafter called the Board. Title II establishes a Federal Elections Campaign Bank—hereinafter called the Bank—functioning as an arm of the Board. Title III assigns to the Board duties which clearly confer on it an institutional status as being the focal point in Government for dealing with all sorts of ethical problems in the three branches. There are problems going beyond the immediate concern with Watergate and campaign financing. But they are problems, such as conflicts of interest, which are nonetheless familiar because they generated serious political scandals earlier in our Nation's history—in fact, even recently—and, unless they are dealt with now, are likely to recur, causing more disillusionment and further undermining the confidence of Americans in their Government.

I offer H.R. 10218, then, as a bill addressing itself to three goals. The first is to give the people, through the Bank, a governmental mechanism aimed at drawing campaign contributions out of subterranean channels—to force the flow of political cash and credit to the surface—where the press and public can watch the currents and see who is riding with them. The second goal is to establish for the Bank—through the instrumentality of the Board—some self-starting, self-propelled, free-wheeling enforcement machinery. Those being policed would have no place in the driver's seat, with one exception that will be explained fully below. The third goal is, over the long run, to localize in the Government, as it were, the primary responsibility for dealing with ethical problems that willy-nilly affect, and sometimes preoccupy, Federal officials in all three branches. The bill seeks to grant them relief from these concerns and to free them to conduct the much more important substantive business of government.

Of the three titles in H.R. 10218, I regard title I—the one establishing the Board and its enforcement powers—as the most important. But in the interest of a clearer exposition of what I seek to accomplish, I shall proceed, Mr. Speaker, by elaborating first on the duties and powers of the Bank, as contained in title II.

THE FEDERAL ELECTION CAMPAIGN BANK

A. General authority of the Bank

The Bank would be an agency of the Government, functioning as the sole and exclusive depository of all funds that finance campaigns for the Presidency, Vice Presidency, the House of Representatives and the Senate. Also, it would be charged with certain other duties. The plan, in essence, would work this way:

All candidates for Federal office in primary and general elections would be required to open accounts at the Bank. On receiving a campaign contribution, whether in the form of cash or a loan, the candidate without exception would have to deposit these receipts in his account at the Bank. There, a record of the contribution perforce would be made immediately, and it would be maintained thereafter for public scrutiny. This record would disclose the source of each contribution. It would identify the donor. In addition, the financial value of commercial services rendered to the candidate would have to be reported by him as contributions.

Moreover, it would be illegal to spend any campaign funds except by check drawn on these accounts. The Bank would be formally notified as to who is authorized to draw and sign these checks—the candidate and/or his agents. There is a similar provision for checks and checking accounts in section 311 of S. 372, a bill which, in lieu of a single Bank, authorizes a national network of campaign depositories, utilizing existing commercial banks.

Campaign expenditures, too, then, perforce would become a matter of record, these transactions being reported as they occur. Armed with this information, the voters would not have to wait until the election was over to learn where the candidate got his money and how he spent it. Under this system, it would be against

the law for anyone running for Federal office, or for his agents, to receive or spend any campaign contributions without having the exchange of money recorded and cleared through the Bank. A separate provision is made in H.R. 10218, as a practical matter, for petty cash transactions.

In addition, organizations and groups supporting a candidate, or a group or slate of candidates, would have to open accounts of their own at the Bank, subject to the same rules and obligations that would be imposed on the candidates themselves. How these groups apportion their funds among the candidates, then, also would become a matter of public record. Such organizations would include, but would not be limited to, units and appendages of the national political parties and special-interest groups such as the AFL–CIO and the American Medical Association. They would be required to establish accounts at the Bank for that portion of their budgets that they earmark for electioneering purposes. Through checks drawn on the Bank, it would be revealed to the public that these groups had directed the Bank, say, to pay out x amount to, or on behalf of, candidate A, and y amount to, or on behalf of, candidate B.

The Bank would have no authority to interfere in campaigns by vetoing contributions or expenditures. It would impose no ceilings on giving, receiving, or spending—except that H.R. 10218 retains the limitations on broadcast expenditures and certain other restrictions that are part of the Federal Election Campaign Act of 1971—Public Law 92–225. In my opinion, a persuasive case against general limitations on contributions and expenditures was made by witnesses appearing earlier this year in the Senate hearings. I, myself, believe that general limitations are not desirable. In most races they give an edge to the incumbent. However, should we decide later that limitations are in fact practical, and in the public interest, we would be armed through data developed by the Bank with the facts we must have if we are to establish ceilings at levels that are realistic. Right now, the public doesn't know how much a campaign costs—how much money is routed underground, sometimes surfacing, sometimes not. The Bank would bring this all out into the open. It would trace the flow for us. Similarly, although I am not myself an advocate of public financing of political campaigns, we ought to establish an agency like the Bank before we ever embark on such a program as a matter of public policy. For the Bank could give us a true accounting of the ratio of public funds to private funds in the candidate's campaign coffers, enabling us to see exactly how far we would like to go with public financing. If we were to adopt such a program, the public funds would be paid into the candidate's account at the Bank in the same way that private funds are received.

As I have indicated, Mr. Speaker, the Bank would maintain a record not only of contributions and expenditures, but also of debts incurred by the candidate or an electioneering organization. Both the amount and nature of the debts would be of interest. H.R. 10218 requires

> . . . continuous reporting of such debts after the election at such intervals as the (Bank) may require until such debts are repaid or otherwise extinguished, together with a statement as to the consideration for which any such debt is extinguished or a statement as to the circumstances and conditions under which any such debt is canceled.

Obviously, the Bank itself would not be liable for any debts. If the candidate's checking account becomes overdrawn, he would be responsible for it in the same way, and under the same laws, as patrons of commercial banks are held liable.

B. Affirmative action by the Bank

At this point, Mr. Speaker, I would like to call attention to a key provision of H.R. 10218 which, to my knowledge, does not occur in any of the proposals that Congress is considering. I refer to a section of my bill to assure that the disclosures of the Bank are meaningful and comprehensible to the public. This is a matter of overriding importance because anyone who is familiar with operations under the 1971 campaign reform legislation knows that, in many respects, it is a sham in terms of providing the public with relevant information in digestible form. Tons of paper are filed with the Clerk of the House, the Secretary of the Senate, and the Comptroller General—the latter with respect to the Presidential races. No effort is made by these officials—in fact, the law does not require them to make any effort—to cull from these forms facts that the public probably ought to know. No reports are routinely made to the public that relate one fact to another. The result is that, despite the voluminous disclosures mandated by the law, the public is better informed than it used to be under the old Corrupt Practices Act.

The remedy is clear, Mr. Speaker. In relieving the aforementioned officials of the responsibility for receiving and disseminating this information, H.R. 10218 reassigns the duty, of course, to the Bank. But the bill carries this still one step further—an important step. It imposes on the Bank itself the affirmative obligation "to gather, analyze, and disseminate to the public at reasonable intervals" data determined by the Bank to be significant. Such information would include reports on "the uses of—campaign—contributions and the purposes of—campaign—expenditures." In other words, the Bank would violate its mandate if it were to merely dump into the public's lap several carloads of raw statistics and puzzling lists of names. Detailed information would continue to be available. But, in addition, the data would be summarized and correlated and then imparted to the public in an understandable format—for example, in the form of a press release or a concise fact sheet. The Bank would take the initiative in releasing this information.

Why is this so important? Because, Mr. Speaker, if we are to have public disclosure, then the voters ought to be given the facts in a form enabling them to make intelligent and timely use of the data. How is the public served if it is told only that Mr. "A" contributed to a candidate's campaign, without also being apprised of the fact that Mr. "A" is the executive of a corporation having regulatory problems with the Federal Government, or of the additional facts that the candidate, besides receiving the contribution from Mr. "A", was also the recipient of a contribution from Mrs. "B", whose husband is an executive of the same corporation, and from Mr. "C" and Mr. "D", who hold positions of influence in other corporations in the same industry?

At present, the only time a voter is made aware of such facts is when an enterprising newspaperman with lots of time on his hands, and much acuity and an abundance of patience, discovers these facts for the voter by closely persuing available data. But the truth is that most newspapermen are not so endowed, or so motivated. And, besides, most of the newspapers in the Nation do not have Washington correspondents. Consequently, information that the voters really ought to have, and which actually is available to them, goes unreported. The disclosure statements in the offices of the Clerk, the Secretary, and the Comptroller General merely gather dust, costing the taxpayers money for storage. H.R. 10218 provides corrective action by authorizing for the Bank a professional staff, including auditors and other investigators, one of whose principal duties would be to take the initiative in this area. They would assist the press and citizens groups, such as the League of Women Voters, in a systematic manner, by formulating a program to get the facts out to the people.

H.R. 10218 says that anyone who violates its provisions would be fined not more than $5,000 or imprisoned not more than 5 years, or both—penalties drawn from the 1971 law. The bill, if approved by the Congress and signed by the President, would become effective for the Presidential race in 1976. Obviously, it is too late to implement such a plan in time for next year's congressional primaries and elections. With experience gained from concentrating their efforts on the 1976 Presidential contest, the Bank officials then would be equipped to deal with the multitudinous House and Senate races. Therefore, H.R. 10218 proposes that campaigns for Congress not be covered until the 1978 elections.

THE BOARD OF ELECTIONS AND ETHICS

A. Structure of the Board

Mr. Speaker, I said at the beginning of this presentation that I regard the enforcement machinery which H.R. 10218 seeks to establish as the most important feature of the bill. Obviously, a law that is not enforced—that really is unlikely to be enforced because it is out of touch with political reality—is worthless, perhaps worse than having no law at all. This was the case with the Corrupt Practices Act of the 1920's, and I am afraid it is true, as well, of the 1971 law which replaced it. The fact is that too much attention is being given right now to what I consider secondary issues—such as slapping a limit on contributions and having the campaigns financed in part out of the U.S. Treasury. It seems to me that, if a case can be made for these additional reforms, including those pro-

posed in H.R. 10218, then we would have all the more reason to want to assure strict enforcement. But, if Congress fails to be persuaded of the need for any of these changes, we ought still to give consideration to amending the existing statute in such a way as to enhance the prospect that politicians will at least comply with the laws we already have, whatever they provide.

The problem, then, that confronts us immediately as we examine the proposition for a Bank is: Who will be in charge of it? I am assuming, of course, that we no longer want a system under which the politicians police themselves—with Members of the House and Senate "bowing" to their own employees, and with the President calling the shots for himself and others by having his own Attorney General sit in judgment on him.

Traditionally, when Congress wants to take the politics out of an issue, it resorts to the device of setting up a so-called independent, bipartisan, nonpolitical board or commission. As a matter of fact, this has been proposed in the area of campaign finance reform, and the Senate bought the idea when it approved S. 372. But the trouble with these new governmental entities is that they quickly become nonentities so far as the public is concerned; they fade into the bureaucratic jungle, settling into a status of obscurity on a level with that of dozens of other boards and commissions. These agencies have low visibility to begin with, as their members usually are appointees who lack name recognition and a popular base in the electorate. Since the public does not know these people, it has no particular reason to have confidence in them. In time, as has been shown in instance after instance, these so-called independent agencies tend to forget the public interest, anyway, and to begin perceiving their true role as one of servicing the groups they are supposed to be regulating. When this happens, the voters do not know where to turn. If they blame the President or their Senator or Congresman, they are reminded by these officials that responsibility had been vested in a presumably impartial panel that now is beyond their reach. So it is said.

Mr. Speaker, I appear to be posing a dilemma here. If we refuse to let the politicians police themselves and if, in addition, we refuse to entrust this task to the usual nondescript "independent" agency, then to whom do we turn? I submit that the answer lies in a new concept—establishing an agency that combines true independence with visibility and accountability, structuring the agency in a way that ties it in—perceptibly—with the highest level of government. We can accomplish this by putting the Bank under the control of a board of elections and ethics, with the President of the United States serving by statute as chairman of the board, and with its four other members, appointed by the President and confirmed by the Senate, holding life tenure, as Federal judges do.

H.R. 10218 spells out how the President, or a surrogate designated by him as his alter ego on the Board, would interact with the other Board members, under a system of checks and balances that would keep both in line—yet out front where the people see them.

I realize, of course, that in this era of Watergate it would seem to be insensitive, and lacking wisdom, to repose such authority in the President—authority not only to apparently be his own policeman, but also to police Members of Congress. As I will show in a few moments, however, his authority really would be limited. But first I would like to cite some reasons for putting the President, nominally, in charge at the Bank.

The main reason for doing this is that it provides a focal point for responsibility and, in doing so, it follows and preserves the lines of authority set forth in the Constitution. The President is, after all, the government's chief enforcement officer and, in normal circumstances, he is expected to provide moral leadership as well. With Watergate behind us, we might hope for a return to this state of affairs. The fact that the Board's actions would be taken in the President's name would preclude diffusion of authority and responsibility, as seen from the vantage point of the voters, and it would provide them with a proper—and effective—point of reference. Also, the President's seat at the helm of the Board would give this agency prestige and clout, keeping it in the public eye.

Besides having the President himself as chairman, the Board would be distinguishable from other so-called independent agencies in that its four regular members would serve for life, subject to removal only by impeachment. Lifetime tenure would assure true independence for the Board members—who would be inherited, as it were, by any new President on his inaugural. There would be no reason for them to feel inhibited about prodding the President and seeing to it that he does his job. They would not be as vulnerable as members of other governmental boards, who are appointed to fixed terms and who could be confronted with the need to make particularly sensitive decisions on the brink of the expiration of their terms. In such cases the member sometimes votes, or is suspected of voting, in a way to best assure his reappointment by the President. Having no concern about who is elected President, or who is elected or reelected to Congress, since the Board members' jobs would not depend on such decisions by the electorate, the Board would have maximum and assured freedom from outside influence.

H.R. 10218 would further enhance the actual power of the Board vis-a-vis the largely nominal authority of the President. The bill says that no more than two of the appointed members may belong to the same political party. There is a further requirement that at least four members constitute a quorum. This would prevent what might at some time be a faction of the Board, acting with or without Presidential leadership from making important decisions at a rump session. Moreover, the bill asserts that the President may vote as a member of the Board only under two sets of circumstances—first, to join in a unanimous decision of the Board or, second, to break a tie. Should it ever become necessary for the President to cast a tie-breaking vote, a great deal of public attention would be focused on him and he would have to answer for his action. But in most cases, as is evident, the President would have little actual control because he would not be participating in Board actions as a voting member, even though the Board would have the advantage of functioning in his name. It is at this level where we should want the Board to operate, because nothing is so vital to the functioning of our democracy than assuring the integrity of its electoral processes.

B. Operations of the Board

H.R. 10218 confers extraordinary powers on the Board, as does S. 372 on the independent agency which that particular bill would establish. The Board would have authority to issue subpenas, conduct hearings, seek injunctions in civil proceedings and to go to the grand jury and then to court to prosecute its own cases in criminal proceedings. In other words, the Board would operate independently of the President's Justice Department. As you know, Mr. Speaker, there is precedent for this. In 1971 we vested similar powers in the Equal Employment Opportunities Commission, albeit for different reasons. As our colleagues in the Senate have discerned, no board set up to police the President and Members of Congress could have true independence, or be effective, unless it were able not only to investigate complaints, and to launch investigations on its own initiative, but also to follow through without depending on the usual enforcement agencies of Government which might be under the influence of someone about to be prosecuted. To this end the Board would, of course, have its own staff, headed by an executive director and general counsel, appointed by and serving at the pleasure of the Board, plus a cadre of professional civil servants.

I would like to call attention, Mr. Speaker, to one additional power that the Board would have under H.R. 10218—a grant of authority that, so far as I am concerned, would give it one of its key weapons. The bill mandates the Board—

To engage in random sampling of election campaigns conducted by all candidates for particular Federal offices in order to insure compliance with Federal laws in such campaigns, and to disseminate information to the public, before the elections to which such campaigns relate, regarding results of such sampling.

What this means, Mr. Speaker, is that the Board would not sit in Washington waiting for tips or complaints. Instead, it would send investigators into the field. The potency of this weapon is assured by the phrase "random sampling of election campaigns." In other words, the Board would act unpredictably in its monitoring operations, its investigators showing up, unexpectedly, in one or two States around the country to look into races for the Senate, in a few congressional districts to examine campaigns for the House of Representatives and in certain cities or counties and States to audit the Presi-

dential contest in those areas. The fact that it would not be known in advance where the investigators might appear would create a powerful incentive for candidates and campaign committees everywhere to comply with the law. The risk of adverse publicity in the midst of a campaign—of criticism from impartial, wholly independent governmental investigators—would be too great for most candidates to choose to ignore. Moreover, this system of operation—in essence, what the Internal Revenue Service does when it spot-checks income tax returns—would solve the overwhelming logistical problems that the Bank and the Board would have if it were to attempt to do the impossible—that is, to monitor every single race for the House and Senate, and the Presidential race in every geographical jurisdiction in the country. The random sampling tactic would of course supplement, and in no way diminish, the ordinary disclosure operations of the Bank and the Board, in which data would be supplied to the public on the flow of campaign funds in every election contest.

H.R. 10218 also provides that, in any area randomly selected by the Board for a field investigation, Bank officials must audit the races of all the candidates in that particular contest. This would protect the Board from accusations of prejudice—charges that it had monitored, say, the Republican candidate while neglecting to investigate the operations of his Democratic rival.

OTHER DUTIES OF THE BOARD

In addition to its authority with respect to Federal elections, the Board would have other responsibilities, as provided by H.R. 10218. One such area of concern would be conflicts of interest. For all we know, as I pointed out earlier, Mr. Speaker, the next major scandal in government—as have some earlier ones—might revolve around a conflict-of-interest situation, rather than election campaign financing. Therefore, the time to do something preemptive is now.

All of us know about the confusion and varying standards in this area. Sanford Watzman, my administrative assistant, summed it up admirably in a book he wrote in 1971 entitled "Conflicts of Interest: Politics and the Money Game," a volume from which many of the concepts in H.R. 10218 are drawn. Mr. Watzman wrote:

In the judiciary, conflict-of-interest rules are promulgated by a Judicial Conference with dubious enforcement powers; some judges of the lower courts reject its authority, and the Conference itself acknowledges it has no jurisdiction over the nine Justices of the Supreme Court. In Congress, there is one code for the Senate and another for the House, each relying heavily on the "honor" system for enforcement. In the Executive Branch, the situation hasn't changed much since the New York Bar Association reviewed it in 1960. Its report concluded: "Regardless of the administration in office, the Presidency has not provided central leadership for the executive branch as a whole. . . . Administration of conflict-of-interest restraints can be observed only on a fragmented basis—department by department, agency by agency.

In fairness to public officials in all three branches, Mr. Speaker, is not there a single, clear standard that we can adopt to identify conflicts of interest when they occur, and to enact a law that will prevent them from occurring? Several solutions have been suggested, but each has failings as well. Some of these are disclosure, divestiture, trusteeships, abstention from participation in certain government actions when one's financial interests might appear to be at stake, and so forth. I propose in H.R. 10218, Mr. Speaker, to have the Board study this problem and then recommend to Congress appropriate legislation that would establish a uniform government-wide test of what constitutes an illegal conflict of interest, and a single set of rules for preventing and erasing such conflicts in all three branches.

The Board would also make a study of how it might "monitor and review fundraising and other financial activities of persons holding public office." If legislation resulted from such a study, it would put the Bank in business between elections, as well as during elections. It is no secret, Mr. Speaker, that the ordinary expenses of holding public office—I am thinking of Congress particularly—are not adequately covered by existing governmental expense allowances. For example, many of us find it necessary to make many more trips home per year than the Government reimburses us for. To this end, some Members maintain a special fund. I happen to think that the public ought to know where the money for these funds comes from, and how it is spent—since we are speaking here, after all, about what might properly be seen as official activities of the Congressman. Perhaps such a study would pave the way for our adopting more realistic expense allowances for ourselves and other governmental officials; perhaps it would result in legislation calling merely for a public accounting of such funds.

The Board would also be that agency of the Government that would, as H.R. 10218 provides, function in a general advisory capacity for officials in all three branches of the Government with respect to ethical problems of whatever kind.

And it would also make a study of—

The establishment and maintenance of uniform accounting systems with respect to contributions to and expenditures on behalf of candidates for Federal office and political committees, with a view toward insuring an effective monitoring of such contributions and expenditures.

This is a broad and ambitious proposal, Mr. Speaker. I hope it is a practical and desirable one, and I would welcome public discussion of it in the weeks to come.

PRESIDENT WAITS, WHILE HEATING OIL CRISIS DRAWS NEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 5 minutes.

Mr. BIAGGI. Mr. Speaker, in July I warned the Members of this body that the Arab States would make oil the big bargaining chip in the Middle East conflict. I predicted higher prices for their oil and demands for payment in gold to break the U.S. economy. Sadly, these predictions are coming true.

Feeble warnings from the President that the Arabs could lose their U.S. market do not stand the light of day. The United States is totally reliant on Middle Eastern oil, particularly to heat the homes in the Northeast United States. New supplies from the Alaskan North Slope and other domestic reserves are a long way from realization. This winter, particularly, we must have unprecedented quantities of Arab oil.

The crisis is drawing closer and closer, yet the President and his advisers issue press statements and hope for a warm winter. While a few days without heat this winter may be acceptable to the Nixon administration, it is totally unacceptable to the people in New York and other areas who will freeze as a result.

Without increased supplies, what can be done? President Nixon can use his existing authority to provide mandatory fuel allocations to all suppliers. This will guarantee an even distribution of all available oil to all dealers in every part of the country. The present voluntary allocation system is resulting in a distribution pattern based on a determination by the oil monopolies as to where they can get the most profit and whether or not the dealer is a company man. The independent distributor is going out of business fast.

In addition, the President should empower a Federal panel to watch the national oil supplies throughout the winter to allocate overall fuel supplies on a regional basis. Thus, if fuel is more urgently needed in the Northeast, the Government can direct suppliers to provide more oil for that section. This will assure that no one region will suffer any more than anyone else.

In the long run, this Nation must cut its reliance on foreign—particularly—Arab supplies of oil. Every effort must be made to expand domestic supply through tapping new reserves and developing ways of obtaining oil from other sources such as shale. Under no circumstances can we permit the growing threat of oil shortages force a change in our commitment to a free state of Israel. The basic rights of this Nation to exist cannot be drowned in a pool of Arab oil.

INTRODUCTION OF EIGHT PROPOSALS RELATING TO THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, the Foreign Affairs Subcommittee on International Organizations and Movements is holding during September and October an extensive series of hearings on the international protection of human rights. These hearings are being held to develop recommendations for strengthening the U.N. in the human rights field and for increasing the priority given to human rights considerations in our own foreign policy decisionmaking.

U.N. Secretary-General Kurt Waldheim stated in his introduction to the annual report on the work of the orga-

nization that "the protection of human rights is an area where the credibility of the United Nations is especially at stake" because of its inability to prevent human rights violations in some areas. He called upon the member States to continue "to address themselves to the problem of developing more effective action by the organization on problems of human rights wherever they occur."

The seven resolutions and one bill described below have been introduced with the objective of increasing the effectiveness of the United Nations in protecting human rights.

Four concurrent resolutions relate to U.N. activities in human rights. House Concurrent Resolution 312—cosponsored by Mr. FINDLEY—urges the U.N. to take measures to prevent the practice of torture. The resolution calls upon the U.N. to condemn the practice of torture, to adopt a convention on the subject and to conduct a thorough study of the practice. The use of torture against political prisoners is growing and has reached alarming proportions. Amnesty International, a nongovernmental organization which is exclusively concerned with political prisoners, has estimated that at least 60 governments practice torture. In the light of these facts, the U.N. should be much more vigilant in preventing these inhuman acts.

House Concurrent Resolution 310—cosponsored by Mr. FINDLEY—urges the creation of a Human Rights Council as a principal organ of the U.N. in place of the Commission on Human Rights. The Council would be authorized to hold special sessions to deal with urgent situations involving gross violations of human rights—a power not held by the Commission. The Charter of the U.N. states that the promotion of human rights is a basic purpose of the organization and, consequently, this purpose should be given greater priority within the U.N. organization.

House Concurrent Resolution 311—cosponsored by Mr. FINDLEY—urges the U.N. to strengthen its effectiveness in preventing human rights violations. It calls for the appointment of a High Commissioner for Human Rights who would initiate action to promote and strengthen universal and effective respect for human rights and fundamental freedoms. It also recommends measures for strengthening the U.N.'s procedures for reviewing human rights petitions. The U.N. has declared that gross violations of human rights are matters within its jurisdiction; the member states should follow through by providing the necessary machinery to prevent violations and by providing a remedy for the victims of violations.

House Concurrent Resolution 313—cosponsored by Mr. FINDLEY—provides for U.S. support for the program of the UN Decade for Action to Combat Racism and Racial Discrimination which will be launched on December 10, 1973, the 25th anniversary of the Universal Declaration of Human Rights.

The International Committee of the Red Cross—ICRC—will be holding a diplomatic conference in 1974 to revise the laws of war. House Concurrent Resolution 307 requests the Department of State to support at the conference the prohibition of the use of weapons and methods of warfare which indiscriminately affect civilians and combatants. Modern weapons and methods of warfare, such as the use of napalm and carpet bombing, have made war increasingly cruel and destructive of civilians' lives and property. I hope the United States will support the efforts to put reasonable limits on the methods and means of warfare.

I have also introduced H.R. 10455 which establishes a Bureau for Humanitarian Affairs in the Department of State to handle matters relating to human rights, refugee, and migration affairs and disaster assistance. The Bureau would be headed by an assistant secretary of state who would advise the Department on all matters having significant human rights implications. The bill provides that it shall be the policy of the U.S. Government to terminate all military assistance and sales to any government committing serious violations of human rights, and to suspend any economic assistance directly supportive of the government committing such violations. The objective of the bill is to insure that our Government in making foreign policy gives at least the same priority to human rights factors as is given to political, economic, and military factors.

House Resolution 557—cosponsored by Mr. FINDLEY—urges the Senate to give its advice and consent to at least some of the many human rights conventions adopted by the UN, as well as by the International Labour Organization, UNESCO and the Organization of American States. To mention only the most serious omissions, I refer to the Genocide Convention—adopted by the UN 25 years ago—the International Convention on the Elimination of All Forms of Racial Discrimination—which now has over 75 states parties—the International Covenants on Human Rights, and the Inter-American Convention on Human Rights.

House Resolution 556 urges that private individuals, business organizations, and other legal entities be permitted to accept the compulsory jurisdiction of the International Court of Justice and be parties in cases before the Court in disputes arising between private individuals, business organizations, and other legal entities or persons from different states. Individuals who believe their rights have been violated would be permitted to petition the court.

A NEW NATIONAL AGENCY FOR TRANSPORTATION SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, I am introducing today the National Agency for Transportation Safety Act of 1973. An identical bill has been introduced in the Senate by Senators MAGNUSON and CANNON.

The purpose of this legislation is to create an independent agency charged with the improvement of transportation safety. It would replace the present National Transportation Safety Board, which is now part of the Department of Transportation. The new National Agency for Transportation Safety would be directed by an Administrator, appointed for a 6-year term. The Administrator, by law, would have to have high professional qualifications in the field of transportation safety and be a specialist in this field. The budget for the new Agency would be submitted directly each year to the Congress, thus insulating it from OMB pressures to change or modify its safety recommendations in order to obtain its budget requests.

The need for a completely independent agency with the staff and the knowledge to make expert recommendations on transportation safety has been demonstrated by the work of the Transportation Safety Board. The careful investigation of transportation disasters and the expert recommendations of the Board have contributed greatly to safer transportation.

However, the safety watchdog is on a budgetary leash held by OMB and has been pressured by the administration to modify its tough suggestions. As an agency within the Department of Transportation, it is part of the same jurisdiction whose actions it may need to criticize. At present, the Board has no power to compel adherence to its recommendations; it must rely on public pressure and the publicity given its recommendations to obtain compliance. I think its persuasive power would be greatly increased by making the Board an independent expert agency.

There are several ways the bill would make it more difficult for an unwilling bureaucrat to ignore safety recommendations. The Secretary of Transportation would first be required to respond within 120 days to recommendations of the new Agency. The Secretary would then either have to indicate his intention to see that the recommendations were adopted, or give his reasons for rejecting them. Full public disclosure would insure that the arguments for and against a particular recommendation could be judged by the public and the Congress. In this way, the expert judgments of the Agency would not be buried under a pile of interagency memorandums.

I am hopeful that this bill will be the subject of hearings in the House Transportation Subcommittee early in the next session. The subcommittee has a crowded agenda before it for the remainder of this session, but I think this bill is essential and should be considered on the earliest possible date.

During hearings, particular attention should be focused on two points. First, my bill proposes that the present 5-member Board be replaced by an Agency headed by a single Administrator, who would be an expert in the field of transportation safety.

On the one hand, I strongly believe in the concept of an independent agency which can speak its mind without budgetary intimidation. On the other hand, I am not completely convinced that the best way to proceed is by concentrating, in the hands of one transportation safety

expert, the authority to make vital recommendations. I believe the present Board has done a very commendable job given the limitations of the legal and administrative structure in which the Congress placed it. Therefore, I believe that the actual structure of the new Agency should be the subject of testimony and careful consideration before a final decision is made.

Second, I think we should take a careful look at the authority of the new Agency and whether it should be given the power to make its recommendations mandatory in some instances. The bill I am introducing does not do this, but it does require a formal response from the Secretary of Transportation, which will at least force serious congressional and public consideration of the new Agency's recommendations. I would hope that the Transportation Secretary's commitment would be sufficient to enable the new Agency to do its job. However, if the testimony indicates otherwise, I would consider amendments to strengthen the hand of the Agency.

In conclusion, Mr. Speaker, I should point out that the Board itself stated in its annual report for 1971 that it should be established as an independent agency. The Board's 1972 report contains the following statement:

> The Board now is constrained not only to reaffirm its previous position but to make an even stronger plea to the Congress to establish the Safety Board as a completely independent agency. The Board believes that legislation is required.

This is strong testimony, indeed, on the necessity of a truly independent agency to serve as the overseer of transportation safety in the United States.

CATTLE PRICES DROP 30 PERCENT BUT NOT FOR CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER) is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, the disaster brought on this country by the administration's unwise meat price ceilings have already been grave, but only a fraction of the story has been unfolded so far.

Today, at South Sioux City, Nebr., cattlemen assembled to protest the ruinous prices which have resulted from the freeze, and now by a rather obviously manipulated bust in the cattle markets of one-third or more from peak prices.

The peaks were a bonanza, but cattle prices today are equally a tragedy. They are substantially below cost of production and the bulk of the cattlemen, who had nothing to sell in the short-lived bonanza period, are faced with losses up to $50, $60, and $75 per head on meat animals that have been produced with feed, the cost of which was inflated by the big soybean speculative boom that enriched no one but a few scalpers.

TRADING IN FUTURES MARKETS

Consumers are not getting any benefit of the depressed cattle prices. Meat prices here in Washington and other cities at the retail are just as high as they have ever been.

The consumers are going to get it in the neck later, however, because today's prices are putting farmers and ranchers out of the cattle game. Feeders are not being put into the feedlots. We are inevitably going to have a meat shortage starting toward to end of this year, after the current backup of heavy animals has been marketed.

The tragedy of the administration's meat pricing follies is going to stretch on far into 1974, or even further, as meat shortages and high prices continue.

I simply want to make a record here today, for the benefit of consumers who will be plagued with uncertain meat supplies for many months ahead, that their experience was the predictable consequence of what the Cost of Living Council did to our America's red meat producers back in July and August of this year and its failure to act this month to break up the manipulation of markets which have now driven beef animal prices far below the cost of production.

The administration's economic policies have had notable failures, but their beef policy has helped no one and has dangerously unsettled supply and demand.

I have just obtained the federally inspected cattle slaughter figures for August, the full month of continued beef price ceilings. It was off 20 percent, from 2,926,000 head in August last year to 2,363,000 head in August this year.

Slaughter has continued down this month. It has yet to get back up to year ago levels, although the disastrous price drop would indicate that an enormous supply has been coming to market.

The fact is that yesterday and today—Monday and Tuesday of the current week, both cattle and hog slaughter has continued off 10 percent from corresponding days last year, and I say the market is manipulated because it is reacting exactly contrary to supply and demand. Supply is down, as it has been for weeks, and only artificial manipulation can explain prices dropping 30 percent when supplies are short.

NORTHEAST RAIL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, six Northeast railroads are bankrupt. The economy of the entire Nation is heavily dependent on the continued operation and successful reorganization of these railroads. But without substantial congressional action in the very near future, the services of these railroads may be substantially reduced if not eliminated entirely, with grave repercussions.

Because of the urgency and national importance of the Northeast rail crisis, I would like today to discuss some of the issues involved in the Northeast rail crisis.

The bankruptcy judge in the rail proceedings, Judge Fullam, has stated that:

> It appears highly doubtful that the Debtor [Penn Central] could be permitted to continue to operate on its present basis beyond October 1, 1973.

While there is substantial uncertainty as to the powers of Judge Fullam to order the bankrupt railroads in liquidation, October 1 will be a watershed day for the rail crisis. Congressional action on or about this date will be necessary to avert possibly severe reductions or terminations of rail service.

It is my understanding that by October 1 the House Interstate and Foreign Commerce Committee will probably have reported to the whole House legislation designed to provide a long term solution to the Northeast rail crisis. Presently the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee is marking-up legislation, H.R. 9142, introduced by my colleague Congressman SHOUP, that would restructure Northeast railroads with Federal financial assistance in the form of direct grants and Government-guaranteed bonds. I believe that the principles of H.R. 9142 represent a balanced, workable and necessarily comprehensive approach to the Northeast rail crisis.

CONSEQUENCES OF TERMINATION OF SERVICE

The Northeast rail crisis is not a regional problem. It affects the economy of the entire Nation. According to a Wall Street Journal article of June 12, 1973:

> It has been estimated that if the Penn Central stopped running, national productivity would be cut by three percent and unemployment in the nation would be boosted by 60 percent due to the rippling effect on other businesses.

A soon-to-be-released study conducted by the Harbridge House of the Boston & Maine Railroad, a relatively small carrier servicing five New England States, suggests that more than 50,000 jobs and $811 million are dependent on continued B. & M. service. Cessation of B. & M. service would result, according to the study, in a 1- to 5-percent increase in the prices paid for major consumer commodities.

The Senate Commerce Committee has predicted that a shutdown of Penn Central would produce a decrease in the rate of economic activity in the Northeast of 5.2 percent, after the eighth week of such a shutdown. Economic activity for the entire Nation would fall by 4 percent, and the GNP would drop by 2.7 percent. Senator HARTKE, the chairman of the Surface Transportation Subcommittee of the Senate Commerce Committee has stated:

> Careful analysis so far indicates that a shutdown of the Penn Central alone would affect the entire national rail system, coast to coast, clog highways North, South, East and West, and push waterway and air carriers beyond their capabilities.
>
> Employment nationally and the Gross National Product would drop three percent in less than eight weeks . . . and that is a very conservative estimate; and employment and the Gross National Product of the region East of the Mississipi would drop more than five percent in two months. Again, that is a conservative estimate.

It is unreasonable to expect that our already hard-pressed economy could withstand a blow of the proportions that would be caused by termination of services by the bankrupt railroads. Apart from the serious effects on economic activity directly dependent on rail services, termination would further fuel an inflation that is already staggering.

Household consumption items and construction materials would be particularly affected. Almost three-fourths of lumber and wood products are transported by rail. The Harbridge House study of the Boston & Maine estimates that termination of B. & M. service alone would increase lumber prices in the Northeast region by 2.1 percent. Such price increases would obviously be greater and more pervasive if more railroads terminate service.

Agricultural commodities and fuel, carried by the railroads in large quantities, would also be subject to price increases if railroad service was terminated. Supply of fuel resources might be reduced, thus causing power shortages in certain areas. The overall energy and environmental impact of cessation of rail service would be acute. To refer to the Harbridge House study of the B. & M. again, in 1972 the B. & M. carried 14.1 million revenue tons of freight. Over one million truck trips would be required to move the same amount of freight in the absence of rail services. If the freight currently carried by the B. & M. were moved by truck, an additional 26.1 million gallons of fuel oil would be required. This would make the energy squeeze in the region, already severe, even worse; 26.1 million gallons of fuel is enough to supply the annual electricity requirements of more than 40,000 households. And replacement of just B. & M. service with trucks would aggravate serious highway congestion problems and further add to automobile and truck-generated air pollution.

WHY THE CRISIS?

The six bankrupt Northeast railroads lost a total of $318 million in 1971, and even after the reorganization that followed the initiation of bankruptcy proceedings, the railroads lost $267 million in 1972. While Penn Central alone earns 14 percent of the Nation's rail revenue, it has not had a profitable year since 1968. Total losses in 1968, despite cost-saving improvements made in reorganization, were $198 million, down from $285 million deficit the previous year.

No single factor can be isolated as the root cause of the Northeast rail crisis. While mismanagement on the part of former Penn Central executives played a significant role in the PC's financial difficulties, it was not the exclusive cause. Since going into bankruptcy the Penn Central has been run by three reputable court-appointed trustees, including a new president who came from the profitable Southern Railway. Still, the Penn Central trustees have not been able to get out of the red, for the reasons behind Penn Central's financial crisis are not to be solved by new management alone.

Among the other factors involved in the demise of the Northeast railroads:

Decline In Demand.—The growth of light manufacturing industries in the East and the development of the highway system have combined to reduce the originated tonnage in the Northeast. While U.S. rails now handle 40 percent of all intercity freight, amounting to 260 million tons in 1971, since 1957 "originated tonnage" has increased by only 1 percent nationwide, and in the Eastern U.S. tonnage has declined by 21 percent.

Excess Trackage.—Penn Central does 80 percent of its business on 11,000 of its 20,000 miles of track. The dense network of lines in the Northeast, a relic from the boom era of the railroads, is largely unnecessary today. In Pennsylvania, for example, the Penn Central has 500 miles of track tied up in 167 branch lines, most less than 10 miles long. The revenues from many of these lines do not even approximate their costs of service. Redundant main-lines, freight yards, switching facilities and other facilities also contribute to the failing economics of Northeast railroads.

Regulatory Restrictions.—ICC procedures governing abandonment of unprofitable lines have made it extremely difficult for the railroads to rid themselves of loss-generating excess trackage. In addition, over-regulation has made it hard for railroads to innovate and adapt to changing market conditions. In addition, freight rates within States controlled by State regulatory agencies regularly run behind rate levels authorized by the ICC for interstate shipments.

Poor Service.—Due to their financial straits, the bankrupt railroads have deferred necessary maintenance and long-overdue improvements in their phsyical plant. As a result, the tracks and roadbeds and rolling stock of the railroads are deteriorating and service is impeded as a result of "slow orders" caused by unsafe track. The Boston & Maine railroad, for example, needs 700 new freight cars and 20 new locomotives, but cannot obtain financing for these acquisitions at at affordable rates. Penn Central has stated it needs between $600 to $800 million over the next 3 or 4 years so as to upgrade its plant and improve srevice. Poor service has compounded the traffic loss problem.

Discriminatory Taxation.—"Tax gouging" of the Northeast railroads by State and local governments has also hurt. It has been estimated by Senator PEARSON that disproportionately high State and local taxes have cost the railroads between $60 and $100 million in unjustifiable expenses. Under the bankruptcy law for railroads—section 77—the bankrupt lines can defer or suspend taxes. Penn Central has already deferred at least $143 million in taxes since June 30, 1970.

Productivity.—Shorter hauls and frequent terminal operations in the Northeast mean that, while the Union Pacific in the West gets 1.6 million net ton miles per employee and the Southern Railway gets 2 million, the Penn Central gets only 900,000 ton miles per employee. Productivity of employees of the Boston & Maine has also declined.

Excess labor.—Union work rules have impaired efficiency of railroads across the Nation. The United Transportation Union finally agreed last year, after 16 years of fighting, to phase out firemen on diesel-powered freight trains by normal attrition. Yet all freight trains outside a yard still carry a conductor and two brakemen, even when there is usually no work for the second brakeman. The "100-mile-a-day-rule" still applies nationally; if a train covers 200 miles in 1 day, the crew gets two days pay. Labor still consumes more than half of the railroad industry's expenditures, despite significant attrition in the number of rail employees, as those employees remaining have benefited from substantial increases in wages and fringe benefits. While excess labor must be trimmed as a part of a successful reorganization, it must be recognized that the right of rail employees to protection is a Federal responsibility.

Environmental restrictions.—Federal and State clean-air standards have caused marked declines in revenues from the shipment of high-sulfur—bituminous—coal. One bankrupt line, the Reading Railroad, has stated that if they could return to their 1967 levels of bituminous coal shipments the expected $27 million in additional revenues would be enough for them to finance reorganization without Government financial assistance. Penn Central has also suffered revenue loss because of declining shipments of high-sulfur coal, as lost traffic in bituminous coal and associated freight items relating to the steel industry have resulted in a revenue loss equivalent to $172 million, according to PC claims.

Federal "benign neglect".—While each year Federal and State governments spend about $21 billion on highway construction, railroads have traditionally received minimal Federal assistance. Federal aid has gone to three other forms of transport: air, maritime and highway. But until the Emergency Rail Services Act of 1970, virtually no Federal money went to aid rail development.

THE IMMEDIATE CRISIS

Cash-Flow.—It is virtually certain that the long-term solution to the Northeast rail crisis will not begin to take effect until October of 1974 at the very earliest, because of the period required for planning a restructured Northeast rail system. In the interim, it will be necessary to rectify the cash-flow problem of certain of the bankrupt railroads, particularly Penn Central. Otherwise, the line will not be able to meet its day-to-day expenses.

According to a Senate Commerce Committee report, the "cash position" of the Penn Central is "particularly distressing." In May of this year the Penn Central trustees notified the committee that by the end of August they projected a negative cash position of $9.9 million. By February of 1974, according to the PC trustees, a negative cash position of $27.2 million was anticipated. Since the estimates of May the situation has become bleaker. As of July 2, 1973, the negative cash position estimate for February 1974 had worsened to $34.8 million.

Virtually all parties in the railroad debate agree that some sort of emergency aid will be necessary to keep Penn Central operating through the next year. The Senate has already passed legislation, S. 2060, that would expand the Emergency Rail Service Act of 1970 to provide Federal guarantees for $210 million in emergency loans—up $85 million from the current ceiling of $125 million. The Administration has also indicated its approval of an $85 million in-

terim assistance figure, and it is expected that the version of H.R. 9142 that results from the work of the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee will include $85 million in direct emergency assistance.

Erosion of the Estate.—Even if the cash-flow problems of Penn Central and the other bankrupt railroads are alleviated, this may not guarantee the continued operation of these lines. The Penn Central reorganization plan filed with the reorganization court and the Interstate Commerce Commission sets forth relief from erosion of the estate as a requirement for continued rail service.

To explain the problem of "erosion of the estate" it is necessary to digress somewhat to explain the unique bankruptcy statutes governing railroads. Recognizing that railroads operate at least in part as a vital public service, and thus that wholesale liquidation of railroad assets as part of bankruptcy proceedings could disrupt if not terminate this public service, in 1933 Congress enacted "Section 77" of the bankruptcy law so as to provide a special procedure to enable bankrupt railroads to continue to operate while in the process of reorganization.

Once a railroad or its creditors have filed a petition stating that it is insolvent or unable to meet its debts as they mature, and that it desires to effect a reorganization plan, the railroad is not put into receivership as in an ordinary bankruptcy. The railroad does not close down its operations, its assets are not immediately sold, and the creditors do not immediately receive reimbursement for the value of their assets. The railroad is allowed to keep running, while special trustees appointed by the bankruptcy judge operate the railroad during reorganization. Within 6 months of approval of the bankruptcy petition, the railroad is to file a reorganization plan with the Interstate Commerce Commission that will supposedly make it into a profitmaking company or companies.

After ICC consideration and possible modification of the plan, the ICC certifies the plan and presents it to the bankruptcy court. Under section 77, the bankruptcy judge has the authority to either accept the plan, remand the plan back to the ICC for revision, or dismiss the proceedings. During section 77 reorganization, the bankrupt railroad gets to streamline its operation while reorganization is considered.

For example, since declaring bankruptcy Penn Central has been able to defer paying about $250 million in loan obligations and taxes. It has trimmed its work force from 95,000 to 81,000. Efficiency has improved somewhat as well. But wage increases, costing $700 million according to Penn Central, and the effects of Hurricane Agnes—among other factors—have combined to nullify most of the improvements that have been achieved. Penn Central has claimed, with substantial evidence, that it will be unable to reorganize into a profitmaking entity without substantial Federal assistance, since it has been unable to obtain sufficient private financing.

The Penn Central creditors have a very vital stake in the fate of the reorganization proceedings. Under section 77, whenever the Penn Central—(or any of the other bankrupt railroads—gets enough money to start paying off its obligations, it must first pay off certain postbankruptcy expenses: Real estate taxes, postbankruptcy loans—in PC's case a $100 million loan guaranteed by the Government—lease payments for branch railroad lines that are part of the Penn Central system but belong to other companies, and other postbankruptcy "administrtaive costs." Even if the railroad is eventually liquidated, or deemed liquidated as part of a Government takeover, all of the above-noted payments would take precedence over reimbursement of the prebankruptcy creditors. So, the greater the postbankruptcy debts and obligations, the greater the postbankruptcy decay, the more "erosion" of the value of the prebankruptcy creditor's holdings. According to the March 6, 1973 order of Judge Fullam, "postreorganization deferrals and unpaid administrative claims have already eroded the debtor's estate to the extent of about $500 million."

Judge Fullam noted that—

Constitution prohibits sacrificing the property rights of creditors to the public interest (keeping the railroads operating, regardless of erosion of the estate) without just compensation.

The judge warned:

Under any view of the matter, it seems clear that the point of unconstitutionality is fast approaching, if it has not already arrived.

Judge Fullam implied that unless relief from further erosion of the estate is forthcoming, he may attempt to order the railroads into liquidation, and in fact, the Penn Central trustees have stated that in the absence of such relief they will attempt to cease all freight and passenger service beginning October 1, 1973, on a 10-week schedule. Judge Fullam buttressed this threat by stating:

This Court cannot ignore the realities of the Debtor's situation. On the basis of the record to date, it appears highly doubtful that the Debtor could properly be permitted to operate on its present basis beyond October 1, 1973.

There is considerable legal uncertainty as to whether Judge Fullam has the authority, either under section 77 or on the grounds of the fifth amendment, to order a railroad into liquidation. The general concensus is that no such authority exists under section 77, as the precedents indicate that the intent of section 77 is to keep the bankrupt railroads whole and in continued operation. Ordering liquidation would appear to violate the intent of section 77.

The judge does under section 77 have the option of dismissing the bankruptcy proceeding, but this would apparently not have the effect of liquidation, as even with dismissal abandonments of service, as proposed by the Penn Central trustees, would require assent from the ICC according to the usual, time-consuming procedures.

Authority under the fifth amendment to order liquidation is subject to considerable controversy, as a piecemeal sale of railroad assets that would follow liquidation would violate past railroad bankruptcy precedents. Nonetheless, there is cause for genuine concern that failure on the part of Congress to indicate forthcoming relief and support to the bankrupt railroads could prompt Judge Fullam into action that would endanger continued operations of the six bankrupt Northeast railroads.

CONGRESSIONAL ACTION TO DATE

In December of 1970, Congress enacted the Emergency Rail Services Act of 1970—Public Law 91–663. At the time the Penn Central and three other railroads were bankrupt, and the Penn Central trustees stated that they could not raise enough funds for day-to-day operations without Government guarantees for the loans they sought. Penn Central warned that without rapid Government help it appeared unlikely that they would be able to continue operations after January 8, 1971. As a result, the Emergency Rail Services Act of 1970 authorizes Federal guarantees for loans in the maximum amount of $125 million.

Earlier in 1970, Congress acted to remove a major part of the responsibility for passenger operations from the railroads, which generally view passenger service as an uneconomical burden the cost of which should be wholly borne by the public sector. The Rail Passenger service Act of 1970—Public Law 91–518—established a National Rail Passenger Corporation—Amtrak—with Federal assistance to be provided for the operation of passenger trains and for the upgrading of passenger equipment. $40 million was authorized in direct grants for the initial capitalization of the National Rail Passenger Corporation, $100 million in Federal loan guarantees to the Corporation, and $200 million in Federal emergency loans to the railroads to enable them to participate in the program. Legislation to reauthorize and amend the Rail Passenger Service Act of 1970—S. 2016/H.R. 8351—has been passed by both Houses of Congress and is presently awaiting action of a conference committee.

During the 93d Congress the Senate Commerce Committee has reported out four pieces of legislation relating to the Northeast rail crisis, three of which have already been passed. With the exception of S. 1149—passed July 23—which is designed to improve the availability of rolling stock, each of these bills reflects a short-term approach to the Northeast rail crisis. By contrast, the Shoup legislation in the House—H.R. 9142—offers a more comprehensive effort at restructuring the Northeast railroads.

S. 1925, passed by the Senate on July 14, authorizes the Interstate Commerce Commission to continue rail service whenever the ICC determines that an interstate railroad is unable to do so. In the event of termination of service on the part of one of the bankrupt carriers, this bill would allow other carriers still operating to utilize the lines of the railroad that had terminated service.

S. 2060, passed by the Senate on July 27, is the principle Senate short-term re-

lief effort. The bill would amend the Emergency Rail Services Act of 1970 by expanding the authorized ceiling for Government guaranteed loans to $210 million. The bill is designed to provide interim relief for 1 year—presumably until a more comprehensive plan could be developed. The bill would authorize the Secretary of Transportation to enter into service contracts with railroads for continuation of service, if service would otherwise be terminated, and would authorize the Secretary to acquire rail equipment, facilities and operating rights. Loan guarantees to the railroads to prevent further erosion of the estate could total no more than $125 million, while obligations issued by the Federal Government to pay for service contracts—in the event of a cash-flow crisis—could not exceed $85 million.

The Senate Commerce Committee's vehicle for a long-range solution, S. 2188, appears to have been shelved pending House action on rail legislation. S. 2188 would create a "Rail and Emergency Planning Office" within the ICC to which the railroad buck would be passed for a year. Within a year, the Office would report back to Congress a plan to restructure all railroads in the Northeast and the Midwest—regardless of whether they were bankrupt or solvent. A rail plan based on identified "needs" would be formulated for 17 States, while an implementation plan would be developed separately. Once the Office recommendations were submitted to Congress, the House and Senate would have 60 legislative days in which to prepare legislation based on the recommendations.

S. 2188 has been the subject of considerable criticism. The administration vigorously opposes the bill, noting that it "provides a study, not a solution." The bill is overbroad, extending far beyond the six bankrupt Northeast carriers. It provides no guarantee that a solution will be forthcoming, even after a year of study. The massive restructured system based on identification of "need" might require unreasonable and excessive Government action for implementation. As a result, the work of a year's study might be defeated—or at least deferred until the next Congress—by a Congress concerned with the elections that would follow close upon the submission of the plan by the Rail and Emergency Planning Office. It is altogether possible that this approach could result in a 2-year delay in final resolution of the Northeast rail crisis. In the interim, $210 million at a minimum would have been pumped into propping up the failing railroads with hardly the slightest assurance or hope that an end to massive Government financial assistance might be near an end. As Senators PEARSON, BEALL, and BAKER noted in their dissenting views to S. 2188:

> At best, enactment of the bill will result in a prolonged and unnecessary delay in resolving the problems of the bankrupt railroads in the Northeast. A more likely result will be the piecemeal liquidation of some if not all of those railroads.

Senator PEARSON has filed an amendment to S. 2188 that resembles the approach to the Northeast rail crisis embodied in H.R. 9142, the bill likely to get to the House floor.

FEDERAL ROLE: HOW MUCH?

It seems almost inevitable that the Federal Government will be involved in the rescue of the Northeast railroads. A major question is: How much? At one extreme is the proposal advanced by the Department of Transportation. This would rely almost exclusively on private capital for the rehabilitation of a streamlined Northeast rail system. This approach has been generally discounted, for there is no reason to believe that investors are going to be willing to put their money in a very risky enterprise, especially without any Government guarantees that their money would not go down the drain. The bankrupt railroads, such as the Boston & Maine and the Penn Central, have had great difficulty attracting capital without Government assurances. The return on railroad investments is traditionally low, averaging only 2.9 percent. This is hardly an inducement to the kind of speculative investment that would be required by the administration proposal.

At the other extreme is nationalization—a course rightly desired by few. The failure of railroad nationalization in Great Britain ought to be a lesson to the United States, as the nationalized British railways have been a perennial drain on that nation's treasury, with no end in sight. Testifying before the Surface Transportation Subcommittee of the Senate Commerce Committee, Paul Cherlington, president and chief executive officer of the Boston & Maine, and former Assistant Secretary of Transportation for Policy and International Affairs, said of nationalization:

> We would urge the committee to examine the probable cost of nationalization very closely. It would be a bonanza for the unions, without doubt, since most present jobs would probably become locked in. It would probably also be a partial bonanza for creditors: New York banks, large insurance companies and the like . . . But nationalization or quasi-nationalization would be a disaster for the U.S. taxpayer who would be called upon to give constantly increasing subsidy support to the system. This is the record of every State-owned railroad abroad. It is the record of virtually every public transit authority in this country, and it was the history of the U.S. Post Office Department . . . Almost any alternative solution is likely to prove less costly.

There is an alternative to nationalization, that is workable where the administration's proposed reliance on private capital is not. Such an approach would involve Federal guarantees for funds needed to finance the rehabilitation of the Northeast railroads, and limited amounts of direct Government financial assistance. Such an approach would satisfy the apparent need for Government help without breaking the Federal budget or getting the Government into the business of running the railroads—a sure invitation to disaster.

H.R. 9142

While the House Interstate and Foreign Commerce Committee has not yet completed its work on H.R. 9142, the basic structure of the bill seems clear.

The bill would create a Federal National Railway Association—FNRA—"Fannie Rae" which would be patterned after the Government-sponsored but private corporation for housing mortgages. The FNRA would be charged with the responsibility for system planning and for developing an implementation plan. Operations of the bankrupt railroads would be the responsibility of a for-profit private corporation, the Northeast Rail Corporation—NRC—which would also be established by the bill. The NRC would acquire bankrupt rail properties in exchange for NRC stock—and possibly bonds issued by the FNRA—and would rehabilitate and operate the railroads.

Under the provisions of H.R. 9142 a "core system"—the basic, hopefully self-sustaining or even profitable nucleus of the regenerated Northeast railroads—would be designated. The Department of Transportation would formulate the basic core proposal which would then be sent to the ICC where public hearings would be held. From the ICC the core plan would be sent to the executive committee of the FNRA, composed of the Secretary of Transportation, the Commissioner of the ICC, and the Chairman of the FNRA. The core determination would be included in the overall FNRA regional plan, which once completed would go to the ICC for another round of hearings. After ICC action, the regional plan—including the core system—would go back to the FNRA for approval by the full board. The final step would be to send the regional plan to Congress for approval. The final core determination—DOT through ICC—would take about 120 days, while the time frame for completion of the regional plan—through the FNRA full board—would be about 300 days, $30 million is authorized for the planning process.

Once the regional plan of the FNRA is approved, discontinuance of service not in the plan would be permitted 30 days after the effective date of the plan. Abandonment would be permitted after 6 months. Shippers, States, or localities could subsidize the continued operation of a line to be abandoned, on a 70/30 Federal/State-local matching basis; $50 million is authorized annually for this purpose.

For direct emergency assistance to the railroads, $85 million would be authorized. The major financing agent for the rehabilitation of the Northeast railroads would be the FNRA, which would be authorized to issue $2 billion in Government guaranteed bonds. The operating entity, the Northeast Rail Corporation, would be authorized to issue up to 100,000 shares of common stock, and the NRC common stock would be the basis of the purchase of railroad assets from creditors. If, however, the bankruptcy judge determines that the value of this stock was not sufficient to match the value of creditors' assets, it might be possible that FNRA bonds, which are Government-backed, could be used to make up the difference between the value of the common stock and the assessed value of creditors' assets.

Apart from possible use as part of the

bankruptcy settlement, the FNRA bonds have two other intended uses: Acquisition of railroads, and rehabilitation and improvement of railroad facilities. Money from the FNRA bonds can either be loaned or advanced to the NRC for these purposes. One problem might be that the $2 billion bond figure is not enough. Assuming that a fair share of the bonds will end up in the hands of the creditors, the $2 billion figure may not be sufficient to meet the necessary demands of improvement—at least $600 million—or acquisition.

The labor protection provisions of H.R. 9142 are not final at this time. Reductions in service, consolidation of railroads, and the need to increase both efficiency and productivity will probably mean the end of a substantial number of railroad jobs. Penn Central has already indicated that they would like to cut out at least 5,700 jobs, and with a massive restructuring more jobs could be on the line. The Penn Central trustees estimate that the labor costs of an 11,000 mile system—cut from the existing 20,000 miles—would be $774.1 million through 1976. The United Transportation Union is legitimately concerned that its members receive adequate protection. I hope that as H.R. 9142 emerges from committee that it will embody provisions recognizing the public responsibility for the protection of labor.

A NATIONAL CONCERN

The Northeast rail crisis is of major importance to every part of the country. The Northeast railroads should be given a chance to again become self-sustaining entities. I believe that an initial Government investment, as embodied in H.R. 9142, will be required if the railroads are to have a fighting chance to make it on their own. The railroads need funds to upgrade their plant; they need funds to prevent erosion of the creditors' estate; and they need funds to keep the lines in operation on a day-to-day basis. Other kinds of reform are necessary, so as to allow for a more efficient and economical rail system. Other difficult issues must be resolved—and each has its own self-interested constituency. But I believe that if every party to the railroad debate recognizes their mutual interest in a healthy Northeast rail system, and exhibits a willingness to compromise, a workable solution can be found short of nationalization. Such a balanced solution is, I believe, contained in the principles of H.R. 9142.

I hope that my colleagues will join me on October 1 to address the Northeast rail crisis.

EXECUTIVE REORGANIZATION AND MANAGEMENT ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, the executive branch of the Federal Government is now the largest and most complicated enterprise in the world, with more than 1,400 domestic programs distributed among 150 separate departments, agencies, bureaus, and boards. Since World War II, the Federal budget has expanded enormously from $42 billion to over $250 billion. The population has grown from 141 million to more than 205 million citizens. During this period, the gross national product has mushroomed by 450 percent. Yet, despite these vast changes, there have not been equivalent changes in our management of the affairs of government. The growth both of the functions and size of the executive branch since World War II now challenges Congress to exercise its authority to oversee Government operations and to begin a major reexamination of the structure of the executive branch.

From 1937 to the present, eight separate commissions have been concerned with the examination of the executive branch. However, between the establishment of the Brownlow committee in 1937 and the termination of the Ash Council in 1971, only two of the eight have been public or independent commissions. Both the 1947 and the 1953 Commission on the Organization of the Executive Branch of the Government, commonly referred to as the first and second Hoover Commissions, were bipartisan in nature with legislative, executive, and public representatives. These successful mixed commissions were effective forums for securing workable compromises and for settling disputes in advance. They were able to blend theory and practice by taking general principles of organization and management and showing in detail how to transform them into legislation and administrative action. The diversified membership, decentralized research, and wide range of experience and judgment contributed by the members attracted the attention and the respect of the public.

An example of the success of the second Hoover Commission is the creation of the General Services Administration which has resulted in substantial savings and increased efficiency of Government operations. Although gradual gains have been made in many areas, there is still much duplication, overlapping of functions, and absence of effective coordination. This has resulted in needless interdepartmental conflicts, waste, and inconvenience for the private citizen. As an example, nine different Federal departments plus 20 independent agencies are now involved in educational matters. In major cities, there are at least 20 separate manpower programs funded by a variety of Federal offices. Government can be neither responsive nor accountable to its citizens if it is plagued with needless duplication.

Whether or not there will be dollar savings resulting from a reorganization of the Federal Government, a more effective government is valuable in itself. I am sure you have all experienced the frustration and disappointment of obtaining poorer results than expected on legislation. The ratio of solutions achieved to activity carried out is far lower than necessary. Laws, programs, and appropriations are not doing all that they can do or are meant to do. People have lost confidence in the Government. They feel that it is unmanageable, that it is riddled by confusion, delay, and a failure to achieve its goals. They might well quote John Adams who said that—

> While all other sciences have advanced, that of government is at a standstill—little better understood, little better practised now than three or four thousand years ago.

I do not think anyone can argue that service to the people is the main goal of Government. We must restore the respect and confidence of the citizens who are puzzled by the discrepancy between what we know and the quality of what we do. We need to make Government more responsive and more effective now, in so doing, regain its lost credibility. Without the means to act, great programs and the resources of our Nation can accomplish nothing. Only unrelenting effort to define problems, to manage their solutions, and to evaluate accomplishments can bring significant progress.

For these reasons, I am introducing today a bill to create a public-type commission to study the whole range of the operation of the executive branch. The Executive Reorganization and Management Act of 1973 establishes a commission to study the organization, operation, and management of the executive branch of the Government, and to recommend changes necessary or desirable in the interest of governmental efficiency and economy. The Commission will be composed of eight members; four appointed by the President, and two each from the membership of the Senate and the House. Those members of the Commission chosen from private life and from Congress will represent equally the majority and minority parties. The duties of the Commission are multiple. It will analyze the current organization, coordination, and management of the executive branch and recommend appropriate actions to improve the operation of the Government. At the same time, it will seek means of improving the coordination and cooperation among Federal agencies to obtain the maximum degree of consistency in governmental actions. In examining Federal programs, the Commission will establish priorities, consider consolidation and redirection of these programs and even decide to eliminate those which are unnecessary. The work of the Commission will be completed within 2 years after its appointment, during which time it will report to Congress. This bill is similar to one introduced into the Senate in 1968 by Senator ABRAHAM RIBICOFF of Connecticut and Senator JAMES PEARSON of Kansas, which passed the Senate but died in the House.

The task of administrative improvement can never be regarded as permanently accomplished in a government the size of ours. Functions change. Services are expanded, decreased, or altered. Agencies, bureaus, and and even new departments are created. In a dynamic society, there can be no rigid pattern of governmental organization. A permanent core of organization is needed to give direction and continuity to the governmental process, but there must be flexibility. The Commission proposed in this bill will provide the flexibility necessary to enable our Government to adapt to new circumstances and new challenges.

A copy of the bill is here reprinted for Members' information.

S. 3640

A bill to establish a commission to study the organization, operation, and management of the executive branch of the Government, and to recommend changes necessary or desirable in the interest of governmental efficiency and economy

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 "Executive Reorganization and Management Act of 1973".

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 2. (a) The Congress declares that it is the responsibility of the President in conformance with policy set forth by Congress, to administer the executive branch effectively and economically, and that it is the joint responsibility of the President and the Congress to provide an executive organization structure which will permit the efficient and economical discharge of the duties imposed upon the President by the Constitution.

(b) The Congress finds that there are more than one hundred and fifty departments, agencies, boards, commissions, bureaus, and other organizations in the executive branch engaged in performing the functions of government; that such a proliferation of governmental units tends to produce a lack of coordination between them and overlapping, conflict, and duplication of effort among them; that the Congress and the President do not have adequate information and techniques to determine the best means of improving the conduct of the public business in so many governmental establishments.

(c) The Congress further finds and declares that in order to promote the efficient management and improved coordination essential to the economical administration of governmental services and to assure that program expenditures and performance are consistent with the policies established by the Congress, a commission to review the organization, operation, and management of the executive branch should be established.

COMMISSION ESTABLISHED

SEC. 3. (a) For the purpose of carrying out the policy set forth in section 2 of this Act, there is hereby established a commission to be known as the Commission on the Reorganization and Management of the Executive Branch (referred to hereinafter as the "Commission"). The Commission shall be composed of eight members; four appointed by the President of the United States, two from the executive branch of the Government and two from private life; two appointed by the President of the Senate from the membership of the Senate; two appointed by the Speaker of the House of Representatives from the membership of the House. The Commission shall elect a Chairman and a Vice Chairman from among its members.

(b) Five members of the Commission shall constitute a quorum. A vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) Members of the Commission appointed from private life shall represent equally the majority and minority parties; with respect to members of the Commission appointed from the House of Representatives and the Senate, there shall be a Representative and a Senator from the majority party and one each from the minority party.

(d) Members of the Commission appointed from private life shall receive compensation at the rate of $100 per diem when engaged in the actual performance of duties of the Commission. Members of the Commission who are Members of Congress or officers of the executive branch of the Government shall serve without compensation in addition to that received for their services as Members of Congress or officers of the executive branch. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses actually incurred by them in the performance of the duties of the Commission.

(e) For the purposes of chapter 11, title 18, United States Code, a member of the Commission appointed from private life shall be deemed to be a special Government employee.

(f) Members of the Commission appointed pursuant to this section may continue to serve during the existence of the Commission. Any member of the Commission appointed pursuant to section 3(a) of this Act who, at the time of his appointment is serving as a Member of Congress, may continue to serve as a member of the Commission without regard to whether he continues to hold office as a Member of Congress.

DUTIES OF THE COMMISSION

SEC. 4. (a) It shall be the function of the Commission to—

(1) Analyze and assess the current organization, coordination, and management of the executive branch and recommend appropriate actions, modifications, innovations, and reorganizations to achieve the purposes of this Act;

(2) Consider, evaluate, and make recommendations regarding criteria, systems, and procedures for improved coordination and cooperation among Federal agencies to insure the maximum degree of consistency in governmental actions;

(3) Appraise the current status of administrative management in the executive branch and its individual departments, agencies, bureaus, boards, commissions, independent establishments, and other organizations with a view to proposing reforms and new procedures, techniques, and facilities which will improve the conduct of Government service; and

(4) Consider, evaluate, and make recommendations regarding criteria, systems, and procedures for the: (a) establishment of priorities among Federal programs; (b) consolidation and redirection of those programs; and (c) reduction or elimination of those which are of marginal utility or which are unnecessary.

(b) The Commission shall submit an interim report to the Congress one year after the date of its appointment and at such other times as the Commission may feel necessary or desirable and shall complete its study and investigation no later than two years after the date of its appointment. Within sixty days after the completion of such study and investigation the Commission shall transmit to the Congress a report of its findings and recommendations. Upon the transmission of such report, the Commission shall cease to exist.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission shall have power to appoint and fix the compensation of the Executive Director and other personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission may procure temporary and intermittent services of experts and consultants to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $75 per diem for individuals.

(c) To carry out the provisions of this Act, the Commission, or any duly authorized subcommittee or member thereof, may hold such hearings; act at such times and places; administer such oaths; and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, the chairman of any such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman, or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (U.S.C., title 2, secs. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(d) To enter into contracts or other agreements with Federal agencies, private firms, institutions, and individuals for the conduct of research or surveys.

(e) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestion, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed to furnish on a nonreimbursable basis such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

APPROPRIATIONS

SEC. 6. There are hereby authorized to be appropriated to the Commission such sums as may be required to carry out the provisions of this Act.

PLUG LOOPHOLE AND AVOID WINDFALLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, it was recently revealed that the taxpayers of this country have spent over $10 million for improvements to the President's privately owned residences at San Clemente and Key Biscayne. The values of these properties have been tremendously enhanced by these improvements.

A report by the General Services Administration showed that the bulk of this $10 million was spent on security measures, as provided by law. However, some funds apparently were used for items bearing little or no relation to security. These include extensive landscaping, a new electric heating system at Casa Pacifica, and a flagpole for which the taxpayers shelled out an incredible $2,329.

As is so often the case, the basic problem here is statutory. Section 3056 of title 18, United States Code, authorizes the Secret Service to protect the President and Vice President and their families, but does not place any restrictions on the scope of expenditures which may be made in the exercise of this protective function.

Clearly, the Secret Service must not be impeded in its diligent protection of the Chief Executive. At the same time, however, there must be some control over nonsecurity improvements, which enhance the property's value for the economic benefit of its owner—and at the

taxpayers' expense. This unjust enrichment must not be allowed to continue.

In an attempt to find a satisfactory solution to this problem, I have introduced a bill, H.R. 10457, which provides that the value of nonsecurity improvements made at Government expense shall be recoverable by the United States as a lien against the property. This interest would be enforceable in much the same manner as a mechanic's lien. This legislation would prevent a situation in which a President could be encouraged to abuse the privileges of his office by trying to achieve a windfall at the expense of the public. Moreover, by placing no restrictions on expenditures reasonably related to protective functions, the bill assures that essential security will not be compromised.

I am hopeful that the Judiciary Committee will schedule early hearings on this legislation. The text of the bill is as follows:

H.R. 10457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the value added to the private real estate of any person who is protected by the Secret Service under section 3056 of title 18 of the United States Code, by reason of any improvement made at the expense of the United States, other than an improvement reasonably related to the security or protection of such person, shall be recoverable by the United States and constitutes a lien against the real estate so improved.

PLIGHT OF ELDERLY

(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, our Nation's senior citizens have been hardest hit by the inflationary spiral of phase IV economic policies. The overall cost of living has risen at a rate of 8 percent. Food prices have risen at a rate of more than 20 percent a year. The increased inflation reflected in higher prices poses a serious problem to senior citizens living on fixed incomes.

It is a startling realization to find that half of our Nation's aged widows are impoverished. Over 5 million elderly Americans are forced to live in poverty. It has been years since the low-income elderly could afford to buy meat. When enough money was available, poultry, fish, eggs, and other meat substitutes were eaten but now even these items are out of their reach. The ever-rising food costs now erode 26 percent of our senior citizen's disposable income.

Low cost housing opportunities also present serious problems for the elderly. Thirty-five percent of the senior citizens' income is taken by uncontrolled rental costs. The administration's 18-month moratorium on federally assisted housing programs has further prolonged the day the elderly can expect to live in adequate housing. A Federal housing report cites that 6 million elderly live in substandard, inadequate housing. It is obviously no time for a housing moratorium.

Health care is another costly item to the senior citizen. Medicare does not pay for dentistry, eye care, hearing care, or out-of-the hospital prescription drugs. Considering that 20 percent of our senior citizens require some form of continuing medication this is a serious cost consideration. Instead of finding ways to expand the medicare program, the administration has proposed adding an additional $1 billion a year in costs to an already overburdened beneficiary.

Phase IV has not bettered the condition of the senior citizen. The costs of food, rent, and medical care have all spiraled in an inflationary economy. It is my duty as a Congressman to call the disparaging inequities of the phase IV economic policy to the attention of my colleagues. I now urge that we work together toward more equitable policies for all our people.

A SALUTE TO THE BULL ELEPHANTS

(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, this year one of Capitol Hill's most active and viable organizations, the Bull Elephants, celebrates its 20th anniversary. This date should not be allowed to pass without a kudo for a group of hard-working men who have contributed much to the esprit de corps of Republicans over the years.

Founded in 1953, the Bulls only enjoyed a brief hitch as being the representative staff organization for the majority. During the lean out-of-office years of the 1960's the Bulls had to rely on many qualified but out-of-office GOP spokesmen to make their luncheon meetings a continued success. Future Presidents and Vice Presidents met with the Bulls in those days as did minority leaders from the Senate and House.

In perhaps his last major public appearance before entering the hospital at his final illness, the late, beloved President Eisenhower spoke to an overflow Bull luncheon crowd. The Vice President of the United States recently continued this tradition of outstanding Republican speakers that have made Bull luncheons a real event over the years.

The Bulls were founded to promote a continuity of information, cooperation, and fellowship among male members of Republican House staffs. Active Bulls also include committee minority employees and GOP leadership appointees and employees. Among the categories of associate Bulls that contribute to the success of this dynamic organization are former Bulls, Republican National and Congressional Committee employees, Senate GOP employees, Republicans in the executive branch, and other Republicans.

The Bulls are governed by an eight-man steering committee following the geographical representation lines established by the Republican policy committee at the start of each Congress. The 93d Congress steering committee members are as follows: Region I—Monty Winkler, TEAGUE, California; region II—Jack Odgaard, MARTIN, Nebraska; region III—Denny Dennis, THOMSON, Wisconsin; region IV—Al Cook, SPENCE, South Carolina; region V—Belden Bell, ZION, Indiana; region VI—Jack Foulk, WYLIE, Ohio; region VII—Tony Raymond, Post Office and Civil Service, minority; and Sherry Boehlert, MITCHELL, New York. Belden Bell serves as chairman of the organization for this Congress while Ken Black, GOLDWATER, JR., California; holds the post of program chairman and Bob Walker, ESHLEMAN, Pennsylvania; again serves as the treasurer.

It gives me great pleasure to salute this growing and dynamic group as they enter their third decade of service to their party. The Bulls have long been a dedicated symbol of assistance to the Republican leadership of both this House and the executive branch of Government.

CONSIDERATION OF H.R. 8619

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

Mr. DINGELL. Mr. Speaker, I take this opportunity to commend the House conferees, and in particular my able and distinguished friend and colleague the gentleman from Mississippi (Mr. WHITTEN) for bringing to the House the conference report (H. Rept. 93–520; September 20, 1972) we consider today on H.R. 8619.

I particularly want to express my appreciation to all of the conferees for their agreement to appropriate over $97 million for the special milk program. The Nation's educators, parents, and, most importantly, schoolchildren, would indeed stand and applaud your efforts "to make certain that milk is made available to all schoolchildren." It is too bad that the administration, which sought to cut back the program by over $72 million, apparently does not have as great a concern for these children as the House and Senate conferees.

I also commend the conferees for including in this bill $10 million to continue the Water Bank Act program which the Nixon administration attempted to unlawfully terminate last December. This sum, coupled with the over $11 million of unobligated, but impounded, balances which are still available, will provide a total program of over $21 million to protect and preserve valuable wetlands in fiscal year 1974.

I also take this opportunity to note that no moneys are included in the conference reported bill to fund the National Industrial Pollution Control Council. The House will recall that last June this item was stricken from the House bill when I raised a point of order against it. The Senate also agreed not to include funds for this Council. It is my hope that the administration will not seek to revitalize this industry-dominated Council whose governmental-public purpose is of dubious value.

On page 18 of the conference report, the managers note agreement "that of the $715,000 provided in both the House and Senate versions of the bill for research studies, not less than $400,000 shall be utilized for carrying out the research studies specified by House Report" 93–275 of June 12, 1973 (p. 49). That re-

port stated that because the Council on Environmental Quality was unable to say "how they planned to use" the $715,000, the committee "directs" the CEQ "to perform" five very broad studies. During the floor debate on the bill (H.R. 8619) on June 15, 1973, I said that "several" of these studies "would seem to be largely outside" of the CEQ's expertise and "more properly the responsibility of other agencies." (See CONGRESSIONAL RECORD—daily issue—June 15, 1973, p. 19829.)

The Senate Appropriations Committee was as skeptical as I was about these studies, as indicated by the committee's report on the bill (S. Rept. 93–253; June 26, 1973). The report states (pp. 41–42):

The Committee is concerned with language in the House report directing the CEQ to undertake certain and specified studies for its fiscal year 1974 program. While each of these studies is certainly meritorious and should be given consideration by the agency, they are quite comprehensive in nature. To pursue all of them simultaneously might well require all of the research resources of the agency and might preclude any other studies that might be considered either at the direction of the President or at the initiative of the agency.

Also, with these studies to be undertaken by CEQ, there appears to be some real possibility of duplication of effort and resources, particularly with reference to activities of the Environmental Protection Agency.

Therefore, this Committee recommends that both Appropriations Committees of the House and Senate reach an accommodation with the Council on Environmental Quality as to how the studies recommended by the House Committee report can be accomplished, yet retaining the needed flexibility for the CEQ to fully utilize its $715,000 contract funds on the policy studies it deems necessary.

In discussion with the CEQ, I find that no "accommodation" was reached. Indeed, the CEQ did not indicate or recommend that "$400,000," or any sum, be earmarked for these five studies.

As chairman of the subcommittee which has legislative oversight as to CEQ, I want to make it clear, and I have so informed the CEQ, that before any of these five studies are undertaken, the CEQ must provide to our subcommittee the details of each study, including the estimated costs and scope. Moreover, I am going to insist that the studies are balanced, and do not reflect simply a one-sided approach. Furthermore, I expect the CEQ to inform our subcommittee at an early stage whether the earmarking of $400,000 for these studies will impair other studies that the CEQ planned to initiate or continue in fiscal year 1974 with the $715,000.

Mr. Speaker, I want now to turn to what I consider one of the most important provisions of the bill from an environmental standpoint, namely, the appropriation of $5 million to EPA to prepare environmental impact statements.

The House will recall that on June 15, 1973, when we considered H.R. 8619—as reported by the House Appropriations Committee—in the Committee of the Whole House, I, along with my distinguished colleague from Illinois (Mr. YATES) raised a point of order against language in the bill concerning this appropriation, I noted that the language was contrary to the rules of the House. However, the Chair was not required to rule on the matter, because the distinguished gentleman (Mr. WHITTEN) offered a substitute provision which I agreed to. At the same time, I agreed to withdraw the point of order. The agreed-to version of the bill as it passed the House last June is as follows:

For an amount to provide for the preparation of environmental impact statements as required by Section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law, $5,000,000.

The Senate Committee on Appropriations deleted this language and inserted the following substitute provision which was accepted by the full Senate:

For an amount to be provided for the preparation of environmental explanations on all proposed actions by the Environmental Protection Agency, $5,000,000.

In making this change, the Senate Committee said (S. Rept. 93–253, p. 45):

The Committee also recommends modification of the language contained in the House bill which would require the Agency to prepare Environmental Impact statements pursuant to Section 102(2)(c) of the National Environmental Policy Act.

"The Agency has advised the Committee that regulations are now being promulgated which would require much of the information proposed to be obtained by the House action. The Committee recommends language which would require the agency to prepare and submit reports and statements pertaining to the environmental impact of its activities but would not require the formal requirements and standards of National Environmental Policy Act. (Italic supplied.)

The "regulations" referred to by the Senate Committee were adopted by EPA, on June 14, 1973 (38 F.R. 15653). However, they were adopted without benefit of public comment thereon as required by the rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553).

It is interesting and quite revealing to note that, in adopting these "regulations", EPA did not tell the public that, in effect, these "explanations" were in lieu of the "formal requirements and standards of [the] National Environmental Policy Act" of 1969. Indeed, EPA merely said that its "new procedures are responsive to the growing demand by the judiciary and the public that Government agencies provide full and public explanations of their actions" beginning December 31, 1973.

When EPA adopted these regulations I thought that EPA deserved great credit for recognizing this "demand" and adopting such procedures. But at the time, I noted that many EPA "actions" will have been completed long before December 31, 1973, and I was concerned about EPA's motives vis-a-vis NEPA's requirements. After reading the June 1973 report of the Senate Committee, I realized that EPA's true motives were to try to circumvent NEPA's requirements and, hopefully, to gain congressional endorsement for this approach through this appropriation bill.

Fortunately, the House-Senate conferees did not buy the EPA story. Instead, the conferees retained the House language which Congressman WHITTEN and myself worked out last June on this floor. The conference report states (p. 18):

Amendment No. 50: The House bill provided that the Environmental Protection Agency prepare environmental impact statements as required by the National Environmental Policy Act, the same as all other agencies of the Federal Government. The Senate bill provided that the Agency prepare "environmental explanations" rather than environmental impact statements. The conferees agree that the Agency shall be required to prepare environmental impact statements on all major actions of the Agency having a significant impact on the environment.

Mr. Speaker, it is my hope that this language will put the issue to rest for all time.

First. History of the Issue—EPA and CEQ have contended for some time that the legislative history of NEPA supported the view that EPA was not required by NEPA to prepare environmental impact statements in regard to its actions. Indeed, section 5(d) of the CEQ guidelines of April 23, 1971 (36 F.R. 7724) concerning implementation of section 102(2)(C) of NEPA, states:

(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under section 102(2)(C) of the Act.

The so-called legislative history is of dubious value, as noted by the United States Court of Appeals for the District of Columbia Circuit, in *Portland Cement* v. *Ruckelshaus*, 5 ERC 1595, June 29, 1973. The court noted that there "is no express exemption in the language of the act or the committee reports" on the act. The only document that gave any credence to this contention of the CEQ is one entitled "Major Changes in S. 1075 as passed by the Senate," which was put into the CONGRESSIONAL RECORD by Senator JACKSON (CONGRESSIONAL RECORD, vol. 115, pt. 30, p. 40417). On the Senate floor Senator MUSKIE commented on this document and concluded that environmental agencies "will continue to operate under their legislative mandates . . . and that those legislative mandates are not changed in any way by section 102–5" of NEPA.

The Court of Appeals commented on the remarks of these two distinguished Senators as follows:

Manifestly, the statements of these two Senators, who were among the most active in securing the passage of NEPA, are entitled to weight in ascertaining legislative intent.

However, their understanding was not formalized by any statement in the Conference Report or in the section-by-section analysis of the bill as reported by the Conference Committee. Senator Allott, ranking minority member of the Interior Committee, also a supporter of NEPA, stated:

". . . while the explanatory statements relative to the interpretation of the conference report language, as provided by the chairman, are useful, they have not been reviewed, agreed upon, and signed by the other Senate conferees. Only the conference report itself was signed by all the Senate

conferees, and therefore, only it was agreed upon and is binding."

Thus, the court cast considerable doubt on the validity of this legislative history.

It should be noted that nowhere in the "Major Changes" document is there a reference to the term "environmental protective regulatory activities" which was adopted by the CEQ in its 1971 guidelines. Indeed, when I floor managed NEPA in this House and made remarks similar to those of Senator JACKSON, I never heard of or used that term. My comments are as follows:

Mr. FALLON. What would be the effect of this legislation on the Federal Water Pollution Control Agency?

Mr. DINGELL. Many existing agencies such as the Federal Water Pollution Control Agency have important responsibilities in the area of environmental control. The provisions of sections 102 and 103 are not designed to result in any changes in the manner in which they carry out their environmental protection authority. This provision is primarily designed to assure consideration of environmental matters by agencies in their planning and decision-making—by most especially those agencies who now have little or no legislative authority to take environmental considerations into account.

Thus, I envisioned then, and today, that EPA, the Bureau of Sports Fisheries and Wildlife, the Forest Service, and other "environmental" agencies would be subject to NEPA.

More recently, the CEQ promulgated revised NEPA guidelines for impact statements which will be effective next January (38 F.R. 20550; Aug. 1, 1973). These guidelines no longer include the exemption language of section 5(d) of the 1971 guidelines. I note that EPA, in its June 22, 1973 letter commenting on CEQ's proposed guidelines which did not include section 5(d), recommended that section 5(d) be included in the final version of the guidelines. The CEQ did not accept EPA's recommendation. In making this recommendation, EPA's Director of the Office of Federal Activities, Sheldon Meyers, made the following self-serving statement:

The omission, as I understand it, is not intended to indicate that CEQ has taken the position that EPA should be required to prepare impact statements for its environmentally protective regulatory activities, but rather it constitutes a recognition that the question is presently under litigation and will be settled by the courts.

The Court of Appeals noted, in Portland Cement against Ruckelshaus, supra (footnote 31) that the CEQ had "retracted" section 5(d), and then commented on CEQ's 1971 interpretation of the legislative history as follows:

The CEQ view was based on its reading of the legislative history of NEPA, which we find highly ambiguous, and cannot therefore assign this administrative determination controlling weight. At least part of the deference assigned to administrative construction of a statute, concerns the passage of time under which the agency view has become an accepted interpretation and in which the Congress has not acted to nullify the agency practice. Deference may also be accorded in administrative interpretation to avoid dislocation where agencies have shaped their actions in accordance with the interpretation, and the court concludes that the interpretation is not inconsistent with discernible legislative intention. Here, however, the issue of meaning turns on statutory wording and legislative history, available in extenso to the court, and not affected by any considerations of special technical expertise of CEQ, which might lead to extra deference.

Second. Judicial Decisions on the Issue—The Court of Appeals in the Portland Cement case concluded that section 111 of the Clean Air Act "requires the functional equivalent of a NEPA impact statement" and thus "in this case, as in *International Harvester* v. *Ruckelshaus*, slip opinion No. 72–1517 (4 ERC 2041) (D.C. Cir. February 10, 1973), at 62n.130, we refrain from a determination of any broader claim of NEPA exemption." In reaching this conclusion, the Court of Appeals noted—see footnote 41—that: "To date, only a few cases have dealt with the application of NEPA to EPA." But the Court noted, in footnote 41, that the courts have not ruled on the matter squarely, except in *Kalur* v. *Resor*, 335 F. Supp. 1, which, as the court notes, "was subsequently dismissed as moot on appeal to this court and is of no precedential value" on the issue of whether EPA must comply with section 102(2)(C) of the NEPA.

Third. Congressional Action on the Issue—The Federal Water Pollution Control Act (Public Law 92–500) was enacted on October 18, 1972, over President Nixon's veto. It contains a new section 511(c) which specifies that NEPA impact statements would be required in the case of EPA financed waste treatment works and permits for the discharge of any pollutant by a new source. Other actions taken by EPA under Public Law 92–500 would no longer be deemed a major Federal action within the meaning of NEPA. Thus, Congress decided to exempt EPA from the impact statement requirements of NEPA in the case of some, but not all, of its functions. Other provisions of NEPA still apply to EPA.

Fourth. The Views of the General Accounting Office on the Issue—Last March I asked the Comptroller General for his opinion on the extent to which the National Environmental Policy Act requires the Environmental Protection Agency to prepare and file environmental impact statements. My request was prompted by a series of exchanges with representatives of EPA, in which they have consistently refused to comply with the Act. The question which was asked of GAO was, in effect, "Does the term 'all agencies of the Federal Government' in section 102 of NEPA include EPA?" Not surprisingly, the conclusion of the Comptroller General, in his opinion of June 6, 1973 (B–170186), was that it did. After discussing much of the matters I have just mentioned, the Comptroller General said (pp. 12–13):

When interpreting a statute, primary attention must be given to the plain words thereof. Section 102(2)(C) of NEPA requires, with respect to major Federal actions significantly affecting the quality of the human environment, that "all agencies of the Federal Government" shall prepare environmental impact statements. *EPA is, of course, a Federal agency and absent strong indications in the legislative history to the contrary, it would appear that EPA would be subject to NEPA's requirements.*

It is well settled that pre-enactment legislative history represents the best evidence of the intent of the Congress in enacting a particular piece of legislation and, as noted above, the only pre-enactment legislative history dealing with the relationship of NEPA to EPA is contained in the Senate floor debate on the NEPA conference report. It appears to us that the thrust of this debate was to the effect that the change in the use of the modifying phrase "to the fullest extent possible" made by the conference committee in the Senate's version of the bill would not weaken the mandate of those agencies, such as the Federal Water Pollution Control Administration, having authority in the environmental improvement field. *In other words, the apparent intent of the discussion was to make it clear that the so-called environmental control agencies would not use the subject phrase as an excuse to exercise their environmental protection mandates with less diligence than before NEPA's enactment.*

Thus, it appears to us that there is nothing in NEPA's legislative history which would require countermanding the conclusion derived from the plain words of the Act that all Federal agencies, including EPA, are required, in the appropriate circumstances, to file environmental impact statements.

Nor do the provisions of section 511(c) of Public Law 92–500, or its legislative history (especially the conference committee report), require a different conclusion. Rather, it appears that that section was intended both to make it clear that Federal agencies could not use their NEPA responsibilities to interfere with, or dilute, the water quality standards set forth in and under the 1972 FWPCA Amendments and other water quality control acts and to provide a limited exemption to NEPA's environmental impact statement requirements. In this regard we agree with Judge Wright's statement in *Calvert Cliffs* supra., quoted above, *that had the Congress intended for EPA to be exempt from coverage under either section 102(2)(C) or from all of NEPA's provisions;* it could, and would, have made this clear in the law.

Similarly, if the Congress had intended that either the WQIA or the 1972 Amendments to FWPCA exempt EPA from all of NEPA's provisions (or even just from section 102(2)(C) in other than water quality matters), it could have specifically so provided. Instead, since section 511(c)(1) of the FWPCA Amendments provides that no action of the Administrator—other than those specifically mentioned—taken pursuant to the Amendments is to be deemed "a major Federal action significantly affecting the quality of the human environment," within the meaning of NEPA, and since that phrase is applicable in NEPA only with respect to section 102(2)(C) thereof, the remainder of NEPA's provisions would, in our opinion, apply to EPA's activities, including its activities under the FWPCA Amendments.

In conclusion, while the matter—due to the legislative debate on the subject as well as some court cases which, since they do not deal directly with the issue here involved, are not discussed herein—is not entirely free from doubt, *we feel that the plain words of the applicable statute require the conclusion that the EPA is subject to the provisions of section 102(2)(C) of NEPA, except with respect to the exemption thereto established in section 511(c)(1) of Public Law 92–500.* However, as noted above, this complicated issue is currently the subject of litigation and the final determination of EPA's responsibilities under NEPA is in the hands of the judiciary. (Italic Supplied)

Mr. Speaker, the action we take today in adopting the conference report on H.R. 8619, with the language agreed to

last June by Mr. WHITTEN and myself on this floor, is wholly consistent with the Comptroller General's opinion. It is entirely consistent with the specific impact statement exemption established by Congress in section 511(c) of Public Law 92–500. And it is in accord with the narrow exemptions established by the courts in Portland Cement against Ruckelshaus, supra, and in other cases.

I might add, however, that no court has held, nor has Congress established, that EPA is "prohibited by law" from preparing impact statements pursuant to NEPA. The exemption from filing impact statements which Congress gave EPA in Public Law 92–500 relates only to some types of actions and certainly does not exempt EPA from preparing and filing impact statements as to other types of actions.

The Portland Cement case nicely sums up the practical arguments for and against application of NEPA impact statement requirements as follows:

> The policy thrust toward exemption of the environmental agency is discernible from these factors, taken in combination: (1) An exemption from NEPA is supportable on the basis that this best serves the objective of protecting the environment which is the purpose of NEPA. (2) This comes about because NEPA operates, in protection of the environment, by a broadly applicable measure that only provides a first step. The goal of protecting the environment requires more than NEPA provides, i.e. specific assignment of duties to protection agencies, in certain areas identified by Congress as requiring extra protection. (3) The need in those areas for unusually expeditious decision would be thwarted by a NEPA impact statement requirement. (4) An impact statement requirement presents the danger that opponents of environmental protection would use the issue of compliance with any impact statement requirement as a tactic of litigation and delay.
>
> The policies against a NEPA exemption embrace the endemic question of "Who shall police the police?" As Senator Jackson stated, "It cannot be assumed that EPA will always be the good guy." Concern was also voiced by petitioners in this case that EPA might wear blinders when promulgating standards protecting one resource as to effects on other resources, as is asserted in this case, that air standards may increase water pollution. Finally, it is argued that a NEPA statement's procedures, though burdensome, allow for needed input by other Federal agencies and simultaneously open up the decision-making process to scrutiny by the public. (Footnotes omitted.)

Of these contentions set forth against applying NEPA's impact requirements to EPA, I find only one that is even partly persuasive, namely, those situations where Congress has established a need "for unusually expeditious decision." But even this contention is full of holes.

EPA has often failed to meet even statutory deadlines by a wide margin. For example, sec. 508(c) required issuance of an order which EPA was to prepare for the President's issuance last April, but none was issued until September 10, 1973, nearly 6 months late. Furthermore, it is rare that EPA must meet deadlines so short as to preclude preparation of an adequate impact statement in accordance with the CEQ guideline provision. Indeed, those guidelines allow abbreviated public review time where necessary and justified.

I want to take just a few moments to comment on some additional comments in the conference report concerning impact statements. The report states (p. 18):

> Because of the need to maintain a common sense approach to our efforts to improve and restore our environment, all points of view need to be heard and taken into consideration. Therefore, the conferees expect the Administrator of the Environmental Protection Agency and the Chairman of the Council on Environmental Quality to work with the Secretary of Commerce so that the advice and recommendations of private industry, so essential to the economy and well-being of the people, will be given full consideration in the formulation of environmental policy.

I fully concur in the conferees' recommendation that all points of view not only must be heard and but also considered in trying to improve and restore our environment. But I fear that the conferees have over-emphasized the need for EPA and CEQ "to work with the Secretary of Commerce so that the advice and recommendations of private industry" will be considered. I think it is of equal importance that EPA and CEQ "work" with other Federal agencies and, most importantly, with the public at large, so that the views of the entire public—not just those of private industry or environmentalists—are heard and considered.

The conference report also states (pp. 18–19):

> It is the opinion of the conferees that had the Agency prepared environmental impact statements and given consideration to such things as cost to consumers and producers our present and foreseeable energy problems would likely not be as serious as they now appear to be.

I have long urged that environmental impact statements be prepared by EPA. However, I do not think a supportable case can be made that if EPA had prepared these impact statements and considered other matters that "our present and foreseeable energy problems would likely not be as serious as they now appear to be." Our energy problems are the result of the failure of the administration to foresee many months ago that we would have shortages of fuels and other energy resources, as well as the failure of the minerals industries and the utilities to take appropriate actions long ago to avert energy problems. No impact statement could have prevented such disastrous policies and practices.

TWO QUESTIONS OF OUR CONSTITUENTS

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

Mr. BINGHAM. Mr. Speaker, two questions our constituents are asking us in Congress more and more lately are "how did this massive escalation of food prices happen and what are we going to do about it?" These questions are difficult ones, but consumers as well as producers and retailers deserve an answer from us.

First, we have to accept the fact that Congress is limited in its ability to act on its own to deal with the food price problem. We can only legislate general policy; we must depend on the executive branch headed by the President to administer that policy and deal with the constant fluctuation in economic conditions in the food industry. Given this reality, we can address ourselves to the first question: how did it happen?

Congress recognized when the President first took office that a serious inflation problem was in the making. We acted to give his administration sufficient authority to deal with the situation—authority the President claimed then he did not want, did not need and would not use. Congress began working on and then enacted legislation in 1970 giving him wide power to impose controls on wages, prices and interest rates. Early in 1971, despite the President's reiteration that he would not use the authority, Congress extended the law. In August of 1971, he changed his mind. Since that time we have been subjected to a series of control programs or "phases" with varying degrees of disastrous results. Why? Because they were unevenly applied and "too little, too late." Where is the logic in controlling retail prices, but not wholesale—raw agricultural—prices, or finally placing strict controls on certain wholesale prices and not others which significantly affect those under control?

Back in April of this year, when the 1970 law was up for extension, I proposed along with others an immediate freeze on the price of all goods and services—including rents—and a gradual rollback of prices equitably administered. The President and Republicans argued that this was too restrictive and less controls would solve the problem, not more. Our proposal was defeated. Instead the President was given one more chance to slow down inflation his way. Since then, the arbitrariness and fluctuation of his control policies have so hurt producers, retailers and consumers that production has been cut, retail shutdowns and rationing have occurred and consumers have engaged in panic buying and boycotts.

The food market which is one of the most delicately balanced parts of our economic system has been thrown into chaos characterized by a fear and uncertainty on the part of all its participants. Add to this, the overlong continuation of an old system of government subsidies to encourage farmers to take land out of production and the President's own vigorous policy of fostering the sale of our agricultural products to other nations—particularly Russia and China—and you have a fairly clear picture of why food prices have escalated beyond belief and shortages have occurred.

What is the solution to this dilemma? The answer seems simple, increase the supply of our food commodities, decrease foreign buying of those products where there are significant shortages and stabilize the food market and industry. We need a comprehensive balanced policy to restore the confidence of the farmer so he knows he will not lose money if he produces more, of the retail merchant so that he will be willing to work toward economy of costs and lowering of prices, the consumer so he will stop erratic buying practices and boy-

cotts, and our foreign trading partners so they will continue to purchase our exports while negotiating in good faith to reduce their demand on our scarce commodities. These are difficult goals to obtain, especially when the Congress and the President disagree on the methods, but we are trying.

The first step has been taken. August 10 the President signed into law the first major reform of the Government agriculture program in many years. Instead of paying farmers to keep land out of production, farmers would be guaranteed a minimum "target" price for their products. Since the end of the era of agricultural surpluses, many of us on the Democratic side have argued for such a change. Finally, it has come and hopefully it will have the desired results of encouraging an increase in farm production. The law included other provisions designed to deal with certain shortages: required the monthly publication of export contracts for feed grains, and soybeans, provided for an emergency reserve of up to 75 million bushels of wheat, feed grains and soybeans, and repealed the so-called bread tax—a 75-cent-per-bushel tax on wheat which raise the cost of a loaf of bread.

Second, the House recently passed a bill, H.R. 8547, liberalizing the President's authority to impose export controls on commodities in scarce supply, or subject to abnormal foreign demand. This basic authority has existed since the Export Control Act of 1949, but this administration has only used formal export control once in regard to agricultural products and that was in June of this year on soybean and feed grain exports. The Senate is currently working on H.R. 8547. When it is enacted, it is hoped that an amicable arrangement with our trading partners and the export industry in this country can be worked out so that the faith in our currency and in our stability as a seller can be maintained while at the same time protecting our domestic food market from severe inflation.

Third, one thing that this crisis has proved to use in Congress, is that we do not know enough about the food market and industry, how it works, what determines the prices and how prices can be controlled without risking shortages. I have cosponsored along with several of my colleagues legislation (H. Res. 530) establishing a Select Committee on the Cost and Availability of Food, and charging it to conduct a full and complete investigation of all matters affecting, influencing and pertaining to the cost and availability of food to the American consumer. After such a study, the committee is to report to the House as soon as practicable its findings and recommendations for congressional action. House Resolution 530 is currently pending before the House Committee on Rules.

Finally, we need to mobilize our best energies, and seek a resolution of our differences with the administration so that together we can stop the escalation of the cost of our most basic necessity of life. I pledge my most vigorous efforts in this regard.

ARTHUR SCHLESINGER'S REMARKS ON A MEMORIAL FOR F. D. R.

(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, yesterday I attended a ceremony in the city of New York at which time Mayor John V. Lindsay announced that Welfare Island has been renamed Roosevelt Island in honor of Franklin Delano Roosevelt. At the ceremony Arthur Schlesinger, Jr., delivered remarks which thrilled the audience. These remarks transcend the occasion at which they were delivered and would, I think, be of interest to all. I am, therefore, setting forth his statement:

REMARKS OF ARTHUR SCHLESINGER, JR.

There is a special and singular felicity in the decision to rename Welfare Island in honor of Franklin Delano Roosevelt. After all (the words welfare and Roosevelt have become virtually synonymous in the history of the republic and are therefore profoundly interchangeable. Moreover, Franklin Roosevelt lived much of his life in this city, cared deeply about it and its citizens and has long deserved a better memorial than, say, the Franklin D. Roosevelt Drive. It is felicitous too that across this island's bow there should lie the gleaming tower of the United Nations, the embodiment of Roosevelt's vision of the way a war-torn world might find its laborious way to peace and cooperation. But most of all, I think, it is supremely right that Franklin Roosevelt be remembered on an autumn morning in a place of land and water, where the river begins to flow into the sea. For no President ever had such knowledge of land or such love of water or such acute understanding of the way water and land combine to provide sustenance for life on this planet.

We call it ecology now. FDR called it conservation. But the idea is the same—the idea that man owes a debt to nature, and that when man, in carelessness and greed, turns against nature, then nature will turn against man. As Roosevelt put it 37 years ago when he spoke not far from here at the dedication of the Triborough Bridge, "Government . . . cannot close its eyes to the pollution of waters, to the erosion of soil, to the slashing of forest, any more than it can close its eyes to the need for slum clearance and schools and bridges." Heaven alone knows what FDR might think if he looked too closely at the East River today. But one hopes that the baptism of Roosevelt Island will lead to a commitment on the part of New York and the nation to return the East River to what it was when FDR's friends Al Smith and old Bob Wagner used to swim in it as boys growing up on the East Side of New York.

The preservation of land and water was only one of FDR's concerns as he worked for the health and prosperity of the nation. We remember him for so many things—for the gallantry of his struggle against disabling sickness; for the confidence he imparted to the nation in the ordeal of economic depression; for the kill with which he mobilized the intelligence, the idealism and the youth of America in a great effort for recovery and reform; for his early recognition of the dangers gathering from abroad; for his undaunted leadership in the grim days of war; for the steadfast purpose with which he began the quest for peace; for his incomparable voice, resourceful intelligence and fighting heart. He led our nation through two of the great crises of our history—the crisis of economic collapse and the crisis of fascist aggression. And he did so while preserving at all times the essential liberties of our people and the essential balance of the Constitution.

He made the Presidency what it was—and some today hold him responsible for what it has become. For, as we meet today, the American Presidency itself is in a condition of unprecedented crisis. The headlines are dominated by the word Watergate. But Watergate is not the cause of this crisis. Watergate is only a symptom and a symbol. The cause lies deeper: it is the expansion and abuse of presidential power. What Watergate has done is to raise this question to the surface, dramatize it and make it at least politically accessible. Watergate is the by-product of a wider state of mind and a larger purpose. As one examines the range of contemporary, presidential initiatives, from the new theory of the war-making power to the new theory of absolute executive privilege, from the new doctrine of impoundment to the new doctrine of the pocket veto, from the calculated disparagement of the cabinet and the civil service to the calculated concentration of federal management in the White House, one sees, I believe, what can only be understood as an attempt to alter the nature of the Presidency—an attempt to replace the Presidency of the Constitution by what can best be described as a plebiscitary Presidency.

According to this new revelation, election confers on a President a mandate to do on his own whatever he feels is good for the country. The mandate empowers him to make war or to make peace, to spend or to impound, to give out information or to hold it back, to bypass the legislative process by executive order and decree—and with no serious accountability to Congress and the people, between elections, except through impeachment. And fortifying the doctrine of the mandate is the President's supposed power to violate the laws and the Constitution in the name of national security.

It is hard for the historian to see that the nation is in greater danger today than it was, for example, at the bottom of the depression or during the perils of the Second World War. Yet national security did not lead Franklin Roosevelt to set aside the Congress of the United States and rule by inherent presidential power. The more venerable among us here today will still remember the words of Franklin Roosevelt's first inaugural, spoken forty years ago—words uttered in a more considerable national emergency than any faced by Richard Nixon. "In the event that the national emergency is still critical," Roosevelt said, ". . . *I shall ask the Congress* for the one remaining instrument to meet the crisis—broad executive power to wage a war against the emergency." For Roosevelt such broad power resided in the Congress and had to be delegated to the Presidency; he rejected the contemporary heresy that such power resided in the Presidency. FDR understood that the Constitution contemplated three coordinate and interdependent branches of government. He did not suppose that the Presidency superseded the Congress or the courts.

We read today that the President of the United States may decide to defy an order of the Supreme Court. A former Democrat, recently sent on waivers to the Republicans, told us the other day, "I think there are times when the President of the United States would be right in not obeying a decision of the Supreme Court." A remarkable proposition—and one shudders to think what might happen to the republic if John Connally ever became President himself and acted on this principle. No President up to this time has ever refused to obey a decision of the Supreme Court. If in a time of far greater national emergency the Supreme Court could divest Franklin Roosevelt of much of the early New Deal, it can surely divest Richard Nixon of a few electronic

tapes bearing possible evidence of criminal activity on the part of government officials.

Franklin Roosevelt was a strong President, and he believed in a strong Presidency. But he did not suppose that a strong Presidency had to be a closed Presidency. He held press conferences, for example, twice a week, even through most of the war. Indeed, he held as many press conferences in his first three months in office as President Nixon held in his first four years. And Press conferences are not just scenes where Presidents tell things. They are very often scenes where Presidents learn things—things that their own executive establishment, consciously or not, may have been keeping from them. Rereading FDR's press conferences today makes it evident how much meeting the press twice a week contributed to the vitality and responsiveness of his Presidency.

Nor did Franklin Roosevelt have some spurious notion of "respect for the Presidency" with which to discourage argument and dissent in the presidential presence. His whole idea was to surround himself with obstinate and opinionated men—who else could have put up with Harold Ickes for twelve years?—and make debate a method of government. Instead of shutting himself off from the government and the people and allowing one or two men to control access to the royal presence, FDR read widely, talked widely, saw an immense diversity of people and constantly pitted his own private sources of information against the information delivered to him through official channels.

What FDR reminds us is that, under conditions of much greater national extremity than exist today, a strong Presidency can be an open Presidency, a strong Presidency can give due respect to the other branches of government, a strong Presidency can function within the Constitution. For history has shown that our Constitution is a spacious document within which very strong men indeed have been able to direct the affairs of state and guard the safety of the republic. It is the weak man as President who flinches from face-to-face contention and debate, who mistrusts Congress and the press, who intrigues and connives behind closed doors, who claims inherent power to take liberties with the law and the Constitution. The truly strong President is not the one who asserts a power to command but the one who recognizes a responsibility, and opportunity, to enlighten and persuade; not the one who places himself above the Constitution but the one who sees the disciplines of consent as indispensable to his own success as a democratic leader and to the survival of democratic government.

This was the kind of President Franklin D. Roosevelt was—which is why we rejoice in celebrating his memory today. "I am very confident of the future of this country, he once said, "as long as we maintain the democracy of our manners and the democracy of our hearts."

INCENTIVES FOR AN ALL-VOLUNTEER BLOOD DONOR SYSTEM

(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, Health, Education, and Welfare Secretary Caspar Weinberger called yesterday for the development of a new national blood policy designed to achieve an all-volunteer blood donor system. In an address to the National Blood Policy Conference, he called for a partnership between government and the private sector in developing this policy. He set a 4-month deadline for the blood industry to determine how it would specifically accomplish these goals for a national voluntary program.

I support these efforts on the part of HEW and the blood-banking organizations. Certainly the formation of the American Blood Institute to help reorganize the country's blood distributing system by the American National Red Cross and the Council of Community Blood Centers which was announced at the meeting yesterday is a constructive first step to coordinate efforts.

Congress and HEW will be closely watching the developments of the next 4 months to see if the private sector can implement an all-voluntary program.

In looking to the future and insuring the continuance of such a program, Congress must help provide incentives for voluntary blood donations. The demand for commercially collected blood must be reduced. This blood is all too often responsible for over 100,000 cases for posttranfusion hepatitis that are contracted yearly. The dope addict or derelict who is only interested in the immediate on-the-spot cash offered by the commercial blood banks is most often the unhealthy donor of this hepatitis-ridden blood. Approximately 11 percent of the blood collected is from commercial blood banks. This blood accounts for 25 to 45 percent of the cases of hepatitis. Dr. Charles Edwards, Assistant Secretary for Health, said these hepatitis cases cost Americans about $85 million a year in addition to time lost in the hospital.

I have sponsored a bill, H.R. 700, which would help solve the problem by providing that blood donations be considered charitable contributions deductible from a taxpayer's gross income. It allows a $25 deduction for each pint of blood donated to a nonprofit blood collecting agency, setting a $125 annual deduction limit for each donor which is a yearly maximum of 5 donated pints.

Under the present law, if a person sells blood to a commercial blood bank, he must include the proceeds as taxable income; yet when he gives the blood to a nopnrofit organization, the blood has no deductible value. Even more ironic is the fact that an individual may purchase a unit of blood from a commercial blood bank, then donate it to a nonprofit organization, and be able to deduct the full cost of the blood. A person can write a check to the Red Cross and take a tax deduction for that; yet he cannot deduct for the blood he gives the Red Cross.

Most people in this country think of blood donations as a charitable contribution. But, because the IRS regards blood donations as donations of "services" rather than of "property," a tax deduction for blood donations is not allowed. What greater personal property can a person give than his blood to save another person's life. For someone who is sick or dying, a pint of blood is much more important than $25 in cash donated to the Red Cross.

It would be very commendable if Americans would voluntarily give blood out of purely noble sentiments. But, we have always encouraged such charitable giving in other areas by providing economic incentives, that is, tax deductions. It is only logical that we do the same in this area.

By encouraging more people to voluntarily donate blood, we will be able not only to eliminate the need for commercial blood, but also eliminate the yearly blood shortage and avoid a crisis situation. The enactment of H.R. 700 would be a tangible acknowledgment by the Federal Government of the importance of voluntary blood giving. It would establish a national policy that blood giving is a practice to be encouraged.

I believe this bill will only become law with the support of the administration. I have testified at two hearings held by the Ways and Means Committee on this subject and HEW has not yet endorsed the concept. I would hope that the administration would change its position.

The current sponsors of H.R. 700 are MS. ABZUG, Mr. ADDABBO, Mr. BINGHAM, Mr. BRASCO, Mr. BUCHANAN, Mr. BURKE of Massachusetts, Mr. BURTON, Mr. COUGHLIN, Mr. DANIEL, Mr. FISH, Mr. FOUNTAIN, Mr. GUDE, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. LENT, Mrs. MINK, Mr. MOAKLEY, Mr. O'HARA, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. SARBANES, Mr. SARASIN, Mr. SYMINGTON, Mr. SYMMS, Mr. TIERNAN, Mr. CHARLES H. WILSON of California, Mr. WON PAT, and Mr. YATRON.

I urge our colleagues to add their names to this list of cosponsors.

KEEP THE FOCUS ON CRIME

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

Mr. PEPPER. Mr. Speaker, I was privileged to appear last week before the Select Committee on Committees' chaired by my distinguished colleague on the Rules Committee, the Honorable RICHARD BOLLING, to urge that the reorganization of the committee structure include a permament select committee on crime.

In the 4½ years which I had the opportunity to chair this House's temporary Select Committee on Crime I developed the strong convictions: First, that there should be one committee to deal with all aspects of crime; second, that no legislative committee of the House, under the present rules of the House, has complete jurisdiction over all facets of crime and, therefore, the investigative work or the legislative work of the several committees now, of necessity, must be fragmentary, and third, that to create one legislative committee with jurisdictions over all aspects of crime would take away very important legislative jurisdiction from a large number of the important standing committees of the House.

I have concluded, therefore, that the only way that the subject of crime can be treated as a whole without depriving the legislative committees of important aspects of their respective jurisdictions is to have a permanent select committee with comprehensive authority to investigate all aspects of crime but which would have no legislative jurisdiction and would make its recommendations to the respective legislative committees.

That is the thesis that I expressed to the distinguished Committee on Committees which I ask leave to insert in the body of the RECORD immediately following these remarks:

STATEMENT OF HON. CLAUDE PEPPER

Mr. PEPPER. Mr. Chairman, and members of the committee, I apologize that I don't have a prepared, written statement. I will give you a brief summary of the proposals I wanted to lay before you today. As I said, I hope I can give you the happy experience of taking less time than you have generously allowed me.

Mr. Chairman and members of the committee, I first wish to commend your committee for the important work you are doing in examining the committee structure of the House of Representatives—the techniques by which we accomplish the constitutional objective we have as one of the legislative bodies of the Congress. You are doing a very fine job in pursuing the aim that the House has laid out for you, to improve the machinery as it were, by which we may legislate.

The experience that the House Select Committee on Crime had for a little over four years—a committee of which I had the honor to be chairman—has led me to believe that there should be in the House of Representatives a permanent select committee on crime. That proposal is what I wish respectfully to lay before your distinguished committee today.

There have been a number of suggestions made as to how there might be one committee which would have jurisdiction over the whole subject of crime. A number of members have from time to time suggested that there be a standing legislative committee that would have jurisdiction over all aspects of the complicated and complex problem of crime. That seems plausible on the face of it. But when you begin to examine that proposal, you see that the facets of the crime problems are so numerous that you would cut across the legislative jurisdiction of a number of the committees of the House.

For example, in our studies of the subject of crime, we submitted to the members of the House the following reports: "Street Crime: Reduction through Positive Criminal Justice Responses." That dealt with the police system of the country, with the court system of the country, state and federal, trial and appellate. It dealt with the probation system; it dealt with the correctional system of the country. Obviously, of course, in the background of that there are numerous aspects of different types of disability, physical, mental and otherwise.

"Drugs in Our Schools." The legislation making it unlawful to do a certain act respecting drugs, of course, is within the jurisdiction of the Judiciary Committee and also the Subcommittee of the House Judiciary Committee, headed by Mr. Edwards of California, which has been dealing with the drug problem. But the House Interstate and Foreign Commerce Committee, which also has juridiction over the subject, has been dealing with the drug problem and it has a subcommittee of which I believe my colleague, Mr. Paul Rogers, is the chairman. They have a part of the jurisdiction over the drug problem.

In respect to jurisdiction over correctional institutions, the subject of one of our reports, if you look at the rules of the House respecting the Judiciary Committee, the rules say the committee has jurisdiction over federal correctional institutions but not necessarily state. Yet, of course, most of the prisoners in the country are confined in the state institutions rather than in the federal.

Our report "Drugs in our Schools", described a situation which was described by some of the witnesses, school board members, outstanding medical authorities, as being epidemic in many places.

Drugs in the schools, I think, is a very, very important aspect of the crime problem of the country. Yet, what jurisdiction is there to deal legislatively with that? We have a bill pending, of which I am one of the authors for federal aid to schools for dealing with the drug problem, and we have already had some hearings about this and we expect to have other hearings from the Education and Labor Committee. The jurisdiction over this subject is in the Education and Labor Committee, if you are talking about the Federal Government helping the States to fund the programs that should be initiated and developed in the school to deal with the drug problem in the schools.

Then "Organized Criminal Influences in Horse Racing." There again, not the Judiciary Committee perhaps, although they would have jurisdiction over legislation, but that would probably come before the Committee on Interstate and Foreign Commerce.

Reform of our correctional institutions is divided between a number of committees.

Another one of our reports dealt with marijuana, a drug that has been the subject of a presidential panel and would come before Judiciary and Interstate and Foreign Commerce. At the same time jurisdiction might lie in the Education and Labor Committee. So could heroin and heroin paraphernalia.

The junvenile crime problem is a very great problem. About two-thirds of all the crime in the country is committed by people under 28 years of age. About half of the crime in the country is committed by people under 18 years of age.

If you are dealing with the problem of crime, the area where you could probably reduce crime most is in the youth area. What committee of the Congress has jurisdiction over the youth crime? Obviously this would be related to education, health, housing, jobs, drugs, the environment, etc. So we see the number of committees which would have jurisdiction over these subjects.

Our Crime Committee held hearings in Philadelphia due to the fact that for two or three years there had been every year at least 30 or more black youths in Philadelphia killed in gang warfare. In the course of the hearings it was brought out that there was only one recreational facility available to the whole black area from which these gangs came. There was no playground supervision, nothing to bring those boys out of their ghettos, out into recreational activities that would consume their energies.

Some of the business people who were trying to help, in any way they could, testified before our committee. I asked them, "How many playground supervisors do you have? How many athletic directors do you have? Have you gentlemen ever thought about hiring some good boy leaders that could bring intermural activity or bring athletic activity, games and that sort of thing to that area?"

They said, "No, we did not. We didn't think that was within the scope of our jurisdiction."

We see, then, how broad are the aspects of youth crime.

Another one of our reports was "Conversion of Worthless Securities Into Cash" and organized crime activity where millions of dollars were taken away from people by fraudulent practices. That might well come within the House Banking and Currency Committee's jurisdiction or the Committee on Interstate and Foreign Commerce.

I think it desirable to have one committee which at least can look at the whole problem of crime, all aspects of it, and try to keep them in focus and in perspective. I don't believe it is feasible under our system in the House to get that jurisdiction vested in one legislative committee. To do that, you would take away from the present legislative jurisdictions of numerous committees, very important jurisdictions that they possess.

I am a member of the House Internal Security Committee. The distinguished chairman of our committee appeared before your committee and recommended that the House Internal Security Committee be made the crime committee of the House of Representatives. That is all right with me, since I can only be on there one more year, since I am on the Rules Committee. But I doubt that the House is going to take away jurisdiction presently in the Interstate and Foreign Commerce Committee and in other committees of the House and put them all in the House Internal Security Committee or in any other committee.

In the same way the Interstate and Foreign Commerce Committee would resist violently, I am sure, any effort to take away their drug jurisdiction and give it to the Judiciary Committee. The same is true of the Judiciary Committee.

This has led me to suggest that the best way to deal with the subject, to keep it in any kind of focus, is to have a permanent select committee on crime.

I think that the House Select Committee on Crime, which I had the honor to chair—I don't want to commend our efforts; it is appropriate for others to do that if there is to be commendation—but I do think that we were able, by having jurisdiction over the whole subject of crime—jurisdiction co-extensive with the House, jurisdiction to transcend the jurisdiction of all of the legislative committees—we were able to penetrate to a degree of depth into the problem and to consider more aspects of the problem than any legislative committee with its limited jurisdiction could possibly have done.

Let me give you one example of what a select committee can do even if it does not achieve any legislation. The members of the old Select Committee on Crime of the House are now appearing before the various legislative committees to present our recommendations with the hope that they may be embodied in legislation upon the recommendation of those several legislative committees.

For example, our first appearance will be before Mr. Kastenmeier's Subcommittee on Correctional Institutions of the Judiciary Committee. He has graciously invited us to appear.

After that we will appear on other subjects before other legislative committees.

One of the subjects that we went into was this problem of drugs in the schools. We had hearings in New York, Miami, Chicago, San Francisco, Kansas City, Kansas and also Missouri—there was participation by the two cities and Los Angeles. In every one of those cities when we first started our inquiry, there was relatively little activity in respect to the problem of drugs in the schools. In fact, take New York for an example, it was rather a typical state and my City of Miami was comparable. They tried to sweep the problem under the rug. They had never made a survey in my City of Miami, although the county authority had requested the county school authority to have a survey of the problem of drugs in the schools if there were one. They had totally ignored the request of the county authority to do that.

In New York they were not even obeying the law which required that when there was a case of drug abuse discovered in the schools, that had to be reported to the medical authorities so that they could take whatever steps they would choose to take about it.

It was almost the same way in every other city.

By the way, yesterday Rep. Larry Winn, who participated in the hearing in his City of Kansas City, Kansas, was telling me that recently there had been a survey and some reports in that city and they were kind enough to mention our committee's appearance there and, as he related it to me, to give some commendation to what we had con-

tributed by bringing the problem out into public focus and into public attention.

Due to the fact that we brought competent witnesses before the public and that we brought the matter to public attention through the press and the media, in every one of those cities, commendable efforts have since been taken by local authorities to do something about the problem of drugs in the schools. That is a good example of how public good may be achieved by a select committee by just prodding, by bringing to public attention problems that exist and deserve public consideration.

Take also the matter of horseracing. Some people asked why would a crime committee of Congress want to get into the fixing of horseracing? But it had just come out that in two racetracks in New York, a set of gangsters over a period of a couple of years made $2 million or $3 million by fixing races, by using exotic betting, where you could bet on four horses coming in a certain order.

As a result of our hearings, we have recommended and we are going to ask consideration of those recommendations by the Judiciary Committee, that it be made a federal offense to do anything to fix a horse race. You may ask why a horse race? That is because it is the most popular sport in the United States.

$500 million a year is paid into the States of the country from revenue derived from parimutual horseracing. Public confidence, of course, is very much related to the success of racing and the public's attendance.

All I want to say, Mr. Chairman, is that I believe there ought to be some committee which constantly can take a comprehensive look at all aspects of the problems of crime.

There has been a reduction in the rate of increase of most crime. There has been some reduction in the volume of crime, but it is generally agreed that there has been an increase in the most serious crime, murder, rape, and aggravated assault.

One of the things that we recommended is that the Federal Government pay half of the cost with the States in putting in correctional institutions located in urban areas instead of these rural areas where they are located today.

We recently had a plethora of prison riots. I think we are going to continue to have them as long as we have, as the President described it, penal institutions which are colleges for crime rather than correctional institutions for crime.

Governor Hughes testified that if we could modernize the correctional system of the country, we could reduce the crime in this country by 50 percent. If we could have small institutions in urban areas where families of people confined could come to see them and where there would be facilities for confining those who are dangerous and an opportunity for jobs for those that were found to be qualified for work and the like, we could partly reduce further crime by those confined in penal institutions.

There are many things that can be done by prodding, by holding up to public attention, by encouraging action of one sort or another at State, Federal and local levels in stimulating citizen participation in reducing crime. Of course, much can be done in recommending legislation dealing with various aspects of the subject to the appropriate committees.

To conclude, Mr. Chairman and Members of the Committee; I think the assumption is a fair one that there ought to be one committee that can deal in some helpful way with the problem. Having considered it, I believe your committee will find great difficulty and great resistance in trying to give to one legislative committee comprehensive jurisdiction over the whole problem. However, that can substantially be achieved by a permanent select committee which can fully investigate and can make recommendations to the appropriate legislative committees. I believe such a committee would be in the public interest.

Mr. Chairman, if I don't quit, I will not live up to my promise that I would not take up all my time, and allow for questions.

Chairman BOLLING. Thank you for a very interesting statement.

Mr. Martin?

Mr. MARTIN. Thank you, Claude, I appreciate your coming over this morning and giving us your views on this subject of which I know you are very knowledgeable.

If a separate committee were set up to handle crime and you have pointed out that this cuts across jurisdictions of other committees, wouldn't we have to take away those jurisdictions? You mentioned Banking and Currency and, of course, the Judiciary Committee.

Mr. PEPPER. No, I say to the gentleman. The reason the answer is no is that a select committee has no legislative jurisdiction. It can only recommend and inquire and suggest. It does not have legislative jurisdiction, so you wouldn't be taking any legislative jurisdiction away from any legislative committee.

At the same time, however, you would have a committee that would have a single purpose. Take the Judiciary Committee. My understanding was that when the Select Committee on Crime went out of existence on June 30 that perhaps the Judiciary Committee would take over and conduct special hearings and inquiries and at the same time deal with the legislative aspects of the problem. That committee is a very busy committee. They are revising the criminal code and they have a heavy legislative load to carry. A select committee has only one job to do, therefore, it can devote time and effort and attention that a legislative committee can usually not provide.

Mr. MARTIN. Has the Judiciary Committee followed up at all since your committee ceased to exist?

Mr. PEPPER. So far as I am aware, they have not requested any money from the House Administration Committee. They have employed our top counsel, Mr. Nolde, and one of our associate counsel, Mr. Trainer, to work with us in the presentation of our recommendations so that they may give legislative consideration to our proposals. They have been very cooperative. The chairman, Mr. Rodino, and the chairmen of the subcommittees having appropriate jurisdiction have invited us and we will be appearing before them many times between now and the end of the session. In that sense, they have been most cooperative, but I am not aware that they have been able to organize and get personnel and undertake the responsibility of making investigations.

Mr. MARTIN. That is all. Thank you, Mr. Chairman.

Chairman BOLLING. Mr. Frelinghuysen?

Mr. FRELINGHUYSEN. Thank you, Mr. Chairman.

I would like to ask a couple more questions about the value of select committees. I would think that one could have the function of a select committee incorporated into a legislative committee. In other words, I would think that there would be more punch if they could make recommendations. The isolation of a select committee is not necessarily an asset, is it?

Mr. PEPPER. Theoretically, that is true, but the problem is the limited jurisdiction of each one of the legislative committees.

Mr. FRELINGHUYSEN. I don't see why that needs to be an insuparable problem. I think the answer would be there should be a major focal point in one committee and that committee would also have the rsponsibility that your select committee has had.

Mr. PEPPER. In the first place, it would be a double expense if you are going to set up a competent staff in two or three committees.

Mr. FRELINGHUYSEN. I am not suggesting that. I am suggesting that that committee would have legislative committee jurisdiction.

Mr. PEPPER. Take for example drugs. You have two committees that have clear jurisdiction in that field. One is Judiciary, it has a subcommittee, and Interstate and Foreign Commerce has a subcommittee. I am sure neither one of these committees is willing to give up its prerogative in that area.

Mr. FRELINGHUYSEN. But that should not end the argument. That is part of the problem, but it doesn't mean that things should go on that way. A divided jurisdiction with jealousy to protect the vested interest— to say nothing can be done about it except to have a select committee which only relates directly to the legislative committees.

Mr. PEPPER. The inquiry of each committee will be limited to the scope of its legislative jurisdiction whereas it can only deal with an aspect of the problem.

Mr. FRELINGHUYSEN. You are assuming that jurisdiction cannot be modified or taken away from one committee and enlarged in another committee. I would think the simplest thing would be to concentrate in one committee.

Mr. PEPPER. That is entirely possible, but the matter of crime cuts across everything. Slum housing has to do with crime. You are not going to take that away from Banking and Currency. Drugs in the school, that is Education and Labor Committee jurisdiction. Another form of drugs is in Interstate and Foreign Commerce.

Mr. FRELINGHUYSEN. You are assuming the jurisdiction cannot be changed. I would think that surely should not be the case. I would think if it is advisable to provide respective responsibility it can be done and the fact that certain members of certain committees do not like it does not mean that the House as a whole would not agree to provide a greater degree of focus than now exists.

Mr. PEPPER. That is theoretically possible, I will say to my friend. I don't think there is any subject that is more pertinent to the wellbeing of the people of this country than the matter of crime. I think that transcends most other problems. After all, I don't like to smell polluted air, but I would rather smell polluted air than to be hit over the head by somebody.

Mr. FRELINGHUYSEN. If we should accept your argument that there should be a select committee on crime, one could just as well argue that there should be a select committee on energy because there is a diffusion of and need for an overall perspective. I am not arguing that this is not a wise thing, but I think if we took your argument, it might lead us to establish a lot of other select committees.

Mr. PEPPER. I think we should have more select committees.

The Senate, I think wisely, has more select committees than we have and it does not have the prejudice against them as we do in the House. I am not suggesting an unlimited number of select committees. I am simply saying there may be justification for more than one but, at least as far as crime, there should be one.

Mr. FRELINGHUYSEN. Thank you.

Chairman BOLLING. Mr. Steiger?

Mr. STEIGER. I have no questions, Mr. Chairman. I have read with great interest the work of the gentleman's select committee. The point you make on select committees is an interesting one and one I think we have to deal with. I have no easy answer on whether what you have recommended, be it in the crime field, is the right answer.

Thank you for coming.

Chairman BOLLING. Mr. Sarbanes?

Mr. SARBANES. I have no questions, but I want to thank Mr. Pepper for coming this morning and giving his helpful testimony.

Mr. PEPPER. Thank you very much.

Chairman BOLLING. I have a few questions, Mr. Pepper.

There has been a great deal of testimony before this committee about the difficulty of members who have a variety of committee assignments and having to be in two places at once.

One of the dilemmas that I see about select or joint committees or committees other than standing committees is that it seems to me to increase that dilemma. I would like your comment on that, but I would also like it in connection with your point that there should be a permanent select committee.

It occurs to me that if the concept were for a temporary select committee, perhaps initially with a two, four or six-year plan in prospect, that then one could work out an arrangement whereby the burdens on the individual members would not be so onerous as they are when they have a committee that is so active already before they are involved in the select committee and there could be some understanding as there is in the Senate. As you well know from your experience in the Senate, Senators have 18 to 25 committee and subcommittee assignments. It results to a large degree, with no derogation to the Senate, that it is a staff operation. I am not saying that is bad. I am saying that it exists. One of the House's virtues is that there is a great deal of investigation in the legislative process. I would hate to see us lose that. If you have a permanent select committee and you have the problem of dual assignments, it seems to me you are building into the system almost the impossibility for a member who wishes to keep his important permanent assignment, to fully do either job on a long-range basis. I would like your comment on that particular problem because I am sure you have had some experience with it.

Mr. PEPPER. The chairman has raised a significant point and maybe the Speaker, in the naming of personnel to a permanent select committee, should take into account the burden that the named individuals already bear upon the other legislative or joint committees. We all do have the problem of not spreading ourselves too thin. You have properly pointed out that that situation does exist to a large degree in the Senate. I know it is hard to keep abreast over there.

We have one permanent select committee in the House, that is the one on small business, headed by the distinguished gentleman from Tennessee, Mr. Evins.

Chairman BOLLING. A permanent select committee, that is the first one in our history. I think I invented the name.

Mr. PEPPER. I am sure you have invented many things and you may have invented that, too. Anyway, I think it serves a useful purpose The House thought so and it has been continued but the problem of small business is a particlar problem. We had the experience where, with the House Select Committee on Crime, the Speaker and other members felt that a select committee should not exist except for a limited time. In fact, I think he said he expected your committeee to end in a period of two years.

Chairman BOLLING. I think I said that on the floor of the House.

Mr. PEPPER. There is a tendency to expect a select committee to have a limited life. Crime is not going to go out of business at the end of a two or four-year session of the Congress. Until it does, relatively, go out of business as a challenge to the lives and liberties of the people of this country, then I think there ought to be a select committee that would have a continuing jurisdiction to keep working in this field. I believe a select committee on the whole is more desirable for that than to try to vest jurisdiction in a single standing legislative committee.

Chairman BOLLING. I would like to commend the gentleman for his testimony.

SOCIAL SECURITY AMENDMENTS OF 1973

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

Mr. PEPPER. Mr. Speaker, I am introducing today the Social Security Amendments Act of 1973, a comprehensive bill which would, among other purposes, repeal the earnings test; liberalize eligibility requirements for men and women; and improve benefits under medicare and Federal supplementary security income. This legislation is being introduced in response to hundreds of letters I receive from my constituents whose needs are compelling and typical of the elderly across the Nation.

Despite some far-reaching legislative advances benefiting the elderly which were enacted in the Social Security Amendments Act of 1972, too many millions of senior citizens are living at the bottom of the economic ladder. They lack sufficient and proper food, decent housing, and adequate medical attention, particularly in health maintenance programs. We must recognize also that the increasing numbers of older Americans in our population and their increasing longevity make it imperative that a change of attitude toward priorities be recognized to provide increased income benefits and health benefits to enable the elderly American to remain independent, healthy, and as self-sufficient as possible.

A section-by-section analysis of this bill accompanies my statement, therefore, I shall mention only a very few of the provisions that are of particular significance to the elderly in view of their plight in our changing economic and social life.

First, a change in policy with regard to an "earnings test" to determine eligibility for cash benefits must be recognized now. More and more citizens are contributing more and more of their income during their working lives to the social security tax, and these citizens must be assured of a right to continue to work as long as they are able to contribute to the economic life of our country and their own security and welfare. Our society benefits from their work and their earnings provide the same additional income protection that now accrues to more fortunate senior citizens who derive supplementary income from other pensions and from investments.

Second, the inclusion in medical benefits of life-sustaining prescription drugs and essential prostheses such as eye glasses, dentures, hearing aides, among other benefits, is a necessary counterpart to the medical benefits provided under medicare.

Third, inflation and the increasing demands on our medical institutions and personnel compel the elimination of deductibles under medicare. Society must provide adequate compensation to the providers of health and medical services; however, the burdens on the elderly to do this are becoming increasingly unbearable. We now must provide more comprehensive services to the elderly and place the burden of the costs on all taxpayers through their contributions to general Federal tax revenues.

Many of the provisions in the bill I am introducing are similar to a bill introduced earlier in this session of the Congress by my esteemed colleague from New York, Congressman JONATHAN B. BINGHAM. Many of the provisions would carry out the priorities of legislative programs of local and national senior citizen organizations including the National Council of Senior Citizens, the American Association of Retired Persons, and the National Retired Teachers Association. With the hope that my colleagues in this Congress will all join in recognizing the merits of these amendments, I am introducing this legislation.

SECTION-BY-SECTION ANALYSIS OF H.R. 10499 THE SOCIAL SECURITY AMENDMENTS ACT OF 1973

TITLE I

Section 101 increases the minimum primary insurance amount to $120 per month.

Section 102 provides an alternative primary insurance amount, equal to $8 multiplied by the number of years up to 25 that a person has worked under social security and had covered earnings equal to the amounts specified.

Section 103 increases the social securitiy tax and benefit base to $15,000 a year, effective January.

Section 104 repeals the earnings test.

Also provides for automatic increases in the exempt amount in direct proportion to the rise in average wages taxed for social security purposes.

Section 105 increases the lump-sum death payment to the smaller of four times the primary insurance amount or 150 percent of the maximum primary insurance amount shown in the benefit table in effect at the time the worker died.

Section 106 lowers the retirement age for men to 62 with full benefits and to 60 with actuarially reduced benefits.

Section 107 provides that widow's and widower's benefits shall be paid to a widow or widower if that person's spouse died while receiving benefits and the survivor was at least age 50 at the time of the spouse's death.

This section also provides that benefits for disabled widows and widowers shall be paid without regard to their age.

Furthermore, a widow would be eligible for widow's benefits at age 55, provided that her husband was insured by social security, even if he had not begun receiving benefits at the time of his death.

Section 108 reinstates full monthly benefits to a social security recipient who elects to receive reduced benefits. Full benefits are restored at the age at which the reduced benefits received equal the benefits which the recipient would have received had he or she waited until the full retirement age to begin receiving benefits.

Section 109 provides that forced retirees may begin receiving reduced benefits at age 55. A forced retiree is defined as a person who is required to retire before age 60 or who is unable to obtain employment suited to his experience and abilities.

Section 110 eliminates the actuarial reduction of a woman's old-age benefit (based on her own earnings) which applies when benefits begin before age 65 in the case of a woman who has had at least 30 years (120 quarters) of work under social security

Section 111 provides for the payment of benefits based on the combined earnings of a husband and wife (when both have worked long enough to qualify for benefits) in cases where a higher total payment than is payable under present law would result.

Section 112 provides that if a beneficiary's payments begin after age 65, that person will receive lifetime payments which actuarially equal the lifetime amount he or she would have received had benefits begun at age 65.

Section 113 applies the age 65 benefit computation point for men to current beneficiaries and eliminates the 2-year phase-in period which exists in present law.

Section 114 amends the definition of disability so that disability benefits would be payable starting after the third month of disability, without regard to the expected duration of the disability.

In addition, a special definition of disability would be provided for workers who are age 55 or over. Under this definition, benefits would be payable if the disability was one that prevented the person from doing his regular work or some other type of work which he had done at some time in the past.

Section 115 permits a fully insured individual to receive disability benefits, regardless of when his insured quarters of coverage were earned. This eliminates the recent work requirement for disability benefit eligibility.

Section 116 provides for the payment of disability insurance benefits to blind people who have at least six quarters of work under the social security program, regardless of when the quarters are earned.

Section 117 provides monthly benefits, similar to mother's benefits, to widowers who have children entitled to children's benefits.

Section 118 provides for paying monthly benefits to the dependent parent, age 62 or over, of a retired or disabled worker.

Section 119 provides for paying child's benefits to a fulltime student up to age 24, rather than age 22.

Section 120 provides for the payment of benefits to divorced wives and surviving divorced wives who had been married to the worker for at least 10 years, rather than for 20 years as in present law.

Section 121 eliminates the requirement that a husband must have been receiving at least one-half of his support from his wife in order to qualify for husband's benefits, and it eliminates the requirement that a widower must have been receiving at least one-half of his support from his deceased wife in order to qualify for widower's benefits.

Section 122 provides that marriage or remarriage after a person's 60th birthday will not be a reason for terminating benefits.

Section 123 provides that employee or self-employed social security contributions shall be optional after age 65.

Section 124 permits a person to exchange credits between the social security system and the civil service retirement system in order to obtain maximum benefits under the two systems.

Section 125 revises the social security tax schedule. Revised amounts not shown in draft.

Section 126 provides for payments from general Federal revenues to the social security trust funds. The payments would start at 5 percent of the social security taxes collected for fiscal year 1974 and rise by 5 percent each year until the payment reaches 50 percent of the taxes collected for fiscal 1983 and thereafter.

Section 127 is a general savings provision that no person's present social security or supplemental security income benefit may be reduced as a result of any of the provisions in this Social Security Amendments Act of 1973.

TITLE II

Section 201 provides that people entitled to cash benefits would become automatically entitled to supplementary medical insurance benefits and that the cost of these benefits would be paid out of social security taxes. Premiums collected from beneficiaries and the Federal Government would be abolished.

Section 202 eliminates all deductibles and coinsurance under medicare—except for the $1 deductible on drug prescriptions contained in section 204. Thus, the Government would pay all medical expenses incurred by a medicare beneficiary.

Section 203 extends medicare coverage to all persons who are receiving social security disability benefits.

Section 204 provides for the payment of prescription drugs purchased by a medicare beneficiary. The medicare beneficiary would pay $1 of the cost of each prescription and this amount would rise in proportion to rises in the future cost of prescription drugs.

Section 205 extends the coverage of the supplementary medical insurance program to include dentures and dental services—except for cleaning teeth—the cost of prescription eyeglasses, orthopedic shoes and braces, the services of an optometrist, the cost of influenza vaccination and hearing aids.

Section 206 extends medicare coverage to U.S. citizens outside the United States under the same general standards and requirements as apply within the United States.

Section 207 provides home health care and private duty nursing services under medicare and medicaid. This section also extends fire and safety standards requirements to intermediate care facilities and expands public disclosure requirements of finances, expenses, and charges of these facilities.

Finally, this section authorizes a subsidy program for families who care for their elderly, infirm dependents at home.

TITLE III

Section 301 extends the Federal supplemental security income program—minimum payment of $130 per individual, $195 per couple—to Puerto Rico, Guam, and the Virgin Islands.

Section 302 permits a disabled or blind person to receive Federal supplemental security income payments regardless of any income received by that person's spouse from social security or railroad retirement.

Section 303 provides that a person who has reached age 70 and is not covered by social security, and who would be eligible for the minimum Federal supplemental security income—aid to the aged, the blind, and the disabled—but for private pension or annuity income being received, annually shall have the first $7,500 of that pension or annuity disregarded in determining eligibility for the Federal supplemental security income.

Section 304 preserves eligibility for food stamps under the Federal supplemental security income program.

Section 305 provides special housing allowances from social security to elderly low-income persons. People over age 62 who have annual incomes under $4,500 would be eligible.

TITLE IV

Section 401 increases the authorization for appropriations for maternal and child health and crippled children's services from $350 million to $650 million a year.

In addition, it postpones from July 1973 to July 1977 the date by which State programs will have to offer certain specified services if they are to qualify for Federal grants and extends from June 30, 1973 to June 30, 1977 the authority to make special project grants to the States for maternity and infant care, health of school and preschool children, and dental health of children.

METAPSYCHIATRY

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

Mr. PEPPER. Mr. Speaker, I am pleased to be able to call to the attention of our colleagues an article written by an old friend of mine, Dr. Stanley R. Dean of Miami, who has for many years devoted his attention to the relationship between psychiatry and mysticism. This is a subject that is of great interest to many people throughout the country and I believe many of the readers of this RECORD will be interested in what Dr. Dean has to say.

I include the following text of Dr. Dean's article:

METAPSYCHIATRY: THE INTERFACE BETWEEN PSYCHIATRY AND MYSTICISM

(By Stanley R. Dean, M.D.)

INTRODUCTION

"Metapsychiatry" is a semantically congruent term that I have selected to designate the important but hitherto unclassified interface between psychiatry and mysticism. Metapsychiatry encompasses not only parapsychology, but also all other supra-sensory, supra-rational, and so-called "supernatural" manifestations of consciousness that are in any way relevant to the theory and practice of psychiatry. Metapsychiatry may be conceptualized as the base of a pyramid whose other three sides are psychiatry, parapsychology and mysticism.

Psychic research is a legitimate concern of Psychiatry, the specialty best qualified to investigate phenomena, assess validity and expose fallacy in matters of the mind. There can be little doubt that reciprocal enlightenment would result if Psychiatry lent its expertise to the religious and philosophic speculations that have hitherto preempted that field. Psychiatry can even take special pride in becoming involved, for a former President (in 1890) of our parent organization, the American Medico-Psychological Association—Dr. Richard Maurice Bucke—was a distinguished pioneer in the field. In May 1894, he read a paper entitled "Cosmic Consciousness" at the annual meeting of that society in Philadelphia. Four years later he published a book under the same title (1). In it he developed the theory that a seemingly miraculous higher consciousness, appearing sporadically throughout the ages, was a natural rather than an occult phenomenon, that it was latent in all of us, and was, in fact, an evolutionary process that would eventually raise all mankind to a higher level of existence. Dr. Bucke was ahead of his time, but more and more his book is being rediscovered and acclaimed.

Cosmic consciousness refers to a supra-sensory, supra-rational level of mentation that transcends all other human experience and creates a sense of One-ness with the universe. Its existence has been known since antiquity under a variety of regional and ritual terms—*nirvana, satori, samadhi, kairos, unio mystica,* to name but a few. For purposes of standardization I have proposed the term, "Ultraconsciousness," to provide a more congruent semantic tie to current psychiatric terminology (2).

Miraculous powers have been attributed to the Utraconscious, and from it have sprung the highest creativity and loftiest ideals known to man. Yet it still remains one of the great enigmas of the mind. All but neglected by scientific research in the past—despite the paradoxical fact that even scientists embrace it in religion—it has in recent years attracted increasing interest for a number of reasons: Accelerated communication and travel have forged closer transcultural links between Western empiricism and Eastern mysticism; computer technology has made available vast reservoirs of integrated data (e.g., The Central Premonitions Registry, Box 482, Times Square Station, New York 10036);

space exploration has ushered in an enormous and imminent awareness of the universe, and with it a corresponding desire to expand the horizons of consciousness; psychedelic drugs, their uses and abuses, have dramatically focused attention upon extraordinary levels of consciousness; people, increasingly disillusioned by the inability of modern technology to stem the tides of war, crime, intolerance, poverty and pollution, seek new avenues of universal harmony.

Some countries have already risen to the challenge. A current best seller reports large scale government-sponsored research in Soviet countries that has allegedly resulted in some startling psychic discoveries (3). One—with far-reaching political and paramilitary implications—deals with the possibility of influencing human behavior (brain-washing) and even matter (psychokinesis) by telepathic remote control. Another—of special interest to space exploration—alludes to instant telepathic communication over immense distances via theoretical units of thought.

There have even been attempts to explain supernatural religious beliefs on a scientific basis. For example, a special high frequency photographic technique, known as the "Kirlian Effect," after its Russian proponents (4), has allegedly revealed luminous pulsating energy waves that are emitted into the atmosphere by all forms of life; they presumably intermingle and interact with other emanations, past, present, and future, and can theoretically be detected by properly developed human and mechanical sensors. Thelma Moss, Ph.D. and her co-workers at UCLA have succeeded in taking similar photographs (5). The question naturally arises whether such emanations correspond to the religious conceptions of soul and, in turn, lend credence to the claims of gifted psychics that they are able to "tune into" the emanations of other souls, cure sickness by the laying on of hands, etc. If so, the human mind could be regarded as a super-sensitive receiver capable, in its highest development, of tuning into the innermost chanels of the universe.

Such reports hvae excited interest and concern the world over. There is certainly an urgent need for our own government to initiate similar research. It probably has considerable awareness of the problem already. The United States Army's Intelligence agency has for some time recognized the power of mental telepathy, and warns about it in a manual published by the Technical Bulletin Department of the Provost Marshal General's office, entitled "Techniques of Surveillance and Undercover Investigation" (6).

DESCRIPTION

It seems strange that I should have become involved in psychic matters, for my orientation is decidedly pragmatic, and I have never experienced any Ultraconscious manifestation stronger than an occasional flash of intuition, common to all of us. However, that may be all to the good, for it enables me to approach the subject with an unbiased, reportorial attitude.

My interest was first aroused by a chance encounter with a Zen master in Tokyo, then by subsequent observation and filming of Zen Buddhist rituals during several visits to Japan (7); also, by interviews with several so-called "sensitives" or "psychics." I was impressed to find that great numbers of sensible, rational people in all walks of life, lay and professional, believed in the Ultraconscious, had, themselves, experienced various manifestations of it, and had derived positive and constructive benefit from it. We psychiatrists are conditioned to equate hallucinations with schizophrenia and other psychoses; but the fact is that a great many non-psychotic individuals also hear voices, see visions and have other supernatural experiences. I am currently conducting intensive psychiatric evaluations on a series of such individuals in order to obtain a factual determination of their mental and emotional status. As a physician I am particularly interested in any healing factors that clinical development of the Ultraconscious may contribute to psychotherapy.

The Ultraconscious summit, though rare, produces a super-human transmutation that defies description. The mind, divinely intoxicated, literally reels and trips over itself, groping for words of sufficient exaltation to portray the ineffable experience. As yet, we have no such words. One cannot help but wonder if it is analogous, even remotely, to erotic love, the one other emotion that has inspired comparable paeans of earthly rapture. Gopi Krishna believes that the Ultraconscious (which he called "Kundalini") is, in fact, a highly evolved transmutation of sex vitality (8). But, if there is a similarity, it is like that between the light of the sun and the glow of a candle. The narrator must therefore be content with a mere approximation, trusting the intuition of the reader to sense the ultimate meaning.

To begin with, there are many *formes frustes* of the Ultraconscious spectrum, and they vary greatly in frequency, intensity and duration in different persons and even in the same person at different times. They may occur at any time, awake or asleep, spontaneously or only after long years of arduous discipline.

From the welter of literature and liturgy, ancient and modern, I have summarized these distinguishing characteristics of the Ultraconscious summit:

1. The onset is ushered in by an awareness of light that floods the brain and fills the mind. In the East it is called the "Brahmic Splendor." Walt Whitman speaks of it as ineffable light—"light rare, untellable, lighting the very light—beyond all signs, descriptions, languages" (9). Dantê writes that it is capable of "transhumanizing a man into a god," and gives a moving description of it in lines of mystical incandescence from "Il Paradiso" of the *Divine Comedy* (10).

2. The individual is bathed in emotions of supercharged joy, rapture, triumph, grandeur, reverential awe and wonder—an ecstasy so overwhelming that it seems little less than a sort of super-psychic orgasm.

3. A noetic illumination occurs that is quite impossible to describe. In an intuitive flash one has an awareness of the meaning and drift of the universe, an identification and merging with Creation, infinity and immortality, a depth beyond depth of revealed meaning—in short, a conception of an Over-Self, so omnipotent that religion has interpreted it as God.

4. There is a feeling of transcendental love and compassion for all living things.

5. Fear of death falls off like a mantle; physical and mental suffering vanish. There is an enhancement of mental and physical vigor and activity, a rejuvenation and prolongation of life. This property, especially, should command the interest of psychiatry and medicine.

6. There is a reappraisal of the material things in light, an enhanced appreciation of beauty.

7. There is an extraordinary quickening of the intellect, an uncovering of latent genius and leadership.

8. There is a sense of mission. The revelation is so moving and profound that the individual is moved to share it with all fellow men.

9. A charismatic change occurs in personality—an inner and outer radiance, as though charged with some divinely inspired power, a magnetic force that attracts and inspires others.

10. There is a sudden or gradual development of extraordinary psychic gifts such as clairvoyance, extrasensory perception, telepathy, precognition, healing, etc. Though generally regarded as occult, such phenomena may have a more rational explanation. They may be due to an awakening of transhuman powers of perception latent in all of us.

DISCUSSION

The Ultraconscious summit is a genuine metamorphosis of consciousness that has been experienced by certain sages, prophets, leaders and men of genius through the ages. The factors producing it are as yet unknown, but the remarkable uniformity of distinguishing characteristics, regardless of origin, should leave no doubt that a common denominator—empirically validated if not yet scientifically proven—underlies all of them. It is only a matter of time before science dissociates it from religious dogma and explains it to the satisfaction of the intellect in terms of natural law.

As ontogeny recapitulates phylogeny, so may the human mind be a microcosm that recapitulates the evolution of the universe—or, to coin a phrase, so may "psychogeny recapitulate cosmogeny." This theory presupposes that the rudiments of the Ultraconscious are present in all and can be prematurely awakened in some. If to do so would make a better world, then science will not long delay in accepting the challenge.

Fortunately, there is no dearth of material. Though total Ultraconsciousness is rare, a great variety of lesser manifestations is extremely common. While the scientist studies them in his laboratory, the enlightened clinician can observe them in his practice. A simple first step would be to encourage people to disclose any paranormal ("supernatural") experiences and to treat such disclosures with an open-minded, non-cynical attitude. The clinician will be amazed at the abundant material thus elicited. And if the resulting data from laboratory and clinic were collected, pooled and analyzed, it could not help but result in rational breakthroughs to this hitherto inscrutable subject.

Several psychiatrists, in addition to myself, have already recognized the importance of psychic phenomena in the theory and practice of their profession. Among the better known are Jan Ehrenwald (11), Jule Eisenbud (12), Berthold Schwarz (13), Ian Stevenson, Montague Ullman, Shafica Karagulla (14), and Harold Kelman (15). The American Psychiatric Association has recently activated an official Task Force on Meditation.

Despite my lack of psychic powers, I can envision a tremendous upsurge in psychic research, with and without government support, in the very near future. Is that clairvoyance or common sense? Perhaps the two are not so different after all.

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LOCAL POLICE PROTECTION AND HOME RULE

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

Mr. NELSEN. Mr. Speaker, I wish to insert into the RECORD a copy of a letter that Police Chief Jerry Wilson wrote to the chairman of the House District Committee on September 5, 1973, discussing the problems of local government protection of the Federal interest in the District of Columbia. I think it important that all the Members of the Congress have an opportunity to read this letter in its entirety—inasmuch as it adresses an issue, that is, the question of police protection by the local government at the seat of the Federal Government, which was one of the principal reasons for the establishment of the District of Columbia as provided for in the Constitution. I have the permission of Police Chief Wilson to publish this letter.

The letter reads as follows:

SEPTEMBER 5, 1973.

DEAR MR. CHAIRMAN: As you requested during our meeting yesterday I am summarizing in writing my views and suggestions regarding H.R. 9682, the District of Columbia Self-Government and Governmental Reorganization Act, as it pertains to the Metropolitan Police Department.

1. *Local government control over normal police operations:*

I recognize, as I am sure you do also, that some of the concerns over home rule for the District of Columbia directly relate to fear that local control of the police may result in misuse or nonuse of the police power in a manner adverse to the interests of the city, either as a local community or as the national capital.

As we discussed, there are historical precedents for various systems which remove police agencies either wholly or partially from usual political controls of large cities. Current examples are Baltimore, where the Police Commissioner is appointed by the Governor; St. Louis and Kansas City, where Boards of Police Commissioners are appointed by the Governor; Los Angeles, where the Board of Police Commissioners is appointed by the Mayor, but for staggered, fixed terms of office.

In some cities, the police are insulated from shifting politics by appointment of the head of police for a specified term of office. Indeed, in the District of Columbia, the original Board of Police Commissioners was Presidentially appointed, even though the city then had home rule.

This city has just come down from a peak of crime which was reached after some eleven years of almost constant increases. Few would disagree that crime reductions of the past three years reflect in large measure massive Federal initiatives, both in Presidential leadership and Congressional legislative action. Obviously, it is easy to argue that Federal control of local affairs deserves credit for the crime reductions, but to make that argument, one must also agree that Federal control of local affairs shares much of the blame for the twelve years of crime increase.

Personally, I feel that apprehension over local control of police power in the District is misplaced. My own sense of this community is the overwhelming majority are responsible citizens who want effective law enforcement just as much as residents do in any other city. If the city of Washington is to be treated substantially as a local community, albeit a special one, rather than a federal enclave, then there is no reason to deprive local citizens of control over that fundamental local service, the police force.

2. *Local government control over emergency police operations:*

This city has just come through a decade of potential and actual disorders. Some of those related to local, urban problems common to many large cities, others related to demonstrations directed against the Federal government.

Even though we assume that no such events are imminent, it is important that these past events not be overlooked as potential kinds of future problems. History records that interruption of the Continental Congress by mob actions at Philadelphia in 1783 had much to do with impressing on the public mind the need for a seat of government under control of the federal authorities and it has been less than three years since executive and legislative leaders experienced considerable concern that the government might be unable to open for business because of demonstrators.

Under H.R. 9682, local control over the police would prevail during urban rioting or during massive demonstrations against the Federal government. Furthermore, under H.R. 9682, there presumably is no power vested in the President to employ the militia or Federal forces within the city without express request of the Mayor. It is my impression that understandable hesitance of local officials to request Federal assistance was in hindsight perceived as problems in some other cities during the urban disorders 1960's.

In essence, of course, this again is a question of how much the District is to be treated as a local entity and how much as the National Capital. Although I personally believe that control over normal police operations should be in the local government, I suggest that some option should be considered by Congress of authorizing the President to determine when special events and emergencies require temporary Federal assumption of control over the police or the deployment of Federal forces.

3. *Guaranteed personnel benefits for incumbents:*

Section 422(3) of H.R. 9682 requires the District government to establish a merit system which will guarantee to incumbents personnel benefits at least equal to those provided by Congress. Generally, I think it indispensable that any reorganization of the city government guarantee continuance of current benefits for all current employees and pensioners. There are, however, I think two exceptions to this, one regards disability benefits for police officers and fire fighters, the other regards preference for residents in appointments and promotions.

It is incontrovertible that the disability retirement provisions for police officers and fire fighters have been badly abused and misused, particularly by individuals only slightly disabled who have retired from police and fire service only to accept immediate employment elsewhere.

Even though the retirement system is not under my direct control, I have felt so strongly on this issue that I have pressed continuously since I have been Chief of Police to eliminate or reduce the level of abuses. We have had some success, but it is clear that some change is needed in the basic statutes if a system is to be devised which will equitably serve both personnel and the government interests. I believe that an effective change in the system will be foreclosed by Section 422(3).

Secondly, I feel very strongly that fundamental improvement of the quality of life in core cities such as Washington can be greatly hastened by devising ways of encouraging city employees to live within the jurisdiction they serve. In this regard I don't mean just police officers, who because of their public visibility are often mentioned by advocates of city residence for city employees. Even more important are middle and upper managers in all agencies, essentially the makers and implementers of city policies.

For a variety of reasons, it is impractical to flatly require city residence for every city employee. But it seems to me that incentives such as preference in appointments and promotions should be available to a city government to encourage local residence of its employees. Existing statutory prohibitions against such incentives would be perpetuated for at least a generation by Section 422(3).

Sincerely yours,

JERRY V. WILSON,
Chief of Police.

LEAVE OF ABSENCE

By unainimous consent, leave of absence was granted to:

Mr. JOHNSON of Pennsylvania (at the request of Mr. GERALD R. FORD) on account of being named by President to represent the United States at the mourning and funeral services of the late King Gustaf VI of Sweden.

Mr. COTTER (at the request of Mr. O'NEILL) for today on account of illness in family.

Mr. RONCALLO of New York (at the request of Mr. GERALD R. FORD) for today and balance of week on account of official business to attend International Monetary Conference at Nairobi.

Mr. FOUNTAIN (at the request of Mr. O'NEILL) until 1:30 p.m. today on account of official business.

Mr. MCEWEN (at the request of Mr. GERALD R. FORD) for today and balance of week on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROUSSELOT) to revise and extend their remarks and include extraneous matter:)

Mr. WILLIAMS, for 15 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mr. MIZELL, for 5 minutes, today.

Mr. STEELMAN, for 5 minutes, today.

Mr. HUDNUT, for 1 hour, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous matter.)

Miss HOLTZMAN, for 60 minutes, today.

Mr. O'HARA, for 10 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. JAMES V. STANTON, for 30 minutes, today.
Mr. FRASER, for 10 minutes, today.
Mr. ADAMS, for 5 minutes, today.
Mr. MELCHER, for 5 minutes, today.
Mr. DRINAN, for 5 minutes, today.
Mr. OWENS, for 10 minutes, today.
Mr. PODELL, for 10 minutes, today.
Ms. ABZUG, for 5 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ECKHARDT, immediately preceding the vote on the Findley amendment to House Joint Resolution 727 today.

Mr. BIAGGI, immediately preceding the vote on the Findley amendment to House Joint Resolution 727 today.

(The following Members (at the request of Mr. ROUSSELOT) and to include extraneous matter:)

Mr. SCHERLE in 10 instances.
Mr. TREEN.
Mr. RAILSBACK in three instances.
Mr. CRANE in five instances.
Mr. BROTZMAN.
Mr. SARASIN.
Mr. KETCHUM.
Mr. ANDERSON of Illinois in two instances.
Mr. WYMAN in two instances.
Mr. ROBINSON of Virginia.
Mr. SEBELIUS.
Mr. THONE.
Mr. GUYER.
Mr. HUBER.
Mr. HANRAHAN.
Mr. HOSMER in three instances.
Mr. DERWINSKI.
Mr. ROUSSELOT.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mr. HOWARD.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. BADILLO.
Mr. HAMILTON.
Mrs. MINK in two instances.
Mr. RANGEL in 10 instances.
Mr. RONCALIO of Wyoming in 10 instances.
Mr. REID.
Mr. HARRINGTON in four instances.
Mr. WALDIE in three instances.
Mr. BLATNIK in 10 instances.
Mr. ROONEY of Pennsylvania.
Mr. EDWARDS of California.
Ms. ABZUG.
Mr. GRAY.
Mr. FAUNTROY in five instances.
Mr. DRINAN.
Mr. WHITE.
Mr. PATTEN.
Mr. KOCH in two instances.
Mr. VANIK in three instances.
Mr. ROE in two instances.
Mr. ANDERSON of California in four instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 921. An act to amend the Wild and Scenic Rivers Act; to the Committee on Interior and Insular Affairs; and

S. 1296. An act to further protect the outstanding scenic, natural, and scientific values of the Grand Canyon by enlarging the Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5451. An act to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 24, 1973, present to the President, for his approval, a bill of the House of the following title:

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.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 26, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1380. A letter from the Secretary of the Treasury, transmitting the Second Annual Report of the Emergency Loan Guarantee Board, covering the year ended July 31, 1973, pursuant to section 12 of Public Law 92–70; to the Committee on Banking and Currency.

1381. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act; to the Committee on Banking and Currency.

1382. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Redevelopment Act of 1945 and the Street Readjustment Act of the District of Columbia, relating to development and urban renewal plans, and for other purposes; to the Committee on the District of Columbia.

1383. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to authorize in the District of Columbia a program providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1384. A letter from the U.S. Commissioner of Education, Department of Health, Education, and Welfare, transmitting a copy of the proposed family contribution schedule for the basic educational opportunity grant program for use during fiscal year 1975, pursuant to section 131(b) of Public Law 92–318; to the Committee on Education and Labor.

1385. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of various international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

1386. A letter from the Assistant Secretary of the Interior, transmitting notice of the deferment of construction repayment installments due the United States during 1973 through 1982 for irrigation facilities serving the Casper-Alcova Irrigation District, Kendrick project, Wyo., pursuant to 73 Stat. 584; to the Committee on Interior and Insular Affairs.

1387. A letter from the Secretary of Transportation, transmitting part I of an airport and airway cost allocation study, pursuant to section 4 of Public Law 91–258; to the Committee on Interstate and Foreign Commerce.

1388. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide to the U.S. magistrates alternative means of disposition of certain offenders in minor offense cases, prior to trial, and for other purposes; to the Committee on the Judiciary.

1389. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the act of August 6, 1958, 72 Stat. 497, relating to service as chief judge of a U.S. district court; to the Committee on the Judiciary.

1390. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 28 of the United States Code to provide for the investigation and prosecution of disciplinary proceedings against members of the bar of the courts of the United States, and for other purposes; to the Committee on the Judiciary.

1391. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 7, 1973, submitting a report, together with accompanying papers and illustrations, on Bushley Bayou Area, La., authorized by section 3 of the act of June 28, 1879 and section 8 of the Flood Control Act of May 15, 1928 (H. Doc. No. 93–157); to the Committee on Public Works and ordered to be printed with illustrations.

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. KASTENMEIER: Committee on the Judiciary. H.R. 7599. A bill to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office" (Rept. No. 93–523). Referred to the House Calendar.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 8981. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; with amendment (Rept. No. 93–524). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 10397. A bill to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes (Rept. No. 93–528). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee of conference. Conference report on S. 607 (Rept. No. 93–522). Ordered to be printed.

Mr. PEPPER: Committee on Rules. House Resolution 565. Resolution providing for the consideration of H.R. 10088. A bill to establish the Big Cypress National Preserve in the State of Florida, and for other purposes (Rept. No. 93–527). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE 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. FLOWERS: Committee on the Judiciary. H.R. 3758. A bill for the relief of Isabel Eugenia Serrane Macias Ferrier; with amendment (Rept. No. 93–525). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 7535. A bill for the relief of Faustino Murgia-Melendrez; with amendment (Rept. No. 93–526). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself and Mr. BIESTER):

H.R. 10481. A bill to discourage the use of painful devices in the trapping of animals and birds; to the Committee on Merchant Marine and Fisheries.

By Mr. ARCHER:

H.R. 10482. A bill to strengthen interstate reporting and interstate services for parents of runaway children, and for other purposes; to the Committee on Education and Labor.

H.R. 10483. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 10484. A bill to amend the Railroad Retirement Act of 1937 to provide that the widower of a railroad worker who completed 15 or more years of service before his or her death may become entitled to a full widow's or widower's insurance annuity without regard to age or disability; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts (for himself, Mr. BROWN of Michigan, Mr. BROYHILL of Virginia, Mr. ESHLEMAN, Mr. HANNA, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. MCCLORY, Mr. MCKAY, Mr. REGULA, Mr. CLEVELAND, and Mr. KING):

H.R. 10485. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economies of recycling waste paper; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 10486. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency services systems; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN:

H.R. 10487. A bill to amend the Internal Revenue Code of 1954 to deny any deduction for expenses of attending business conventions outside the United States; to the Committee on Ways and Means.

H.R. 10488. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. ERLENBORN (for himself, Mr. CONABLE, Mr. QUIE, Mr. COLLIER, Mr. SARASIN, Mr. DUNCAN, Mr. BROTZMAN, and Mr. PETTIS):

H.R. 10489. 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, by allowing deductions to individuals for their contributions to individual or employer retirement plans, by increasing contribution limitations for self-employed individuals and shareholder employees of electing small business corporations, by allowing tax deferral on certain lump-sum distributions from qualified retirement plans, and for other purposes; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 10490. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 10491. A bill to provide for the leasing for commercial outdoor recreation purposes of certain lands of the forest reserves created from the public domain, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER (for himself, Ms. CHISHOLM, Ms. SCHROEDER, and Mr. STOKES):

H.R. 10492. A bill to amend title 18 of the United States Code to provide a code of accountability and liability for Government officials engaged in making national security policy; to the Committee on the Judiciary.

By Mr. LOTT:

H.R. 10493. A bill to exempt from the licensing requirements of title 46, United State Code 224(a), for a period of 5 years, certain U.S. domestic fishing vessels of 220 or more gross tons but of less than 300 gross tons owned and operated by the Mavar Boat Co., Inc., MS, E. Beach and Maple streets, Biloxi, Miss. 39530; to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN:

H.R. 10494. A bill to prohibit the export of domestically extracted crude oil, and any petroleum products made from such oil, unless Congress first approves such exportation; to the Committee on Banking and Currency.

H.R. 10495. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. MIZELL:

H.R. 10496. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the Highway Trust Fund; to the Committee on Public Works.

By Mr. OWENS:

H.R. 10497. A bill to establish a commission to study the organization, operation, and management of the executive branch of the Government, and to recommend changes necessary or desirable in the interest of governmental efficiency and economy; to the Committee on Government Operations.

H.R. 10498. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 10499. A bill to amend the Social Security Act to liberalize benefits under the old age, survivors, and disability insurance program and otherwise improve such program, to liberalize and improve the health insurance benefits program, to extend eligibility under the supplemental security income program, and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. HAYS, Mr. PEPPER, Mr. EDWARDS of California, Mr. FLOWERS, Mr. SLACK, Mr. VIGORITO, Mr. BURTON, Mr. HUDNUT, Mr. PODELL, Mr. DUNCAN, Mr. EILBERG, Mr. FASCELL, Mr. SARASIN, Mr. MICHEL, Mr. CAMP, and Mr. VAN DEERLIN):

H.R. 10500. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements; to the Committee on Banking and Currency.

By Mr. SAYLOR (for himself, Mrs. CHISHOLM, Mr. STUCKEY, Mr. SISK, Mr. MCFALL, Mr. CLAY, Mr. BOB WILSON, Mr. ROONEY of Pennsylvania, Mr. HARVEY, Mr. HICKS, Mr. DULSKI, and Mr. RIEGLE):

H.R. 10501. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements; to the Committee on Banking and Currency.

By Mr. SIKES (for himself, Mr. BENNETT, Mr. HALEY, Mr. FASCELL, Mr. PEPPER, Mr. BURKE of Florida, Mr. FREY, Mr. YOUNG of Florida, Mr. BAFALIS, Mr. CHAPPELL, Mr. FUQUA, Mr. GIBBONS, Mr. GUNTER, Mr. LEHMAN, and Mr. JONES of Tennessee):

H.R. 10502. A bill to amend section 203 of the Economic Stabilization Act in regard to the authority conferred by that section with respect to petroleum products; to the Committee on Banking and Currency.

By Mr. STEPHENS (for himself and Mr. J. WILLIAM STANTON):

H.R. 10503. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. THOMSON of Wisconsin:

H.R. 10504. A bill to promote the conservation of energy in the design of new federally owned and federally assisted facilities; to the Committee on Public Works.

By Mr. WALDIE:

H.R. 10505. A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration projects for the improvement of transportation services to the elderly, and for other purposes; to the Committee on Banking and Currency.

H.R. 10506. A bill to provide increased employment opportunities for middle aged and older workers, and for other purposes; to the Committee on Education and Labor.

H.R. 10507. A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care; to the Committee on Interstate and Foreign Commerce.

H.R. 10508. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of all expenses for medical care of a taxpayer and his spouse if either of them attained the age of 65, and to provide a credit or refund of social security taxes withheld from the wages of certain individuals who have attained the age of 65 and a corresponding reduction in the tax on self-employment income of such individuals; to the Committee on Ways and Means.

By Mr. WHITE (for himself, Mr. HANLEY, Mr. LEHMAN, and Mr. CHARLES H. WILSON of California):

H.R. 10509. A bill to establish a Commission on Organization of the Federal Statistical Establishment; to the Committee on Government Operations.

By Mr. WHITE (for himself, Mr. HANLEY, Mr. LEHMAN, Mr. PICKLE, and Mr. CHARLES H. WILSON of California):

H.R. 10510. A bill to amend section 131 of title 13, United States Code, to provide for the taking of censuses of manufacturers, of mineral industries, and of other businesses, for congressional approval of the content of questionnaires used in the taking of such censuses, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WRIGHT (for himself, Mr. MINISH, and Mr. JAMES V. STANTON):

H.R. 10511. A bill to amend section 164 of the Federal-Aid Highway Act of 1973 relating to financial assistance agreements; to the Committee on Public Works.

By Mr. WYATT:

H.R. 10512. A bill to extend the provisions of law authorizing members of the Armed Forces in missing status to accumulate leave without limitation and to be paid therefor to members who served during the Korean conflict; to the Committee on Armed Services.

By Mr. WYMAN:

H.R. 10513. A bill to amend title 5, United States Code, to correct inequities in the determination of rates of basic pay in conversions to the general schedule of employees and positions subject to prevailing rate pay schedules; to the Committee on Post Office and Civil Service.

By Mr. ADAMS:

H.R. 10514. A bill to promote safe transportation of people and property in commerce by establishing the National Agency for Transportation Safety as an independent agency of the United States to investigate transportation accidents, to make recommendations for avoiding such accidents, to represent the safety interests of the public before regulatory agencies, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H.R. 10515. A bill to amend the Immigration and Nationality Act to include sons and daughters within the provision relating to waiving the exclusion from the United States for fraud; to the Committee on the Judiciary.

H.R. 10516. A bill to amend the Immigration and Nationality Act to provide for recording of admission for permanent residence in the case of certain aliens who entered the United States prior to October 3, 1965; to the Committee on the Judiciary.

H.R. 10517. A bill to amend section 312 of the Immigration and Nationality Act with respect to certain tests for naturalization; to the Committee on the Judiciary.

H.R. 10518. A bill to amend the Immigration and Nationality Act to include sons and daughters within the provision relating to exclusion from deportation of aliens excludable for fraud; to the Committee on the Judiciary.

H.R. 10519. A bill to repeal the Bertillon System of Identification; to the Committee on the Judiciary.

H.R. 10520. A bill to repeal the "cooly trade" laws; to the Committee on the Judiciary.

H.R. 10521. A bill to amend the Immigration and Nationality Act to provide that parents of permanent residents be eligible to file for the second preference category; to the Committee on the Judiciary.

H.R. 10522. A bill to amend the Immigration and Nationality Act to remove the distinction between Eastern and Western Hemisphere immigrants, to establish an immigration ceiling, and for other purposes; to the Committee on the Judiciary.

By Mr. CRONIN (for himself, Mrs. BOGGS, Miss HOLTZMAN, Mr. ANDERSON of Illinois, Mr. TIERNAN, Mr. CONYERS, Mr. RODINO, Mr. KETCHUM, Mr. J. WILLIAM STANTON, Mr. MOAKLEY, Mrs. HECKLER of Massachusetts, Mr. NIX, Mr. HARRINGTON, Mr. O'BRIEN, Mr. HOGAN, Mrs. CHISHOLM, Mr. WINN, Mr. HORTON, Mr. MYERS, Mr. ALEXANDER, Mr. SEIBERLING, Mr. WIDNALL, and Mr. WILLIAMS):

H.R. 10523. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 10524. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. DRINAN:

H.R. 10525. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

By Mr. DU PONT:

H.R. 10526. A bill to amend title 5, United States Code, to grant to civilian employees who are retired members of the uniformed services full retention preference credit in reductions in force for total length of time in active service in the Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of California:

H.R. 10527. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 10528. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 10529. 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. ROBISON of New York:

H.R. 10530. A bill to permit collective negotiation by professional retail pharmacists within third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 10531. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H.J. Res. 740. Joint resolution proposing an amendment to the Constitution of the United States with respect to eligibility for the Office of President and Vice President; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. YATRON, Mr. CRONIN, Mr. LONG of Maryland, Mr. NIX, Mr. EILBERG, Mr. BUTLER, Mr. YOUNG of Florida, Mr. WINN, Mr. ROE, Mrs. CHISHOLM, Mr. GUNTER, and Mr. ALEXANDER):

H.J. Res. 741. Joint resolution providing for a congressional investigation into the status of those American men missing, captured, or dead in Southeast Asia, and for other purposes; to the Committee on Rules.

By Mr. LUJAN:

H.J. Res. 742. Joint resolution authorizing the Secretary of the Interior to establish a memorial museum at Las Vegas, N. Mex., to commemorate the Rough Riders and related history of the Southwest; to the Committee on Interior and Insular Affairs.

H.J. Res. 743. Joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to provide by law for the imposition and carrying out of the death penalty in the case of certain crimes involving aircraft piracy; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.J. Res. 744. Joint resolution providing for the designation and adoption of the American marigold as the national floral emblem of the United States; to the Committee on House Administration.

By Ms. ABZUG:

H. Con. Res. 316. Concurrent resolution expressing the sense of the Congress regarding the free emigration and expression of ideas by citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. BIESTER (for himself and Mr. HUDNUT):

H. Res. 560. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

By Mr. FRASER:

H. Res. 561. Resolution calling for the development of a domestic and international food policy; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself and Mr. RANGEL):

H. Res. 562. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Central Intelligence Agency, and for other purposes; to the Committee on Rules.

By Mr. O'HARA:

H. Res. 563. Resolution to disapprove certain regulations submitted to the House by the Commissioner of Education in accordance with section 411 of the Higher Education Act of 1965, as amended, relating to the family contribution schedule under the basic educational opportunity grant program; to the Committee on Education and Labor.

By Mr. WALDIE:

H. Res 564. Resolution to disapprove the President's alternative plan for pay adjustments for Federal employees; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

306. By the SPEAKER: A memorial of the Legislature of the State of California, relative to the Auburn Dam project; to the Committee on Interior and Insular Affairs.

307. Also, memorial of the Legislature of the State of California, relative to offshore superports; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 10532. A bill for the relief of Dr. Laurence T. Gayao, his wife, Edith Cabus Gayao, and their daughter, Lorraine Gayao; to the Committee on the Judiciary.

By Mr. McKAY:

H.R. 10533. A bill for the relief of Hedaya-

tolla Kazemini; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 10534. A bill for the relief of Mr. and Mrs. Philip Alaras; to the Committee on the Judiciary.

By Mr. TOWELL of Nevada:

H.R. 10535. A bill for the relief of Lt. Col. Franklin D. Ott; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

286. By the SPEAKER: Petition of the State of Tennessee, Junior Order United American Mechanics, Knoxville, Tenn., relative to the achievement of peace in Vietnam; to the Committee on Foreign Affairs.

287. Also, petition of Esther H. Foxworth, East Northport, N.Y., and others, relative to recycling of metal, glass, plastic, and paper products; to the Committee on Interstate and Foreign Commerce.

288. Also, petition of the Chicago Bar Association, Chicago, Ill., relative to the proposed new bankruptcy rules and official forms; to the Committee on the Judiciary.

289. Also, petition of John E. Thomas, Park Ridge, N.J., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

290. Also, petition of Eleanor B. Glowe, Chicago, Ill., and others, relative to impeachment of the President; to the Committee on the Judiciary.

291. Also, petition of the Italian American War Veterans of the United States, Inc., Hartford, Conn., relative to the issuance of a commemorative postage stamp honoring the veterans of the Spanish-American War; to the Committee on Post Office and Civil Service.

292. Also, petition of the King County Council, Wash., relative to amending the Federal Water Pollution Control Act; to the Committee on Public Works.

293. Also, petition of the city council, Mayfield Heights, Ohio, relative to Federal taxes on gasoline; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

DR. BENJAMIN W. WATKINS SPEAKS OUT ON THE HEALTH CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1973

Mr. RANGEL. Mr. Speaker, Dr. Benjamin W. Watkins, the mayor of Harlem, is a leading spokesman in the fight for quality health care for black Americans. Through his long experience in community activities, as well as through his professional work, Dr. Watkins is acutely aware of the health crisis poor people face in this Nation.

I am pleased to share with my colleagues in Congress Dr. Watkins' proposals for dealing with this critical situation. His article appeared in the September 15, 1973, issue of the Amsterdam News as part of the newspaper's series, "Blacks in America":

BLACKS CONTINUE TO SUFFER

(By Benjamin W. Watkins, M.D.)

The rather bizarre misconception fostered by the recent report, "Black Progress and Liberal Rhetoric" is generally detrimental to the Black community, particularly in the area of medicine and health care.

The now controversial study by Ben J. Wattenberg and Richard M. Scammon, which has since been rejected by most thinkers in the Black community, appeared in the April issue of Commentary magazine.

Among other things, the article said: "A remarkable development has taken place over the last dozen years: for the first time in the history of the republic, truly large and growing numbers of American Blacks have been moving into the middle-class, so that by now these numbers can be reasonably said to add up to a majority of Black Americans."

BLACKS STILL SUFFERING

Nonsense! While it is true to some extent that a small percentage of Blacks have become successful, the overwhelming majority of Blacks continue to suffer under a system of government and private enterprise that is, to say the least, racist.

And, based on my own research of data and statistics, of government and private records, health care and medicine are no exceptions to this rule. In many instances Blacks are worse off, for the truth of the matter is that it is almost a health hazard to be Black.

This is true because a Black has twice the chance of a white dying from hypertension, a disease afflicting one of every four Blacks, and killing more than 13,500 Blacks each year. Let's move on to strokes.

By being Black, you stand almost twice the chance of being killed by a stroke, which is considered the country's third biggest killer.

What about cancer? There is an 8 percent greater chance of a Black dying than a white. And the situation has gone from the frying pan to the fire; only 20 years ago a Black had a cancer mortality rate about 20 per cent lower than the white population. Not so anymore.

LIFE EXPECTANCY OF 61 YEARS

If you are Black, you are twice as prone to nephritis and chronic kidney disease, and you have four times the chance of dying if you are a Black woman giving birth, and three times if you are a Black baby being born.

Tuberculosis, nutritional anemia, rheumatic fever are other killers which strike more Blacks than whites. And what about the life expectancy of Blacks. If you are Black, you are doing good if you make it to 61, if you are white you will easily make it to 71 years.

Apparently Messrs. Scammon and Wattenberg forgot to check these figures, or did they forget to do it deliberately? They should know that we, by the virtual color of our skin alone, have been subjected to three and one-half centuries of blatant discrimination, and today's times are no different.

And maybe these propagandists should also check out the Black medical manpower and educational situations. Of the 108 medical colleges in the country, only two are Black, Howard and Meharry, and there are reports that a substantial number of their students are white.

With only about 6,000 Black doctors in the country, there is only one Black doctor for each 2,500 Blacks, compared to one white doctor for each 650 whites. And rather than recruit more Black doctors, many hospitals in the city and elsewhere are permitting foreign doctors to come into Black areas to replace potential Black physicians.

SOLVING THE PROBLEM

What can be done about these problems? The first thing would be to sue men like Wattenberg and Scammon for issuing false information or distorting statistics. Such information, if taken into serious consideration by foundations, legislators and others who are in the position to assist and help Blacks, could cut off vitally needed funds and support.

Secondly, the Black community must begin to use its legislators the way the lily-white American Medical Association does. The AMA has quite a few politicians in its pocket, and certainly there is no reason why we should not utilize the Black Congressional Caucus and others likewise.

There are many other approaches, but another major approach would be for us to set up our own medical colleges, do our own research, and become independent in general. We have a gross national product in excess of $50-billion, and we can do it.

Why are we waiting, especially with people around like Scammon and Wattenberg—enemies of Black people in the first order?

CONTINUING APPROPRIATIONS RESOLUTION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 1973

Mr. RAILSBACK. Mr. Speaker, I am in complete agreement with my colleague from Illinois that all service station owners must be treated alike. The Cost of Living Council should in no way discriminate among petroleum marketers in establishing prices for petroleum producers. The Council's decision to freeze the margins that independent service stations may charge to the January 10, 1973, level while permitting stations owned by major oil companies to the May 15 level seems to be arbitrary and clearly unfair.

The amendment before us this afternoon states the Council may not use any of the funds provided by the continuing appropriations resolution to perpetuate such discriminatory policies. Enactment of this amendment will put the Congress on record as supporting fair play and competition in this vital area. At a time when our Nation is suffering a fuel shortage, it is unwise as well as unfair to in any way adversely affect service stations who are making every effort to supply their customers.

My office as well as other congressional offices has been flooded by numerous complaints, both *from* consumers who cannot obtain fuel supplies and from independent stations who cannot cover their expenses. On their behalfs, I urge immediate enactment of this amendment.