pino judge who found that "only a few countries specifically recognize in their constitutions or their laws the right of their citizens to leave their own country, and nowhere is this right unconditional."

The magazine goes on to note that this article can be suspended to preserve national security, clearly implying that no Soviet citizen should expect any relaxation of the existing rigorous controls on travel abroad and emigration.

New Times notes that some people ir the West "express dissatisfaction with the fact that the socialist states limit the distribution of 'information' and 'ideas,' names they try to attach to subversive organs of propaganda like 'Radio Liberty' and 'Radio Free Europe'." The magazine quotes several American politicians who have criticized these stations.

Emphasizing the covenants are not unconditional, New Times explains the loop on national security. "In other words," the magazine says, "the realization of the rights envisioned by the covenant of a country, its laws and traditions, or the customs of its people."

New Times and the official newspaper Soviet Russia, which published a long article on ratification of the covenants today, both emphasized the economic and social rights they guarantee, mentioning the right to education, medical care, social security and so on.

In traditional Soviet propaganda these rights are viewed as much more fundamental and important than "bourgeois" legal rights in more abstract fields.

"The socialist countries," wrote Soviet Russia, "have provided their citizens with a significantly higher level of rights and freedoms than the countries which allow the exploitation of man by man"—Soviet shorthand for the capitalist West.

By ratifying these covenants before the other major powers, according to New Times, the Soviet Union "has again emphasized that it is a consistent struggler for democratic rights and freedom, and for social progress."

HOUSE OF REPRESENTATIVES—*Monday, October 1, 1973*

The House met at 12 o'clock noon.

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

In everything by prayer and supplication with thanksgiving, let your requests be made known unto God.—Philippians 4: 6.

Eternal God, in whose presence we find peace, from whose spirit comes strength for daily duties and by whose guidance we are led from day to day, receive us as we pray and light the lamps of love and truth in all our hearts.

Thou hast called us to play a vital part in these decision days of destiny. Keep us from being little people in a great period of our Nation's life and make us more than a match for the movements of the modern mood.

Help us to raise to new heights of devotion in our service to our country and to our world. May we be partners with Thee in building a world where love and peace and truth shall dwell in the heart of every nation and live in the hearts of all people; through Jesus Christ our Lord. 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 SENATE

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

S. 1116. An act to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Algona, Iowa, for airport purposes; and

S. 2482. An act to amend the Small Business Act.

The message also announced that the Senate had passed a resolution of the following title as follows:

S. RES. 171

Resolved, That the Senate disapproves the alternative plan for pay adjustments for Federal employees under statutory pay systems recommended and submitted by the President to Congress on August 31, 1973, under section 5305(c) of title 5, United States Code.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

SEPTEMBER 28, 1973.

HON. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 1:00 P.M. on Friday, September 28, 1973, and said to contain a message from the President transmitting to the Congress the annual report on the Federal Ocean Program.

With kind regards, I am

Sincerely,

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

OCEANOGRAPHIC RESEARCH PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–159)

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

To the Congress of the United States:

The past decade has been a productive period in our Nation's effort to better understand and utilize our marine resources. The early 1960's saw the establishment of a firm foundation for our Nation's oceanographic research programs. Building on this research base in the late 1960's and early 1970's, we began formulating policies and carrying out plans to derive practical benefits from our ocean activities. New marine-related institutions were developed, the importance of marine sciences to the activities of existing institutions was recognized, and their efforts were expanded. While recognizing the ongoing importance of basic research, I believe that this emphasis on practical benefits must also be carried forward in the years ahead.

OCEAN INDUSTRIES

We have been particularly concerned of late with the challenge of relieving our dependence on marine imports and at the same time, providing new products and services for export. Our fishing industry has been a special focus of concern. At present, we import approximately 70 percent of our fish products, in spite of the fact that some of the world's most fertile fisheries lie directly off our coasts. These imports contribute a billion dollars to our foreign trade deficit. To help protect our domestic fishing industry, I have recommended legislation which would permit U.S. regulation of foreign fishing off our coasts to the fullest extent authorized by international agreements and would permit Federal regulation of domestic fisheries in the U.S. fisheries zone and in the high seas beyond that zone.

Of the non-living or mineral resources of the seabed, petroleum from our continental shelves will be the most important to the Nation for some years to come. I have directed the Secretary of the Interior to continue to accelerate the leasing of Outer Continental Shelf lands for oil and gas production to a level triple the present annual acreage rate by 1979, as long as such development can proceed with adequate protection of the environment and under conditions consistent with my Oceans Policy statement of May 1970.

We are also seeking agreement with other nations on a suitable means for developing mineral resources beyond the limits of national jurisdiction.

MANAGING OUR MARINE RESOURCES

Our efforts to improve the means by which we extract resources from the sea must be accompanied by efforts to ensure that those resources are managed properly to protect their continued abundance. In America, as in other nations, there is a deepening concern for the marine environment and the welfare of its associated plant and animal life. There is also a growing worldwide recognition that the welfare of the ocean resources is of international concern. This concern has been manifested in the establishment of the United Nations Environment Program and Fund following the Conference

on the Human Environment at Stockholm and in the recent Convention on International Trade and Endangered Wild Species of Fauna and Flora. The Marine Mammals Act of 1972, which will help in the preservation of porpoises, seals, whales and other mammals which inhabit the seas and shores, is another significant step in this effort. So is my proposed Endangered Species Conservation Act, which would permit protective measures to be undertaken before a species is so depleted that its recovery is difficult or impossible.

The need for proper management of our coastal areas is inextricably linked with the need for proper management of our marine resources. Much of our population is concentrated on the relatively narrow band of our national coastal zone. The problems of urban development and land transportation within this zone, as well as the impact of ocean vessels of mammoth tonnage, demand serious consideration of our entire coastal transportation complex—including deepwater ports and off-shore terminals. Recently proposed legislation for the licensing of deepwater ports is another key element in our effort to anticipate and resolve this problem.

I believe that coastal zone management must be part of a program for the proper management of all our national lands. For this reason, my legislative program for this year includes again my recommendation for a major National Land Use Policy Act, a bill which would place special emphasis on the problems of our coastal zone.

I have further requested that the Senate give its consent to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, adopted in November 1972 by the United States and 91 other nations. I have proposed amendments to our ocean dumping legislation fully to implement the Convention and I am proposing legislation to carry out other international agreements related to pollution control under the auspices of the Intergovernmental Maritime Consultative Organization.

MARINE ADVISORY SERVICES

To support Federal marine programs and to assist in their application for the benefit of the American public, a marine advisory service has been established to serve as a two-way communications link with the public. Field agents of this advisory service—"county agents in hip boots"—will help bring to the Nation an awareness of our ocean heritage and its potential for satisfying many of our economic and social needs.

INTERNATIONAL COOPERATION

Problems of the marine environment have a unique global dimension. As we continue our efforts in the marine areas that I have highlighted, we shall also work to improve the performance of these functions within the international community. We are already making headway, for example, in advancing the International Decade of Ocean Exploration, the International Field Year of the Great Lakes, and the Integrated Global Ocean Station System of the Intergovernmental Oceanographic Commission and the World Meteorological Organization.

We have also established special agreements for cooperative marine activities with a number of nations, including Canada, France, Japan, and the USSR. In addition, we shall take whatever efforts are required to fulfill those commitments made at the Stockholm Conference on the Human Environment, the meetings of the International Whaling Commission, and the significant deliberations of numerous other organizations dedicated to fisheries and the marine environment. We shall also continue to work with developing nations, helping them to realize more fully the benefits available to them from the oceans and generating the climate necessary to assure freedom of research at sea for all nations.

Finally, we must seek ways to insure that the oceans remain an avenue of peaceful cooperation rather than an arena of tension-filled confrontation. Our efforts in the Law of the Sea deliberations, now beginning, will be devoted to this goal.

CONCLUSION

America is a seagoing nation with great dependence on the oceans that surround it. We can take pride in our past leadership and our accomplishments in marine science and engineering. I am determined that our future Federal marine effort will continue that leadership to the benefit of our Nation and all mankind.

RICHARD NIXON.

THE WHITE HOUSE, *September 28, 1973.*

CONFERENCE REPORT ON S. 1317, USIA AUTHORIZATION

Mr. HAYS submitted the following conference report and statement on the bill (S. 1317) to authorize appropriations for the U.S. Information Agency:

CONFERENCE REPORT (H. REPT. NO. 93-532)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1317) to authorize appropriations for the United States Information Agency, 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 this Act may be cited as the "United States Information Agency Appropriations Authorization Act of 1973".

SEC. 2. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1974, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $196,000,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,125,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", of which not to exceed $1,000,000 shall be available solely for the Eighth Series of Traveling Exhibitions in the Union of Soviet Socialist Republics; and

(3) $1,000,000 for "Acquisition and construction of radio facilities".

Amounts appropriated under paragraphs (2) and (3) of this subsection are authorized to remain available until expended.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated without fiscal year limitation for the United States Information Agency for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $7,200,000 for increases in salary, pay, retirement, or other employee benefits authorized by law; and

(2) not to exceeed $7,450,000 for additional overseas costs resulting from the devaluation of the dollar.

SEC. 3. The United States Information Agency shall, upon request by Little League Baseball, Incorporated, authorize the purchase by such corporation of copies of the film "Summer Fever", produced by such agency in 1972 depicting events in Little League Baseball in the United States. Except as otherwise provided by section 501 of the United States Information and Educational Exchange Act of 1948, Little League Baseball, Incorporated, shall have exclusive rights to distribute such film for viewing within the United States in furtherance of the object and purposes of such corporation as set forth in section 3 of the Act entitled "An Act to incorporate the Little League Baseball, Incorporated", approved July 16, 1964 (78 Stat. 325).

SEC. 4. (a) After the expiration of any thirty-five-day period beginning on the date the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives has delivered to the office of the Director of the United States Information Agency a written request that the committee be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of such agency, and relating to such agency, none of the funds made available to such agency shall be obligated unless and until there has been furnished to the committee making the request the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested. The written request to the agency shall be over the signature of the chairman of the committee acting upon a majority vote of the committee.

(b) The provisions of subsection (a) of this section shall not apply to any communication that is directed by the President to a particular officer or employee of the United States Information Agency or to any communication directed by any such officer or employee to the President.

And the House agree to the same.

WAYNE L. HAYS,
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
Managers on the Part of the House.

J. W. FULBRIGHT,
MIKE MANSFIELD,
GEORGE MCGOVERN,
G. D. AIKEN,
CLIFFORD P. CASE,
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 amend-

ment of the House to the bill (S. 1317) to authorize appropriations for the United States Information Agency, 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 amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

The following table shows the sums in the Senate bill, in the House amendment, and in the conference agreement:

	Senate	House	Conference agreement
Salaries and expenses	$188,124,500	$203,279,000	$196,000,000
Special international exhibits	4,125,000	5,125,000	5,125,000
Radio facilities	1,000,000	1,000,000	1,000,000
Employee benefits	(1)	7,200,000	7,200,000
Devaluation osts	(1)	7,450,000	7,450,000
Totar	193,249,500	224,054,000	216,775,000

1 The Senate recommended an open-ended authorization for this item.

SALARIES AND EXPENSES

The Senate bill authorized an appropriation of $188,124,500 for this purpose for fiscal year 1974.

The House amendment authorized an appropriation of $203,279,000.

The committee conference agreed upon $196,000,000.

SPECIAL INTERNATIONAL EXHIBITIONS

The Senate bill authorized an appropriation of $4,125,000 for this purpose for fiscal year 1974.

The House amendment authorized an appropriation of $5,125,000.

The Senate receded.

SALARY BENEFITS

The Senate bill contained an open-ended authorization to permit the Agency to seek supplemental appropriations to cover increases in salary, pay, retirement, and other employee benefits authorized by law.

The House amendment authorized an appropriation of $7,200,000 for this purpose for fiscal year 1974.

The conference substitute is the same as the House amendment.

DEVALUATION COSTS

The Senate bill contained an open-ended authorization to permit the Agency to seek supplemental appropriations to cover increased costs due to the devaluation of the dollar.

The House amendment authorized an appropriation of $7,450,000 for this purpose for fiscal year 1974.

The conference substitute is the same as the House amendment.

LITTLE LEAGUE BASEBALL FILM

The House amendment included a provision to permit the Agency to sell to Little League Baseball, Inc. copies of a film "Summer Fever" dealing with Little League Baseball in the United States. Such film could be shown by the corporation in the United States only for educational purposes and for the recruitment of volunteers in the furtherance of the objectives of Little League baseball. It cannot be shown in connection with any fund-raising activities of the corporation.

The Senate bill did not contain a comparable provision.

The conference substitute is the same as the House amendment. The conferees agreed with the prohibition in the House report that "Admission will not be charged for viewing nor will it be shown in connection with any fund-raising activities of the federally chartered corporation," i.e. Little League Baseball, Inc.

ACCESS TO INFORMATION

The House amendment contained a provision requiring the Agency to respond within 35 days to a written request of either the Committee on Foreign Affairs or the Committee on Foreign Relations for any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of such agency, and relating to such Agency. The request will be by the chairman of the committee acting on a majority vote of the committee. Failure to comply would result in the inability of the Agency to obligate any funds available to it.

The Senate bill did not contain a comparable provision.

The conference substitute is the same as the House amendment.

WAYNE L. HAYS,
THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
Managers on the Part of the House.

J. W. FULBRIGHT,
MIKE MANSFIELD,
GEORGE MCGOVERN,
G. D. AIKEN,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 7645, DEPARTMENT OF STATE AUTHORIZATION

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, disagree to the Senate amendment to the House amendment to the Senate amendment and agree to the further conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none and appoints the following conferees: Messrs. HAYS, MORGAN, ZABLOCKI, MAILLIARD, and THOMSON of Wisconsin.

THE GREAT PROTEIN ROBBERY

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

Mr. STUDDS. Mr. Speaker, I rise today to call the attention of my colleagues to a very serious situation that threatens the future well-being of the people of our Nation and of the world. Fish and other marine life are a major source of the world's protein supply, and the continuing availability of the supply is being very gravely threatened.

Hundreds of foreign fishing vessels are fishing in our coastal waters, just beyond our 3-mile territorial sea and 9-mile contiguous fishing zone. These foreign boats, virtually unregulated and too numerous to monitor, are systematically depleting these once fertile fishing grounds.

Off New England, species such as haddock and herring have already been eliminated as sources of large amounts of harvestable protein. Other species of fish not yet depleted by the overwhelming foreign fishing effort are being brutally sucked from the sea by efficient, government-subsidized foreign fleets in quantities that guarantee their speedy elimination as exploitable sources of protein as well.

The problem of uncontrolled foreign fishing off our coasts is not one that confronts just New England—nor does it affect just our fishermen. It confronts all our coastal areas, our whole Nation, and the world.

A source of protein for the people of the United States and the people of the world is being irreparably damaged. The foreign nations fishing off our coasts must be restrained before they have completely destroyed this resource.

Mr. Speaker, we are being robbed of one of our most precious natural sources of protein—the fish in our coastal waters. I urge my colleagues in the Congress to act immediately and firmly to stop this depletion of our marine resources, to prevent this loss of an extremely valuable and necessary source of food—in short, to stop the great protein robbery that is occurring right now off our shores.

TO AUTHORIZE GRAPEFRUIT MARKETING ORDERS

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

Mr. GUNTER. Mr. Speaker, I am introducing a bill today to amend the Agricultural Adjustment Act to authorize grapefruit marketing orders. This bill recently passed the Senate for the second year in a row and I am hopeful that this year the House will act favorably on this proposal.

This bill will allow grapefruit growers who assess handlers for marketing promotion to also allow credits against such assessments in the case of those handlers who make direct expenditures for marketing promotion. Specifically, handlers of Florida Indian River grapefruit will be encouraged to continue developing their own promotions by crediting the cost of these promotions against the

handlers assessment as authorized in the Indian River grapefruit marketing order.

A favorable recommendation was made by the Department of Agriculture on this legislation, and it is supported by the Indian River Citrus League which represents the vast majority of Indian River citrus growers. This is enabling legislation only, and the Indian River grapefruit industry will still have to adopt a specific program agreeable to them. This bill will merely give maximum flexibility to those involved in marketing Indian River grapefruit.

For promotional purposes under the existing marketing order, individual handlers are assessed so much per box of fruit to promote Indian River fruit. If, however, these handlers use the words "Indian River" in their own promotion, they should receive some credit toward their promotional assessment. This legislation would allow them to do that.

This bill is important in amending a program that is being improved through local initiative and cooperation. I believe this type of activity should not be impeded, and I hope my colleagues will concur in passing this bill.

THE MILITARY ALL-VOLUNTEER CONCEPT—FIFTH SEGMENT

(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, my comments today are directed toward those among the public who only a short time ago, were pressing for an end to the draft in favor of a Volunteer Armed Force. There is growing evidence that volunteers may not be forthcoming in sufficient numbers to maintain our armed services at the required manpower levels.

We need also to take a good look to see if the volunteer system is going to be representative of the population of our great country.

If middle America is not willing to support our services and be proportionately represented among its ranks, the volunteer system may never work. Now is the time for those young men who were unhappy with the prospects of being drafted and were advocating the volunteer system to step forward and volunteer. If not, we will again have to resort to some form of compulsory military service. So I say to you volunteers here in the Chamber to step up to the recruiting table and let us fill and close the ranks.

STOPPING MANDATORY SEATBELT IGNITION INTERLOCKS

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

Mr. WYMAN. Mr. Speaker, I am seeking cosponsorship on my bill, H.R. 10277, which I shall reintroduce tomorrow, to require that the Department of Transportation end at once its regulation that all 1974 automobiles have a built-in seatbelt ignition interlock.

Engineering estimates are that at least 3 percent of the 1974 manufacturing run will be defective mechanically. This is bad enough, but a mandatory buckleup order tied into the automobile ignition on 1974 models is an unreasonable invasion of private rights, costwise and decisionwise.

Suppose an accident involving fire, such as a rear-end collision, or a car immersed in water, and the seatbelt jammed. Or a woman being attacked who runs away, gets to her car, and then must buckle her seatbelt and harness before she can even start up.

Such a requirement is bureaucratic extremism. Optional perhaps, but mandatory never.

Last week I asked the Department of Transportation to review this requirement. The Department has informed me that it declines to modify its order.

In these circumstances and in the public interest I respectfully solicit cosponsorship of my bill. Some drivers do not wish to wear seatbelts. This is and should be their privilege. Others are not involved.

Mr. Speaker, I hope we can all get together on this and act without delay. The response to the DOT requirement across the country is one of solid opposition, and justly so.

THE CURRENT SITUATION INVOLVING THE VICE PRESIDENT—THE HOUSE HAS THE RESPONSIBILITY TO GET INVOLVED

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

Mr. WIGGINS. Mr. Speaker, yesterday the distinguished chairman of the Committee on the Judiciary appeared on national television and commented upon the current situation involving the Vice President. In response to questions concerning the role of the House of Representatives, the distinguished chairman asserted that both the House and the Vice President should rely upon the courts to investigate and punish any proved misconduct on the part of the Vice President.

When questioned about the Vice President's claim that Justice Department leaks have deprived him of his constitutional right to a fair trial, the chairman of the Committee on the Judiciary asserted that the executive department had the responsibility of investigating such leaks and that Congress should keep its hand off.

Mr. Speaker, I wish to challenge both such assertions. For months the Committee on the Judiciary has been investigating alleged deprivations of civil rights by various classes of citizens. We have held the executive department up to the closest of scrutiny in these investigations. Given the seriousness of the charge by the Vice President of a pattern of conduct by officials in the executive department tending to deny him his constitutional rights, the right and duty of this Congress, and particularly Chairman RODINO's own committee to investigate is absolutely clear.

Great constitutional issues involving the relative power of the three branches of Government are now before the country.

This House, Mr. Speaker, must not be a spectator to these historic events by yielding to the courts for their resolution. We have the responsibility to get involved.

FURTHER LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I take this time to announce that on tomorrow we will call up two bills by unanimous consent from the Ways and Means Committee:

H.R. 8217, duty exemptions for certain foreign repairs to vessels owned by or operated for the United States; and

H.R. 8219, extending certain privileges and immunities to the organization of African unity.

Mr. Speaker, I should also like to announce that at the request of the chairman, H.R. 7730, San Carlos, Ariz., mineral strip purchase is asked to be called off for this week.

CONSENT CALENDAR

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

REVISION OF EMPLOYEE CIVIL SERVICE RETIREMENT DEDUCTIONS

The Clerk called the bill (H.R. 9257) to amend chapter 83 of title 5, United States Code, relating to the rates of employee deductions, agency contributions, and deposits for civil service retirement purposes.

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

H.R. 9257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 8334 of title 5, United States Code, is amended—

(1) by redesignating paragraph (a)(2) as paragraph (a)(3);

(2) by inserting after paragraph (a)(1) the following new paragraph (a)(2):

"(2) The Civil Service Commission from time to time, shall determine the amount necessary to be withheld from the basic pay of an employee to meet one-half of the normal cost of all benefits then in effect under this subchapter. If the percentage of employee deduction necessary to obtain such amount differs by more than one-fourth of 1 percent from the percentage of the deduction then in effect, the Civil Service Commission shall propose an adjustment, rounded to the nearest multiple of one-fourth of 1 percent, in the percentage of the employee deduction necessary to meet one-half of such normal cost and corresponding adjustments in each of the other percentages prescribed by the first sentence of paragraph (1) of this subsection. Notice of such proposed adjustments shall be transmitted to the President of the Senate and the Speaker of the House of Representatives. Unless within thirty calendar days of continuous session of the Congress after transmittal of the notice—

"(A) there has been enacted into law a statute which provides for different adjustments; or

"(B) either House of the Congress has

passed a resolution which specifically disapproves the proposed adjustments;
the proposed adjustments shall become effective at the beginning of the first applicable pay period which begins on or after the thirtieth day following the expiration of such thirty-day period. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Not more than one adjustment shall be proposed in any calendar year."; and

(3) by amending subsection (c) by striking out the colon and inserting in lieu thereof ", and an amount equal to the deductions, as adjusted from time to time under subsection (a)(2) of this section, for periods of service to which such adjustments apply:".

SEC. 2. The initial adjustment under section 8334(a)(2) of title 5, United States Code, as amended by the first section of this Act, shall be based upon the estimated normal cost of benefits in effect on the date of enactment of this Act and, notwithstanding the effective date provision of such section 8334(a)(2), shall become effective at the beginning of the first applicable pay period which begins on or after the thirtieth day following the date of such enactment.

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

PEANUT ALLOTMENT TRANSFER

The Clerk called the bill (H.R. 9205) to amend the Agricultural Adjustment Act of 1938 with respect to peanuts.

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

H.R. 9205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358 of the Agricultural Adjustment Act of 1938 be amended by adding a new subsection (j) to read as follows:

"(j) Notwithstanding any other provision of this Act, if the Secretary determines for 1973 or a subsequent year that because of a natural disaster a portion of the farm peanut acreage allotments in a county cannot be timely planted or replanted in such year, he may authorize for such year the transfer of all or a part of the peanut acreage allotments for any farm in the county so affected to another farm in the county or in an adjoining county in the same or an adjoining State on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of peanuts and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm allotment transferred under this subsection shall be deemed to be released acreage for the purpose of acreage history credits under subsection (g) of this section and section 377 of this Act: *Provided,* That notwithstanding the provisions of subsection (g) of this section, the transfer of any farm allotment under this subsection shall operate to make the farm from which the allotment was transferred eligible for an allotment as having peanuts planted thereon during the three-year base period.".

With the following committee amendment:

Page 1, line 7, strike the words "or a subsequent year".

The committee amendment was agreed to.

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

CHANGING NAME OF PATENT OFFICE

The Clerk called the bill (H.R. 7599) 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."

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

Mr. GROSS. Mr. Speaker. I would call to the attention of the Speaker the fact that these further bills are not eligible.

The SPEAKER. The Chair is advised that they are all eligible. The Chair has not counted the days.

Is there objection to the present consideration of the bill?

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

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

There was no objection.

AMENDING TRADEMARK ACT

The Clerk called the bill (H.R. 8981) 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.

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

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

There was no objection.

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

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 484]

Addabbo	Davis, Ga.	Heinz
Alexander	Dellums	Holtzman
Anderson, Ill.	Dingell	Hosmer
Archer	Dorn	Howard
Badillo	Esch	Hudnut
Barrett	Eshleman	Johnson, Colo.
Bell	Flowers	Jones, N.C.
Biaggi	Flynt	Jones, Okla.
Biester	Ford,	Jones, Tenn.
Blatnik	Gerald, R.	Kluczynski
Bolling	Frelinghuysen	Leggett
Brown, Calif.	Fuqua	McSpadden
Buchanan	Gibbons	Madden
Burke, Calif.	Goldwater	Mathias, Calif.
Burke, Fla.	Gray	Matsunaga
Carney, Ohio	Green, Oreg.	Michel
Chisholm	Griffiths	Mills, Ark.
Clark	Gubser	Minshall, Ohio
Clawson, Del	Gude	Mitchell, Md.
Clay	Hanna	Mollohan
Cleveland	Hansen, Idaho	Murphy, Ill.
Conte	Harrington	Murphy, N.Y.
Conyers	Hawkins	Nelsen
Danielson	Hébert	Nix
Powell, Ohio	Shipley	Taylor, N.C.
Quie	Sisk	Tiernan
Railsback	Slack	Veysey
Rees	Smith, Iowa	Waldie
Reid	Spence	Walsh
Rooney, N.Y.	Steiger, Wis.	White
Rostenkowski	Stokes	Wright
Runnels	Stubblefield	Young, Fla.
Sandman	Symms	Young, S.C.

The SPEAKER. On this rollcall 336 Members have recorded their presence by electronic device, a quorum.

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

ESTABLISHING ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 620) to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of the Interior, in addition to the Assistant Secretary now provided for by law, one additional Assistant Secretary of the Interior for Indian Affairs, who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe with respect to the conduct of Indian affairs, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

SEC. 2. Section 5315 of title 5 of the United States Code is amended by striking out "(6) at the end of item (18) and by inserting in lieu thereof "(7)".

SEC. 3. Section 462, Revised Statutes, as amended and supplemented (25 U.S.C. 1), and paragraph (45) of section 5316 of title 5 of the United States Code, are hereby repealed.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, H.R. 620 authorizes the establishment of an additional Assistant Secretary of the Interior for Indian Affairs within the Department of the Interior. The new Assistant Secretary would replace the position of Commissioner of Indian Affairs, currently Chief Administrator of the Bureau of Indian Affairs.

The Bureau of Indian Affairs, created by order of the Secretary of War in 1824, is one of the oldest continuing agencies in the executive department. In 1832, Congress created the position of Commissioner of Indian Affairs, appointed by the President with the advice and consent of the Senate, to head the Bureau under the direction of the Secretary of War. The Bureau and the Commissioner

were transferred to the Department of the Interior by the act of March 3, 1849.

The United States has a special duty to Indian tribes. It is charged with a high fiduciary duty to preserve and protect Indian assets. The Secretary of the Interior is the authorized officer of the Federal Government to perform this special duty, and the Commissioner of Indian Affairs, as the Administrator of the Bureau of Indian Affairs, reports to the Secretary through an Assistant Secretary of the Interior. Thus, the Bureau of Indian Affairs and the Commissioner of Indian Affairs are in a third-tier level within the administrative structure of the Department of the Interior, This creates two detrimental effects.

First, the Department of the Interior also has the duty to administer the Nation's resources for the greatest common good, and when these national interests conflict with the interests of Indian tribes, the Indian interests are often compromised in favor of the national interests. The third-tier positioning of the Administrator of the Bureau of Indian Affairs within the Department has substantially aggravated this inherent conflict of interest when the national or special non-Indian interest in water, power, minerals, timber, and so forth, are in conflict with the interest of Indian tribes in these areas.

Second, Indian matters within the Department of the Interior occupy a low level of importance and visibility.

Various statements of policy have put native American issues high on the list of national domestic priorities.

The adminstration has emphasized that the Nation does care about its trust responsibility to the first Americans and will work to live up to that responsibility.

However, the low level of importance of Indian matters in the Department of the Interior seriously weakens that emphasis.

H.R. 620 will raise the Department of Interior's responsibility for Indians to its proper level within the structure of the Department.

The Indians, who have given so much to make this country what it is today by ceding vast tracts of lands to the United States, deserve the protection which the Federal Government has so often promised in treaties and statutes, but has so seldom effectively provided.

The new Assistant Secretary will focus his attention solely on the unique problems of Indians to improve their economic and social conditions and assist in the development of their full potential, both for their own and the Nation's benefit.

He will also help guide the implementation of the new national policy of Indian self-determination.

Enactment of H.R. 620 as proposed by the committee will not, of itself, solve the deep-rooted problems affecting Indian people and the administration of Indian affairs.

But it is a small step in that direction which, if woven into a well-conceived and well-considered new national Indian program, may bring us closer to a realization of that long-sought goal.

The Committee on Interior and Insular Affairs favorably adopted the bill with one amendment repealing the law establishing the position of Commissioner of Indian Affairs. This position is no longer needed with an Assistant Secretary of Interior for Indian Affairs. The committee intends that the permanent, primary function of the new Assistant Secretary be that of Indian affairs and that he not be assigned other duties of a substantive, permanent nature.

Although the bill is derived from draft legislation proposing the establishment of an additional Assistant Secretary of the Interior transmitted by Executive communication, the Department of the Interior was reluctant to support his designation as Assistant Secretary of the Interior for Indian Affairs.

The Department gave a very weak argument supporting its stand.

With the repeal of the position of the Commissioner of Indian Affairs included in the bill and with Indian support for specifying the title and function, the committee favors the language in the bill designating the new Assistant Secretary as the Assistant Secretary of the Interior for Indian Affairs and limiting his primary, permanent functions to that of Indian affairs.

However, he may perform other temporary duties, such as serving as Acting Secretary of the Interior.

Mr. Speaker, I urge the House to enact the bill.

Mr. Speaker, I wish to commend the gentlewoman from Washington (Mrs. HANSEN) the leader of the delegation upon which I have had the opportunity to serve, for her sponsorship of this legislation.

She has long been a very strong and effective advocate for the rights of Indians. Her initial sponsorship before anyone else certainly bears out her continuing concern.

Mr. Speaker, we have the support of the minority and the administration.

With that, I would like to urge the House to enact this bill.

Mr. CAMP. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I would like to ask a question or two about this bill. How did the Government get along for almost 50 years—49 years—without this Assistant Secretary? What is the justification for now coming up with a new Assistant Secretary in the Department of the Interior to manage Indian affairs?

I will yield to the gentleman from Washington (Mr. MEEDS) if the gentleman can enlighten me.

Mr. MEEDS. Mr. Speaker, I think there are a number of reasons; first of all there are the reasons which I enunciated in my prepared text in which I stated the inherent problems of conflicts of interest which are exacerbated by the positioning on the third tier of that person who administers the affairs of the Indian tribes so that he has often been in conflict and relegated to a substantially lesser role than he ought to be with others.

Mr. GROSS. Would this be any less true if we approve another Assistant Secretary?

Mr. MEEDS. Yes.

Mr. GROSS. It would not be insofar as conflict of interest, would it?

Mr. MEEDS. The Assistant Secretary will then be dealing on the same level as other Assistant Secretaries in the Department of the Interior.

Mr. GROSS. That may be, but he might have other interests that could be construed to be conflicts of interest in the Department. I think that is the weakest reed you are trying to lean on in asking for a new Assistant Secretary.

Let me ask this question: Does this grow out of the uprising of Indians in Washington last fall?

Mr. MEEDS. No. I think that this has been proposed in previous Congresses. I believe the gentlewoman from Washington (Mrs. HANSEN) sponsored this legislation in the last Congress.

Mrs. HANSEN of Washington. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Speaker, if I may say to the distinguished gentleman from Iowa, as I have sat as the chairman of the subcommittee of the Committee on the Interior for appropriations, I have been constantly faced with the variety of interests that the Indian Affairs program has. The Assistant Secretary has had to handle the business of land management, the territories, Indian affairs, et cetera, on which he is the Indian official, and these have grown throughout the years. And when I am given the opportunity I will explain some of these difficulties.

Also, in discussing this with Indians throughout this Nation I was requested by the Indian people to introduce this bill, and I was very pleased to do so, and I will explain, as I say, later, some of the reasons.

Mr. GROSS. I appreciate the gentlewoman's explanation, and I have no doubt that the Indians would like to have an Assistant Secretary in the Department of the Interior, but prestige hardly justifies the creation of an expensive office.

It was stated that the cost will be $2,000 a year, which would be the differential in pay of the Assistant Secretary and the former Commissioner, or Director of the Bureau of Indian Affairs. Invariably, when Congress creates an Assistant Secretary he requires additional supergrade employees. This seems to be the routine and to give prestige to the position of Assistant Secretary. So I do not think I will be deluded by the $2,000 a year, because I think it is going to be more.

But, let me ask the gentlewoman this question: Will this Assistant Secretary be able any more than was the Commissioner of Indian Affairs last fall when the deal was made to buy these Indians off—those Indians who invaded, took over, and wantonly destroyed the property at the Bureau of Indians Affairs—will he be able to represent any more than the Secretary of the Interior was able to represent the Department of the Interior in its accumulation of $65,000

or $66,000 in cash to buy these Indians off, and get them out of Washington, D.C.? That deal was carried out by the Bureau of the Budget and a representative of the OEO whose funds they stole to get them out of town.

Please tell me if the creation of an Assistant Secretary is going to result in any more efficiency than was exhibited last fall, when the Secretary of the Interior himself was supposed to be calling the shots. Is an Assistant Secretary going to be able to wield any more influence on the Indians than did the Secretary of the Interior who failed to get them out of town without paying a huge cash bribe for which apparently there will never be an accounting?

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I am opposed to this bill. We need fewer not more Assistant Secretaries.

Mr. MEEDS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Speaker, I had not planned to speak at any length on this bill because it is self-explanatory, but I shall give the history of it.

More and more Indians have been seeking through the years, since I have been chairman of the Interior Appropriations Committee, and being familiar with their problems, a greater identity and a greater ability to be close to the Government without layers of bureaucracy.

Last fall I met with many Indian groups in my own district. I am privileged to have many tribes in my area of southwest Washington. I told them that I would be proud to sponsor an Assistant Secretary for Indian Affairs, if this was their desire. Heretofore, this office has been combined with the Territories and the Bureau of Land Management.

In the beginning I planned to have the assistant merely appointed by the Secretary of the Interior. However, because the Indian affairs of our Nation are of such immense importance, and because the Indian people, I think, need the recognition of a Presidential appointment, I changed my bill to read "appointed by the President and subject to confirmation by the Senate."

Naturally, I would assume that the President would consult with the Secretary of the Interior before making any appointment, as well as with the Indian people.

Immediately after preparation of the bill, I wrote to 209 Indian tribes and 144 Indian publications asking their opinions, suggestions, and if they wished to make any corrections or changes to notify me. Since that time I have received letters from tribes all over the United States supporting the bill. I sent a copy of my letter to the Indians to the White House, when I wrote the White House enclosing a copy of the bill. I also wrote to the Secretary of the Interior with the same material. They raised no objections.

I do today congratulate the committee for taking this step because I am going to be very frank—the Indian world has problems that are deep and serious. Not more than 10 days ago the Members heard me discuss in our conference report some of the Indian funding increases. You Members have heard us on the Committee on Interior come to you with some of the problems. Fifty percent of some Indian tribes are unemployed; their lands are unproductive; timber has not been cleaned up after being cut; and there are dozens and dozens and dozens of other wrongs to be righted in a range of fields from education to housing and health.

Mr. Speaker, I am hoping that the House today in good faith with our Indian brothers and sisters in this Nation will give them the opportunity to have an Assistant Secretary of Indian Affairs who can handle expeditiously and well the problems that beset the Indian people from Alaska to Florida and from Maine to California.

Mr. Speaker, I am not going to speak at length on this bill; I will give you the history.

More and more Indians have been seeking through the years that since I have been chairman of the Interior Appropriations Committee, a greater identity and a greater ability to be close to the Government without layers of bureaucracy.

Last fall I met with many Indian groups in my own district, and I told them that I would be proud to sponsor an Assistant Secretary for Indian Affairs. Heretofore, this office has been combined with the territories, et cetera.

In the beginning, I planned to have it merely appointed by the Secretary of Interior. However, because the Indian affairs of our Nation are of such immense importance and because the Indian people, I feel, need the recognition of a Presidential appointment, I changed my bill to read "appointed by the President and subject to confirmation by the Senate." Naturally, I would assume that the President would consult with the Secretary of the Interior before making any appointment as well as the Indian people.

Immediately after preparation of the bill, I wrote to 209 Indian tribes and 144 Indian publications asking their opinions, suggestions, and if they wished to make any corrections or changes, to notify me. Since that time, I have received letters from tribes all supporting the bill.

Congratulate the committee for its tremendously thoughtful and active interest in our Indian affairs.

Mr. CAMP. Mr. Speaker, I yield such time as he may conserve to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I welcome this opportunity to support H.R. 620, which would create within the Department of the Interior an Assistant Secretary for Indian Affairs. Clearly, there is an immediate need for the establishment of this position to fulfill the United States' trust responsibility to protect the natural resource rights of American Indians.

We have operated too long under the assumption that the Department of the Interior can represent two opposing clients in one dispute. On the one hand, the Department must preserve Indian trust assets, while on the other, it must manage the Nation's natural resources. Unfortunately, when those interests conflict, evidence indicates that the Indians are the losers. I believe H.R. 620 is a great step forward in remedying this situation and increasing the efficiency with which the Government administers the welfare of our first Americans.

Yet, more importantly, I see with the creation of this position a far greater good.

The obligation to provide services for American Indians is rooted in the United States Constitution, and more specifically in the Federal statutes which establish special benefit programs for American Indians. The most important of these is the Snyder act, under which most Bureau of Indian Affairs funds are allocated.

The Snyder act gives the BIA authority to provide a wide range of services to "Indians throughout the United States." The BIA, on the other hand, has interpreted "throughout the United States" to mean on or near federally recognized Indian reservations and has limited the availability for its services accordingly. Therefore, approximately 3,000 Indians residing in the State of Maine do not receive the services of the Bureau of Indian Affairs because they do not belong to a "federally recognized" tribe. However, the use of the concept "Federal recognition" as an administrative vehicle for denying service to Indians has no basis in law. Only Congress can terminate the national responsibility to Indian tribes and it has never taken such action with regard to Maine's Indians.

Maine's Indians are in great need of assistance from the Federal Government to protect their legal rights and to develop their personal and tribal resources. The denial of these necessary services by the BIA, which is specifically charged by Congress to serve all Indians, is arbitrary and unfair. In this regard I support the President's position that there should be no termination of this Nation's trust responsibilities without the consent of the Indians involved.

The very name "Indian" was first applied to Indians of the Atlantic seaboard. It was these Indians who helped the European settlers to adapt to a new and forbidding land. Now it is time for us to reciprocate. I believe that when the termination of Federal services is the consequence of a decision by an administration agency, as is the case in Maine and with other so-called "State Indians," the restoration of services can be accomplished by a new administrative initiative. I would hope that the new Assistant Secretary of the Interior for Indian Affairs will seize this opportunity to better the plight of this Nation's most neglected minority.

Mr. CAMP. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of this legislation. I might say to my colleague, the gentleman from Iowa, that no one abhors, more than I, what happened last year when the Indian group took over the Bureau of Indian Affairs building and wrought havoc here in Washington; but on the other hand, Congress has not dealt fairly with our Indian wards over the years.

Under the English code of law, one is expected to apply standards toward his ward at least as high as he applies toward his natural-born children. We have not done this.

We have entrusted the care of our Indian wards to the Commissioner of Indian Affairs and to the Bureau under his supervision. But the degree of importance we attach to his responsibilities is reflected in both the status level and salary level of his position. Instead of reporting directly to a Cabinet officer, the Commissioner has been placed under the supervision and administration of an Assistant Secretary, not any specific Assistant Secretary, mind you, but whichever Assistant Secretary happened to be available. Our last Commissioner of Indian Affairs, for example, reported at one time to the Assistant Secretary for Public Land Management, and later to the Assistant Secretary for Management and Budget. There have always been any number of officers in the Interior Department who have outranked the Commissioner and could override his decisions.

The result has been that some of the sorriest chapters in American history have been written in the Bureau of Indian Affairs. Not necessarily because of venal commissioners or ill-intentioned commissioners, but because of commissioners whose low-level position rendered them virtually impotent in matters of policy.

This bill seeks to remedy that situation. What we are trying to do here today is merely to give the man who is entrusted with the administration of Indian affairs an equal rank in sitting down and determining policy. This man will answer only to the Secretary and the President, and will enjoy a salary status at least the equal of the Assistant Secretaries in charge of fish, animals, and public lands. Is that really too much to ask?

There are a number of bills pending in this session of Congress to implement the President's historic 1970 message on Indian policy. This is but one of the seven major initiatives we have taken in this field. We cannot set right in one session the wrongs of the entire past, but we can make a start—and Mr. Speaker, this bill is a good start.

Twenty years ago, during a period of time when both the Congress and the administration were embarking on the policy of termination for Indians, I stood on this floor and argued with all my strength against that policy. Since that time, we have become all too well aware of the tragic results of those policies, and we will be taking many legislative steps in the coming years to correct them. It is a new beginning, and one that must start with this bill that upgrades the entire area of Indian Affairs and demonstrates the will of this Congress to treat its Indian wards at least as well as it treats other Americans.

Mr. Speaker, I urge my colleagues to support not only this bill but the change in direction, the change in emphasis, the change in policy that it represents.

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

Mr. Speaker, I take this time to compliment the gentleman from Pennsylvania and all those Members on the other side who have worked so hard to bring this legislation to pass, but I think the gentleman from Pennsylvania deserves some special applause for his long and deep feeling about the problems of the Indian people in this country.

I would like to supplement what the gentleman said in answer to the gentleman from Iowa, who asked in effect if this was going to solve the problems of the Indians. I think it would be disastrous for this House to consider this bill as a panacea for the many problems the gentleman from Pennsylvania mentioned and the problems the gentlewoman from Washington mentioned as far as housing and poor health and all the other problems the Indians have.

This bill is not a single solution to all those problems.

As I said, it is a small step in the right direction. Hopefully, this committee is going to be coming before this House within the next year with other legislation which will also go a long way toward solving some of those problems.

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

Mr. Speaker, the purpose of this bill is to upgrade the position of Commissioner of Indian Affairs—which of course would be eliminated by this proposal—to that of an Assistant Secretary of the Interior.

This Assistant Secretary, who would be in addition to those which the Department of the Interior currently has, would be appointed by the President with the advice and consent of the Senate; would have such duties as the Secretary of the Interior assigned, and would be paid at the same rate as the Department's other Assistant Secretaries. The proposal would amend section 5315 of title 5, United States Code, to increase the Department's number of Assistant Secretaries from six to seven.

The creation of this position would raise the Department's responsibility for Indians to its proper level within the structure of the Department. Indians will no longer have to compete with the land and other natural resources problems for attention as they now do in the day-to-day operation of the Department.

Focusing his attention solely on their unique problems, the new Assistant Secretary will work full time with Indians to improve their economic and social conditions to assist in the development of their full potential, both for their own and the Nation's benefit. One of the primary responsibilities of the new Assistant Secretary will be to help guide the implementation of the new national policy of Indian self-determination that President Nixon outlined in his July 8, 1970, message to the Congress and recently, in his March 1, 1973, human resources message to the Congress.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

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

Mr. CAMP. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, I want to compliment the gentleman from Oklahoma. He has put his finger on exactly the crux of the problem. We have a policy of Indian self-determination and doing things for themselves, and yet we go on asking them, for whatever they might want, to compete with other interests that the department has.

I think in upgrading these functions to Secretary level is really one of the solutions which would lead to the better administration of Indian affairs.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Speaker, I want to take this opportunity to associate myself with the remarks of the gentlewoman from Washington (Mrs. HANSEN) and the gentleman from Pennsylvania (Mr. SAYLOR) in support of this measure to create the position of Assistant Secretary for Indian Affairs.

The gentlewoman from Washington, who authored the bill before us today, recognizes the need for one high-level official in the Department of the Interior to be the focus for Indian programs because she has been so able and diligent in working to gain funding for these programs.

She knows the importance to the Indian people of the policy decisions of the Federal Government and believes, as I do, that we must reflect that importance by upgrading those who make Federal policy to a higher level in government.

The gentleman from Pennsylvania, who helped move this legislation through our Committee on Interior and Insular Affairs, is also aware of this need as he has demonstrated here today.

In his message on Federal programs for the American Indian in 1970, President Nixon pointed out that:

> The first Americans—the Indians—are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian people ranks at the bottom.

While the white man has been in the United States for just over 300 years, most of us fail to appreciate the fact that the Indian has been here over 300 centuries.

The coming of the Europeans brought an end to a life style in which the Indian had lived in complete harmony with nature. A life style that had brought about cultural achievements far above anything the average American realizes today after having been exposed to thousands of "Western" movies based upon our oppressive treatment of the Indians in the 19th century.

But while the Indian's history is full of his frustration, hardship, and suffering, his survival is a testament to his endurance and inner strength.

The bill we are considering will be a symbolic gesture on the part of the Congress that it recognizes the complexity of issues involving the Indians and that it is committed to resolving them.

I, for one, will be working to insure that this symbolism is translated into substantive change on behalf of the Indian.

I hope this legislation will be enacted and implemented as soon as possible.

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

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. MEEDS) that the House suspend the rules and pass the bill H.R. 620, as amended.

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

A motion to reconsider was laid on the table.

PROVIDING FOR DISTRIBUTION OF FUNDS IN SATISFACTION OF INDIAN CLAIMS COMMISSION JUDGMENTS

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8029) to provide for the distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other law, all use or distribution of funds appropriated in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims in favor of any Indian tribe, band, group, pueblo, or community (hereinafter referred to as "Indian tribe"), together with any interest earned thereon, after payment of attorney fees and litigation expenses, shall be made pursuant to the provisions of this Act.

SEC. 2. (a) Within one hundred and eighty days after the appropriation of funds to pay a judgment of the Indian Claims Commission or the Court of Claims to any Indian tribe, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall prepare and submit to the Congress a plan for the use or distribution of such funds: *Provided, however,* That with respect to judgments for which funds have been appropriated and for which legislation authorizing use or distribution has not been enacted prior to enactment of this Act, the one hundred and eighty-day period shall begin upon the date of enactment of this Act. In any case where the Secretary determines that the circumstances do not permit the preparation and submission of a plan as provided in this Act, he shall submit, within such one hundred and eighty-day period, proposed legislation as provided in section 5(b).

(b) An extension of the one hundred and eighty-day period, not to exceed ninety days, may be requested by the Secretary or by the affected Indian tribe submitting such request to the committees through the Secretary, and any such request will be subject to the approval of both the Senate and House of Representatives Committees on Interior and Insular Affairs.

(c) The Secretary shall notify the affected Indian tribe on the date of submission of such plan and provide it with a copy thereof.

SEC. 3 (a) The Secretary shall prepare a plan which shall best serve the interests of all those entities and individuals entitled to receive funds of each Indian judgment. Prior to the final preparation of the plan, the Secretary shall—

(1) receive and consider any resolution or communication, together with any suggested use or distribution plan, which any affected Indian tribe may wish to submit to him; and

(2) hold a hearing of record, after appropriate public notice, to obtain the testimony of leaders and members of the Indian tribe which may receive any portion, or be affected by the use or distribution, of such funds, in the area in which such Indian tribe is located and at a time which shall best serve the convenience of the eligible members thereof.

(b) In preparing a plan for the use or distribution of the funds of each Indian judgment, the Secretary shall, among other things, be assured that—

(1) legal, financial, and other expertise of the Department of the Interior has been made fully available in an advisory capacity to the Indian tribe which is entitled to such funds to assist it to develop and communicate to the Secretary pursuant to closure (1) of subsection (a) of this section its own suggested plan for the distribution and use of such funds;

(2) the needs and desires of any groups or individuals who are in a minority position, but who are also entitled to receive such funds, have been fully ascertained and considered;

(3) the interests of minors and other legally incompetent persons who are entitled to receive any portion of such funds as are subsequently distributed to them are and will be protected and preserved;

(4) any provision, including enrollment provisions, of the constitution, bylaws, rules, and procedures of such tribe which may affect the distribution or other use of such funds are in full accord with the principles of fairness and equity;

(5) a significant portion of such funds shall be set aside and programed to serve common tribal needs, educational requirements, and such other purposes as the circumstances of the affected Indian tribe may justify, except not less than 20 per centum of such funds shall be so set aside and programmed unless the Secretary determines that the particular circumstances of the pertinent Indian tribe clearly warranty otherwise; and

(6) methods exist and will be employed to insure the proper performance of the plan once it becomes effective under section 5 of this Act.

SEC. 4. When submitting the plan as provided in section 2, the Secretary shall also submit to the Congress with such plan—

(1) copies of the transcripts of hearings held by him concerning the Indian judgment pursuant to clause (2) of section 3(a) and all other papers and documents considered by him in the preparation of such plan, including any resolution, communication, or suggested use or distribution plan of the pertinent Indian tribe submitted pursuant to clause (1) of section 3(a); and

(2) a statement of the extent to which such plan reflects the desires of the Indian tribe or individuals who are entitled to such funds, which statement shall specify the alternatives, if any, proposed by such Indian tribe or individuals in lieu of such plan, together with an indication of the degree of support among the interested parties for each such alternative.

SEC. 5. (a) The plan prepared by the Secretary shall become effective, and he shall take immediate action to implement the plan for the use or distribution of such judgment funds, at the end of the sixty-day period (excluding days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) beginning on the day such plan is submitted to the Congress, unless during such sixty-day period either House adopts a resolution disapproving such plan.

(b) Within thirty calendar days after the date of adoption of a resolution disapproving a plan, the Secretary shall submit to the Congress proposed legislation, together with a report thereon, authorizing use or distribution of such funds.

SEC. 6. (a) The Secretary shall promulgate rules and regulations to implement this Act no later than the end of the one hundred and eighty-day period beginning on the date of enactment of this Act. Among other things, such rules and regulations shall provide for adequate notice to all entities and persons who may receive funds under any Indian judgment of all relevant procedures pursuant to this Act concerning any such judgment.

(b) No later than sixty days prior to the promulgation of such rules and regulations the Secretary shall publish the proposed rules and regulations in the Federal Register.

(c) No later than thirty days prior to the promulgation of such rules and regulations, the Secretary shall provide, with adequate public notice, the opportunity for hearings on the proposed rules and regulations, once published, to all interested parties.

SEC. 7. None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act.

Amend the title so as to read: "A bill to provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. MEEDS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, H.R. 8029 provides for the distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims.

The act of August 13, 1946 (60 Stat. 1049) established the Indian Claims Commission to hear and determine claims by Indian tribes and groups against the United States accruing on or before the date of the act. Claimants were given 5 years in which to file claims or be barred.

A total of 611 claims were docketed before the Indian Claims Commission.

By December 1972, 208 dockets had resulted in awards against the United States totaling $423,926,883.92 and 176 dockets had been dismissed. Funds appropriated to satisfy these judgments are deposited in the U.S. Treasury to the credit of the plaintiff tribe. Prior to 1960, under an option of the Interior Solicitor, these funds were distributed by the Secretary of the Interior without further congressional action.

Since 1960, each Interior Department appropriations act has included a proviso that no provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission or the Court of Claims after legislation has been enacted authorizing distribution and setting forth the purposes for which the funds will be used.

The Congress adopted this oversight procedure because it was felt that the Department was not giving adequate consideration to more effective use of parts of these awards by the tribe, such as education, economic development, and so forth.

Certain well-accepted guidelines and patterns for distribution of Indian judgment funds have been established in the 12 years of experience with the procedure of separate legislation for each award.

This procedure, while effective, has imposed a severe burden upon the time and efforts of members and staff of the Committee on Interior and Insular Affairs, preventing the committee from considering more pressing issues in Indian affairs. The present process of piecemeal legislation also results in delay in getting the funds into the hands of the Indian recipients.

The Department had advised the committee that there will be approximately 36 such awards awaiting separate legislative authorization in the 93d Congress.

H.R. 8029 directs the Secretary of the Interior to prepare and submit to the Congress a plan for the distribution of the funds awarded to any Indian tribe by judgment of the Indian Claims Commission or Court of Claims within 6 months after appropriation of such funds, with the exception that he may submit legislation rather than a plan in certain circumstances.

The bill provides guidelines, procedures and factors which the Secretary must take into consideration in preparing such plan, including active consultation with the affected Indian tribes and individuals. The Congress has 60 days in which to review the plan.

If neither House of the Congress passes a resolution disapproving the plan within the 60-day period, it becomes effective and the Secretary is directed to make distribution in accordance therewith.

If either house disapproves the plan, the Secretary must submit draft legislation of a plan of distribution within 30 calendar days of the date of such disapproval.

The bill directs the Secretary to promulgate rules and regulations for implementation of the act no later than the end of a 180-day period following enactment.

H.R. 8029 is designed to delegate much of the function of the Congress with respect to distribution while maintaining ample congressional oversight.

This will have the effect of freeing the time of the Committee on Interior and Insular Affairs and the Indian Affairs Subcommittee for more pressing and important considerations and expediting the distribution of the funds to the tribe.

H.R. 8029 exempts per capita payments and income on funds held in trust under any such plan from Federal and State income taxes and from being considered as income or resources for purposes of assistance or benefits under the Social Security Act.

The committee amended the bill to provide that the time for submitting a plan of distribution to the Congress in the case of judgments already appropriated is 180 days from the enactment of this legislation. For all subsequent judgments, the time will run from the date of appropriation.

Further amendment of the bill allows an extension of 90 days upon the request of the Secretary or the affected Indian tribe if approved by the Senate and House Committees on Interior and Insular Affairs.

Such an extension may be necessary on the more complex judgments.

It was the opinion of the committee that the Secretary must notify the affected tribes on the date he submits his proposed plan and provide them with a copy.

This will insure the Indian tribes opportunity to comment on the provisions of the plan to the two committees prior to approval or disapproval.

The bill was amended to reflect this opinion.

Further amendment requires the Secretary to take all appropriate steps to ascertain minority positions among the Indians affected by the distribution plan before preparing and submitting such plan.

Section 3(b)(4) of the bill provides that the Secretary must assure himself that the governing documents, such as enrollment provisions, of the constitution, bylaws, rules and procedures of such tribe which may affect the distribution or other use of funds are in full accord with the provisions of fairness and equity. This and section 3(b)(2) are to assure that nonresident members of the affected tribe will be treated with complete fairness and equity in any use or distribution of such awards.

Mr. Speaker, I urge the House to enact the bill.

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

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

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

I note in the letter from the Department of the Interior to the Committee, in the second sentence of the letter there appears this language:

We recommend enactment of this bill, if amended as suggested infra.

The word "infra," is in italics.

What in the world does "infra" mean in connection with the enactment or passage of such a piece of legislation?

Mr. MEEDS. Mr. Speaker, I would just assume that it means in accordance with the suggestions which are made in the accompanying document and letter from the Department of Interior concerning the bill.

Mr. GROSS. Well, is that the meaning of "infra"—i-n-f-r-a?

Mr. MEEDS. That is the meaning which I would assume it has in this instance.

Mr. GROSS. Well, Mr. Speaker, I also note that the letter is unsigned except that it just provides blank spaces for the name of the "Assistant Secretary of the Interior."

May I assume that if the bill goes through creating the post of Assistant Secretary and it is just approved by the House and without passage by the other body, this new Assistant Secretary will sign his name to the communication, or does the gentleman suppose it will just remain "Assistant Secretary of the Interior" blank—anonymous?

Mr. MEEDS. Mr. Speaker, I do not know as a matter of fact which letter the gentleman is referring to.

Mr. GROSS. Mr. Speaker, it is on page 6 of the report, pages 6 and 7 of the report accompanying this bill.

Mr. MEEDS. Mr. Speaker, I have a letter dated June 19, 1973, from the Assistant Secretary, Mr. Kyle, which is signed.

Mr. GROSS. Well, this one is unsigned.

Mr. Speaker, I am particularly interested in the word, "infra." This is the first time I have discovered the word in legislation.

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

Mr. Speaker, this bill amounts to nothing more than an attempt by Congress to speed up the delivery system of our Indian judgment funds. The mechanism which was created by Congress several years ago has proven too slow and too cumbersome, and the bill simply streamlines the mechanism.

We have made certain, I believe, in this legislation that all necessary safeguards have been included. The rights of the Indians, the responsibilities of the Congress and the prerogatives of the Secretary, I believe, have all been considered and, in my opinion, have been handled well in this legislation.

Mr. Speaker, I must remind my colleagues that the Subcommittee on Indian Affairs has not taken up a single individual judgment bill this year, even though a number of these judgments have been approved for payment by the Claims Commission. If for any reason the bill before us fails, we will have no time this year to consider individual bills, and the damage to many tribes will be considerable.

With this bill judgment payments will proceed at an orderly but faster pace, and all payments now pending will be made

without the need for further congressional action. It is very important to the many thousands of Indian citizens that this bill be enacted promptly to permit this orderly process to be effected.

Let me just point out at this time that already there have been 11 bills introduced in order to release the funds that have been awarded by the Indian Claims Commission. There are some 32 or 33 that will require legislation just in this year. So we are talking about an additional 40-some pieces of legislation that must be dealt with.

As the chairman of the subcommittee pointed out, there are 227 different judgments pending now. We would have to take each one of those up in separate legislation. It is time-consuming. There is no need for that procedure.

If we adopt this bill today, I think we will speed up the process. I know we will speed up the process and certainly accomplish the objectives that we set out to accomplish many years ago.

Thank you, Mr. Speaker.

I now yield as much time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, when Congress created the Indian Claims Commission in 1946, it was intended to have all Indian claims adjudicated and paid within 10 years. There has been delay in adjudication, resulting in two 10-year extensions of the Commission's authorization and culminating this year in a 1-year authorization. I think our action in that authorization bill will speed up the adjudication of these remaining claims and bring them all finally to judgment.

But that action takes care of only half the problem. After the Claims Commission or the Court of Claims makes a judgment award, the system now is for the House and Senate to agree on legislation authorizing payment of that award. Legislative delays have resulted in administrative delays, and it has many times taken 10 years or more for a tribe to receive the money that is rightfully theirs.

The bill before us takes care of this second problem. By authorizing the Secretary to proceed with the preparation of a payment plan immediately upon an award being made. We will get the wheels turning faster. And by permitting that plan to go into effect, unless Congress has objections, we speed the process even more.

By speeding the process at both the adjudication end and the administration end, we hope to wind up all of these claims once and for all this year.

This is the wrong bill to oppose on the grounds of the separation of powers doctrine. The issue is not clearly joined nor clear cut in this bill, and should not be raised at all. The language objected to by the Justice Department is identical to the language used in the act creating the Pennsylvania Avenue Commission. It is almost identical to the language in 25 U.S.C. 165 on Restoration of Unclaimed Tribal Per Capita Funds. Neither of these acts have been challenged on constitutional grounds, and the issue has never been raised in their implementation.

Purpose of H.R. 8029 is to speed up payment of claims. But in doing this, Congress is delegating to the executive branch certain administrative and decisionmaking powers that hitherto have been at the sole discretion of Congress. In making this delegation, we retain the responsibility, and thus the need for oversight. The responsibility is shared equally by both Houses of Congress, so either of them must have the opportunity to raise a red flag on an individual payment plan and say: "Wait a minute, Mr. Secretary, let us take another look at this one. Give it to us in the form of a bill so we can consider it more carefully."

I urge that the rules be suspended and that the bill does pass.

Mr. MEEDS. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. HICKS).

(By unanimous consent, Mr. HICKS was allowed to speak out of order.)

CONGRATULATIONS TO MRS. HANSEN OF WASHINGTON

Mr. HICKS. Mr. Speaker, the delegation from the State of Washington is very proud of the dean of our delegation, Mrs. HANSEN. All of the Members of the House are aware of the diligence with which she attends to her legislative duties, but I want to call the attention of the Members to one that went a little bit beyond the usual dedication.

On September 20 last, the gentlewoman from Washington (Mrs. HANSEN) handled for the Committee on Appropriations the Interior appropriations bill on this floor. Following the completion of that conference report the gentlewoman got in an airplane so as to go west as fast as she could because the gentlewoman was about to become a grandmother for the first time. When she arrived in Denver on the first leg of her journey her grandchild had arrived, and she received the news at that time that it was a 7 pound, 11 ounce girl, quite appropriately named Julia Ann Hansen.

I think that the gentlewoman from Washington should be congratulated for becoming a grandmother for the first time.

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

Mr. Speaker, on the question of separation of powers I think we ought to meet that issue head on.

We wrote to the Congressional Research Service of the Library of Congress and asked them to give their opinion on the question, when the Department of Interior indicated that they felt this legislative veto provision brought into focus a problem in this regard. I will quote to the Members the answer that they gave us, in the second paragraph in their letter of May 4, 1973, addressed to me on this question of the constitutionality of the legislative veto, and they said:

The position taken by the Department of the Interior that section 5 of S. 1016, which provides Congress with 60 calendar days to disapprove plans of the Secretary to distribute certain funds is unconstitutional and, to be blunt, is untenable.

And that indeed it is untenable.

Mr. Speaker and Members of the House, we have had this thoroughly researched and, indeed, we have the Legislative Reorganization Act, as the gentleman from Pennsylvania pointed out, and that is almost identical to this language. That was not vetoed. As a matter of fact, this argument which is being made by the administration was first raised I think in an opinion of the Attorney General at that time, Mr. Mitchell, in 1933. It has been since repudiated by successive Attorneys General, and I think today certainly is in great disrepute, especially in view of the fact that we have passed ample pieces of legislation in the last year or 2 years which contained almost identical provisions.

So to say that this bill should not be passed because of that is really to say it should not be passed for some other reason because there is no judicial backing for this position.

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

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion offered by the gentleman from Washington (Mr. MEEDS) that the House suspend the rules and pass the bill, H.R. 8029, as amended.

The question was taken.

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

The SPEAKER pro tempore. 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 331, nays 33, not voting 70, as follows:

[Roll No. 485]

YEAS—331

Abdnor	Burleson, Tex.	Dent
Abzug	Burlison, Mo.	Derwinski
Adams	Burton	Dickinson
Anderson, Calif.	Byron	Diggs
Andrews, N.C.	Camp	Donohue
Andrews, N. Dak.	Carey, N.Y.	Downing
Annunzio	Carter	Drinan
Armstrong	Casey, Tex.	Dulski
Ashbrook	Cederberg	Duncan
Ashley	Chamberlain	du Pont
Aspin	Chappell	Eckhardt
Bafalis	Chisholm	Edwards, Ala.
Bauman	Clancy	Edwards, Calif.
Bennett	Clark	Eilberg
Bergland	Clausen, Don H.	Erlenborn
Bevill	Clawson, Del	Evans, Colo.
Biester	Clay	Evins, Tenn.
Bingham	Cohen	Fascell
Boggs	Collier	Findley
Boland	Collins, Ill.	Fish
Bowen	Conable	Fisher
Brademas	Conlan	Flood
Brasco	Conte	Flowers
Bray	Corman	Foley
Breaux	Cotter	Ford, William D.
Breckinridge	Coughlin	Forsythe
Brinkley	Cronin	Fountain
Brooks	Culver	Fraser
Broomfield	Daniels, Dominick V.	Frelinghuysen
Brotzman	Danielson	Frenzel
Brown, Mich.	Davis, S.C.	Frey
Brown, Ohio	Davis, Wis.	Froehlich
Broyhill, N.C.	de la Garza	Fulton
Broyhill, Va.	Delaney	Gaydos
Burgener	Dellenback	Gettys
Burke, Calif.	Dellums	Giaimo
Burke, Mass.	Denholm	Gibbons
		Gilman

Ginn	Matsunaga	Sarbanes
Gonzalez	Mayne	Saylor
Grasso	Mazzoli	Scherle
Green, Pa.	Meeds	Schneebeli
Grover	Melcher	Schroeder
Gunter	Metcalfe	Sebelius
Guyer	Mezvinsky	Seiberling
Haley	Milford	Shipley
Hamilton	Miller	Shoup
Hammer-schmidt	Minish	Shriver
	Mink	Shuster
Hanley	Mitchell, N.Y.	Sikes
Hansen, Wash.	Mizell	Skubitz
Harsha	Moakley	Smith, N.Y.
Harvey	Montgomery	Staggers
Hastings	Moorhead, Calif.	Stanton, J. William
Hawkins		
Hays	Moorhead, Pa.	Stanton, James V.
Hébert	Morgan	
Hechler, W. Va.	Mosher	Stark
Heckler, Mass.	Moss	Steed
Helstoski	Murphy, Ill.	Steele
Henderson	Myers	Steelman
Hicks	Natcher	Steiger, Ariz.
Hillis	Nedzi	Stephens
Hinshaw	Nelsen	Stokes
Hogan	Nichols	Stratton
Holifield	Obey	Stuckey
Horton	O'Brien	Studds
Hosmer	O'Hara	Sullivan
Howard	O'Neill	Symington
Huber	Owens	Talcott
Hungate	Parris	Teague, Calif.
Hunt	Passman	Teague, Tex.
Ichord	Patman	Thompson, N.J.
Jarman	Patten	Thomson, Wis.
Johnson, Calif.	Perkins	Thone
Johnson, Pa.	Pettis	Thornton
Jones, Ala.	Peyser	Towell, Nev.
Jones, Okla.	Pickle	Udall
Jordan	Pike	Ullman
Karth	Poage	Van Deerlin
Kastenmeier	Podell	Vander Jagt
Kazen	Powell, Ohio	Vanik
Keating	Preyer	Veysey
Kemp	Price, Ill.	Vigorito
Ketchum	Price, Tex.	Waggonner
King	Pritchard	Walsh
Kluczynski	Quie	Ware
Koch	Quillen	Whalen
Kyros	Randall	Whitten
Landgrebe	Rangel	Widnall
Landrum	Rarick	Wiggins
Latta	Regula	Williams
Lehman	Reuss	Wilson, Bob
Lent	Riegle	Wilson, Charles H., Calif.
Litton	Rinaldo	
Long, La.	Roberts	
Long, Md.	Robison, N.Y.	Wilson, Charles, Tex.
Lujan	Rodino	
McClory	Roe	Winn
McCloskey	Rogers	Wolff
McCollister	Roncalio, Wyo.	Wright
McCormack	Roncallo, N.Y.	Wyatt
McDade	Rooney, Pa.	Wyman
McEwen	Rose	Yates
McFall	Rosenthal	Yatron
McKay	Rostenkowski	Young, Alaska
McKinney	Roush	Young, Ga.
Macdonald	Roy	Young, Ill.
Mahon	Roybal	Young, Tex.
Mailliard	Ruppe	Zablocki
Mallary	Ruth	Zion
Mann	Ryan	Zwach
Martin, Nebr.	St Germain	
Martin, N.C.	Sarasin	

NAYS—33

Arends	Devine	Rousselot
Baker	Goodling	Satterfield
Beard	Gross	Snyder
Blackburn	Hanrahan	Spence
Butler	Holt	Taylor, Mo.
Cochran	Hutchinson	Treen
Collins, Tex.	Lott	Wampler
Crane	Madigan	Whitehurst
Daniel, Dan	Maraziti	Wydler
Daniel, Robert W., Jr.	Mathis, Ga.	Wylie
	Rhodes	
Dennis	Robinson, Va.	

NOT VOTING—70

Addabbo	Carney, Ohio	Green, Oreg.
Alexander	Cleveland	Griffiths
Anderson, Ill.	Conyers	Gubser
Archer	Davis, Ga.	Gude
Badillo	Dingell	Hanna
Barrett	Dorn	Hansen, Idaho
Bell	Esch	Harrington
Biaggi	Eshleman	Heinz
Blatnik	Flynt	Holtzman
Bolling	Ford, Gerald R.	Hudnut
Brown, Calif.	Fuqua	Johnson, Colo.
Buchanan	Goldwater	Jones, N.C.
Burke, Fla.	Gray	Jones, Tenn.
Kuykendall	Nix	Steiger, Wis.
Leggett	Pepper	Stubblefield
McSpadden	Railsback	Symms
Madden	Rees	Taylor, N.C.
Mathias, Calif.	Reid	Tiernan
Michel	Rooney, N.Y.	Waldie
Mills, Ark.	Runnels	White
Minshall, Ohio	Sandman	Young, Fla.
Mitchell, Md.	Sisk	Young, S.C.
Mollohan	Slack	
Murphy, N.Y.	Smith, Iowa	

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

The Clerk announced the following pairs:

Mr. Stubblefield with Mr. Brown of California.

Mr. Rooney of New York with Mr. Jones of North Carolina.

Mr. Barrett with Mr. Mitchell of Maryland.

Mr. Addabbo with Mr. McSpadden.

Mr. Blatnik with Mr. Rees.

Mr. Dingell with Mr. Young of Florida.

Mr. Fuqua with Mr. Young of South Carolina.

Mr. Murphy of New York with Mr. Burke of Florida.

Mr. Nix with Mr. Leggett.

Mr. Sisk with Mr. Gerald R. Ford.

Mr. Slack with Mr. Buchanan.

Mr. Alexander with Mr. Michel.

Mr. Biaggi with Mr. Cleveland.

Mr. Carney of Ohio with Mr. Conyers.

Mr. Davis of Georgia with Mr. Minshall of Ohio.

Mr. Flynt with Mr. Archer.

Mr. Harrington with Mr. Bell.

Mr. Hanna with Mr. Hansen of Idaho.

Mr. Gray with Mr. Symms.

Mrs. Green of Oregon with Mr. Esch.

Ms. Holtzman with Mr. Gude

Mr. Jones of Tennessee with Mr. Mathias of California.

Mr. Madden with Mr. Eshleman.

Mr. Mills of Arkansas with Mr. Railsback.

Mr. Mollohan with Mr. Heinz.

Mr. Reid with Mr. Anderson of Illinois.

Mr. Pepper with Mr. Sandman.

Mr. Smith of Iowa with Mr. Goldwater.

Mr. Tiernan with Mr. Kuykendall.

Mr. Waldie with Mr. Hudnut.

Mr. Badillo with Mr. Steiger of Wisconsin.

Mr. Dorn with Mr. Gubser.

Mr. Runnels with Mr. Taylor of North Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the Senate bill (S. 1016) to provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1016

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 "Indian Judgment Funds Distribution Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress declares that a new method of distributing funds of Indian judgments must be established as the existing procedures for developing, approving, and enacting a distribution plan for each Indian judgment are cumbersome, and infringe upon the full and free development of the unique relationship between the Indian people and the Federal Government; and reduce the time available to, and limit the ability of, Congress to effectively investigate and legislate in the areas of substantive Indian policy.

(b) It is the purpose of this Act to declare a policy for the distribution of judgment funds to Indians; to delegate certain ministerial functions to, and establish specific guidelines and standards to be followed by, the Secretary of the Interior in the development of plans for the distribution of such funds; to provide maximum participation to Indian tribes, bands, groups, pueblos, or communities in determining the uses to be made of such funds; to protect the interests of any groups and individuals who are in a minority position but who are also entitled to receive such funds; to enhance the educational, social, and economic opportunities available to the Indian people; and to enable the committees of the Congress to dedicate the time and resources of their members more fully to substantive policy issues associated with the historic relationship between the Indian people and the United States Government and to the improvement of this relationship.

INDIAN JUDGMENTS

SEC. 3. Notwithstanding any other provision of law, from and after the date of enactment of this Act, all distributions of funds appropriated by the Congress to pay in favor of Indians, Indian tribes, bands, groups, pueblos, or communities judgments of the Indian Claims Commission and of the Court of Claims (hereinafter referred to as "Indian judgments" or "Indian judgment") shall be made pursuant to the provisions of this Act.

PLAN FOR DISTRIBUTION OF FUNDS OF INDIAN JUDGMENTS

SEC. 4. (a) Unless a request for an extension of time (i) is deemed necessary and is submitted by the Secretary or (ii) is made to the Secretary by the Indian tribe, band, group, pueblo, or community, which request shall be submitted to Congress by the Secretary within six months after the date of the appropriation of funds by the Congress to pay each Indian judgment, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall prepare and submit to the Congress a recommended plan for the distribution of such funds (hereinafter referred to as a "plan") to the Indians and Indian tribe, band, group, pueblo, or community which has been determined by the Secretary to be the present-day beneficiary or beneficiaries of the subject award and are entitled to participate in the distribution of the appropriated funds. The Secretary shall also submit to the Congress with such plan—

(1) copies of the transcripts of hearings held by him concerning the Indian judgment pursuant to clause (2) of subsection (c) and all other papers and documents considered by him in the preparation of such plan, including any resolution, communication, or suggested distribution plan of the pertinent Indian tribe, band, group, pueblo, or community submitted pursuant to clause (1) of subsection (c); and

(2) a statement of the extent to which such plan reflects the desires of the tribe, band, group, pueblo, community, or individuals who are entitled to such funds, which statement shall specify the alternatives, if any, proposed by such tribe, band, group, pueblo, community, or individuals in lieu of such plan, together with an indication of

the degree of support among the interested parties for each such alternative.

(b) The plan shall be prepared by the Secretary pursuant to the provisions of subsections (c) and (d) of this section and such rules and regulations as the Secretary may prescribe in accordance with section 7 of this Act.

(c) The Secretary shall prepare a plan which shall best serve the interests of all those entities and individuals entitled to receive the funds of each Indian judgment. Prior to final preparation of the plan, the Secretary shall—

(1) receive and consider any resolution or communication, together with any suggested distribution plan, which any affected Indian tribe, band, group, pueblo, or community may wish to submit to him; and

(2) hold a hearing or hearings of record, after appropriate public notice, to obtain the testimony of leaders and members of the Indian tribe, band, group, pueblo, or community who may receive any portion, or be affected by the distribution, of such funds. Such hearing or hearings shall be held in the area or areas in which such Indian tribe, band, group, pueblo, or community resides and at a time or times which shall best serve the convenience of eligible members thereof.

(d) In preparing a plan for the distribution of the funds of each Indian judgment, the Secretary shall, among other things, be assured that—

(1) legal, financial, and other expertise of the Department of the Interior has been made fully available in an advisory capacity to the Indian tribe, band, group, pueblo, or community which is entitled to such funds to assist it to develop and communicate to the Secretary pursuant to subsection (c) its own suggested plan for the distribution and use of such funds;

(2) the needs and desires of any groups or individuals who are in a minority position but who are also entitled to receive such funds have been fully considered;

(3) the interests of minors and others legally incompetent who are entitled to receive any portion of such funds and such portions as are subsequently distributed to them are and will be protected and preserved;

(4) the constitution, bylaws, rules, or procedures of such Indian tribe, band, group, pueblo, or community which relate to enrollment, eligibility to share in the distribution of such funds, and decisionmaking concerning the distribution of such funds accord with the principles of due process and equal protection;

(5) a significant portion, as defined in section 8 of this Act, of the net distributable funds shall be set aside and programed to serve common tribal, band, group, pueblo, or community needs, educational requirements, and such other purposes as the circumstances of the affected Indian tribe, band, group, pueblo, or community may justify; and

(6) methods exist and will be employed to insure the proper performance of the plan once it becomes effective pursuant to section 5 of this Act.

CONGRESSIONAL REVIEW

SEC. 5. (a) Congress shall have sixty calendar days from the date of submission of a plan by the Secretary in order to review such plan.

(b) Such plan shall become effective and the distribution of Indian judgment funds provided for by such plan shall be made by the Secretary upon the expiration of such sixty-day period.

(c) The full sixty-day period, or any portion thereof, may be waived by committee resolutions of the Committees on Interior and Insular Affairs of both the Senate and the House of Representatives. Such plan shall become effective and the distribution of such funds shall be made upon the effective date of the waiver of the committees of the Congress.

(d) Such plan shall not become effective and no distribution of such funds shall be made if, within such sixty-day period, a committee resolution disapproving such plan is passed by either House of Congress.

(e) Within thirty calendar days of the date of passage of a committee resolution disapproving a plan, the Secretary shall propose legislation embodying such plan, together with whatever changes the Secretary deems appropriate.

PROCEDURES IN ABSENCE OF A PLAN

SEC. 6. Whenever the Secretary determines that circumstances do not permit the preparation of a plan for the distribution of funds of an Indian judgment which shall meet the policies or purposes of this Act or the requirements of section 4 or whenever he shall determine that a plan for the distribution of such funds reflects a new policy or purpose not contemplated by this Act, he shall submit to the Congress his recommendations, either in the form of a report or of proposed legislation, to effect the distribution of such funds.

RULES AND REGULATIONS

SEC. 7. (a) The Secretary shall promulgate rules and regulations to implement this Act no later than six months from the date of enactment of this Act. Among other things, such rules and regulations shall provide for adequate notice to all entities and persons who may receive funds under any Indian judgment of all relevant procedures pursuant to this Act concerning any such judgment.

(b) No later than sixty days prior to the promulgation of such rules and regulations the Secretary shall publish the proposed rules and regulations in the Federal Register.

(c) No later than thirty days prior to the promulgation of such rules and regulations, the Secretary shall provide, with adequate public notice, the opportunity for hearings on the proposed rules and regulations, once published, to all interested parties.

SEC. 8. For the purposes of clause (5) of subsection 4(d), "significant portion" means a portion of the net distributable funds of an Indian judgment which shall be no less than 20 per centum unless otherwise warranted by the particular circumstances of the pertinent Indian tribe, band, group, pueblo, or community.

SEC. 9. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and per capita payments less than $4,000 shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act.

AMENDMENT OFFERED BY MR. MEEDS

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

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Strike out all after the enacting clause of S. 1016 and insert in lieu thereof the provisions of H.R. 8029, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read:

To provide for the distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8029) was laid on the table.

CORRECTING TYPOGRAPHICAL AND CLERICAL ERRORS IN PUBLIC LAW 93-86

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2419) to correct typographical and clerical errors in Public Law 93-86.

The Clerk read as follows:

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 93-86 is amended as follows:

(a) Paragraph (6) of section 1 is amended by—

(i) striking "diary" and inserting "dairy",

(ii) striking the quotation marks following "articles.", and

(iii) striking "Agriculture Act of 1973" and inserting "Agriculture and Consumer Protection Act of 1973".

(b) Paragraphs (8) and (20) of section 1 are each amended by striking the comma from that part reading: "If the Secretary determines that the producers are prevented from planting, any portion".

(c) Paragraph (12) of section 1 is amended by striking "(12)(a)" and inserting "(12)".

(d) Paragraph (18) of section 1 is amended by—

(i) revising the first paragraph (C) appearing therein so that the quoted sentence contained therein is placed immediately after "follows:" and does not constitute a separate paragraph,

(ii) redesignating the second paragraph (C) appearing therein and paragraphs (D), (E), and (F) as (D), (E), (F), and (G), respectively,

(iii) inserting a comma at the end of the first paragraph (C) and at the end of paragraph (D) as so redesignated, and

(iv) striking the period at the end of paragraph (F) as so redesignated and inserting a comma and the word "and".

(e) The second paragraph of paragraph (26) of section 1 is amended by—

(i) inserting double quotation marks and "SEC. 703." at the beginning thereof,

(ii) striking the double quotation marks which precede the word "and" and inserting a single quotation mark, and

(iii) striking the period and double quotation marks at the end thereof and inserting a single quotation mark followed by a period.

(f) Quoted section 812 contained in paragraph (27) (B) of section 1 is amended by striking out the quotation marks at the end thereof.

(g) Paragraph (28) of section 1 is amended by—

(i) striking out paragraphs (1) through (4) appearing in quoted section 1001 and inserting said paragraphs in quoted section 1003(a) immediately before paragraph (5), and

(ii) changing the colon at the end of quoted section 1007(a) to a period.

(h) Section 3(b) is amended by striking "foreoging" and inserting "foregoing".

(i) Section 3(i) is amended by inserting "(1)" after the word "amended".

(j) The final sentence of section 3(k) is amended by inserting "members of" after "permit".

(k) Section 3(m) is amended by striking "for value" and inserting "for households of a given size unless the increase in the face value".

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

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

There was no objection.

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

This bill does nothing more than correct the errors which were written into the Agriculture and Consumer Protection Act of 1973 when it was sent to the Government Printing Office.

Unfortunately, most of us have had the experience in the past few years of finding that the Printing Office brings in more errors than it corrects. That is the situation here.

This bill does not change any substantive portion of the legislation which was presented in the conference report to the House. It simply corrects those errors, most of which are of spelling, some of which are of punctuation, and in one case where there is a whole line placed in the wrong position.

We sought to correct those errors on the passage of the bill, and there was objection. We sought to correct them by unanimous consent, and again there was objection—based, as I understand it, on the desire of one of our colleagues to amend the conference report, on an appropriation bill. These objections do not go to the merits of this bill at all. That seems to me to be a very unfair approach.

Frankly, I do not recall any other instance in the House when there was objection to making a correction of a typographical error of this type, certainly there has been no other instance of such a blatant example of refusing to correct an error in one bill because the objector did not like another bill but objection has been made, so we have to bring the measure to the House in this form.

Mr. TEAGUE of California. Mr. Speaker, I yield myself such time as I may consume.

As my colleagues will remember, I was very much opposed to the general farm bill itself, and worked very hard to try to defeat it.

I certainly have no objection to making these corrections, which has to be done, of typographical errors and in one case the transposition of a line.

I do support this bill and recommend its enactment.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I objected to this bill when it came up by unanimous consent the last day before the recess, and I again objected, I believe, about a week ago.

I spoke to the chairman about it. At that time I was hopeful we could arrive at a compromise with regard to the Agriculture appropriation bill. I wanted to retain the strict, no-loophole language with regard to the $20,000 payment limitation and also delete the $10 million subsidy for Cotton, Inc.

At the time I told the chairman that if these two things would be done, I would not raise an objection if this bill would come to the floor.

Unfortunately, the agriculture appropriations bill came back from the conference without the language that plugged the loopholes in the $20,000 subsidy payment limitation, even though the House had instructed its conferees to insist on this. The conference report made the motion passed by the House almost worthless, because big corporate farmers can still get around the law by leasing, subdividing, and making end runs around the payment limitation amendment adopted by both the House and the Senate.

However, Mr. Speaker, I did win a partial victory in regard to the $10 million payment to Cotton, Inc., which I exposed here on the floor as a fraud upon the taxpayers.

I was able to get $7 million deleted, which left just $3 million in the appropriation bill earmarked for cotton research.

I am not happy about the method by which this "technical corrections" bill has come to the floor. I wish that it had not come up under suspension, because if it came in under a regular rule, I would have another crack at putting in a strict $20,000 payment limitation and deleting the $10 million Federal subsidy for Cotton, Inc., which is in the authorization bill.

Mr. Speaker, the procedure by which the bill was brought in does not allow me to make such a motion. The bill was brought in under suspension, and if it is roll-called, I will vote against it.

(Mr. CONTE asked and was given permission to revise and extend this remarks.)

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

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Speaker, I agree with the gentleman from Massachusetts 100 percent. I further wish to say that the people in my district feel exactly the same way. Therefore, I must vote and deal with the matter accordingly.

Mr. Speaker, I thank the gentleman for yielding.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. POAGE) that the House suspend the rules and pass the bill S. 2419.

The question was taken.

Mr. CONTE. 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 330, nays 28, not voting 76, as follows:

[Roll No. 486]

YEAS—330

Abdnor	Brademas	Byron
Abzug	Brasco	Camp
Andrews, N.C.	Bray	Carey, N.Y.
Andrews, N. Dak.	Breaux	Carter
Annunzio	Breckinridge	Casey, Tex.
Arends	Brinkley	Cederberg
Ashbrook	Brooks	Chamberlain
Ashley	Broomfield	Chappell
Aspin	Brotzman	Chisholm
Bafalis	Brown, Mich.	Clausen,
Baker	Brown, Ohio	Don H.
Bauman	Broyhill, N.C.	Clawson, Del
Bergland	Broyhill, Va.	Clay
Bevill	Burgener	Cochran
Bingham	Burke, Calif.	Cohen
Blackburn	Burke, Mass.	Collier
Boggs	Burleson, Tex.	Collins, Ill.
Boland	Burlison, Mo.	Collins, Tex.
Bowen	Burton	Conable
	Butler	Conlan
Corman	Jordan	Robison, N.Y.
Coughlin	Karth	Rodino
Crane	Kastenmeier	Roe
Culver	Kazen	Rogers
Daniel, Dan	Keating	Roncalio, Wyo.
Daniel, Robert W., Jr.	Kemp	Rooney, Pa.
Daniels, Dominick V.	Ketchum	Rose
Danielson	King	Rostenkowski
Davis, S.C.	Kluczynski	Roush
Davis, Wis.	Koch	Rousselot
de la Garza	Kuykendall	Roy
Delaney	Kyros	Roybal
Dellenback	Landgrebe	Ruppe
Dellums	Landrum	Ruth
Denholm	Latta	Ryan
Dennis	Lehman	St Germain
Dent	Litton	Sarasin
Derwinski	Long, La.	Sarbanes
Devine	Long, Md.	Satterfield
Dickinson	Lott	Scherle
Downing	Lujan	Schroeder
Drinan	McClory	Sebelius
Dulski	McCloskey	Seiberling
Duncan	McCollister	Shipley
du Pont	McCormack	Shoup
Eckhardt	McDade	Shriver
Edwards, Ala.	McEwen	Sikes
Edwards, Calif.	McFall	Skubitz
Eilberg	McKay	Snyder
Erlenborn	McKinney	Spence
Evans, Colo.	Madigan	Staggers
Evins, Tenn.	Mahon	Stanton,
Fascell	Mailliard	J. William
Findley	Mallary	Stanton,
Fisher	Mann	James V.
Flood	Maraziti	Stark
Flowers	Martin, Nebr.	Steed
Foley	Martin, N.C.	Steele
Forsythe	Mathis, Ga.	Steelman
Fountain	Matsunaga	Steiger, Ariz.
Fraser	Mayne	Stephens
Frelinghuysen	Mazzoli	Stokes
Frenzel	Meeds	Stratton
Frey	Melcher	Stuckey
Froehlich	Metcalfe	Sullivan
Fulton	Mezvinsky	Symington
Gaydos	Milford	Talcott
Gettys	Miller	Taylor, Mo.
Giaimo	Minish	Teague, Calif.
Gibbons	Mink	Teague, Tex.
Ginn	Mitchell, N.Y.	Thompson, N.J.
Gonzalez	Mizell	Thomson, Wis.
Goodling	Montgomery	Thone
Grasso	Moorhead, Calif.	Thornton
Gray	Moorhead, Pa.	Towell, Nev.
Green, Pa.	Morgan	Treen
Gross	Mosher	Udall
Gunter	Moss	Ullman
Guyer	Murphy, Ill.	Van Deerlin
Haley	Myers	Vander Jagt
Hamilton	Natcher	Vanik
Hammer-schmidt	Nedzi	Veysey
Hanley	Nelsen	Vigorito
Harsha	Nichols	Walsh
Harvey	Obey	Wampler
Hastings	O'Brien	Ware
Hawkins	O'Hara	Whalen
Hays	O'Neill	Whitehurst
Hébert	Owens	Whitten
Hechler, W. Va.	Parris	Widnall
Heckler, Mass.	Passman	Wiggins
Helstoski	Patten	Williams
Henderson	Perkins	Wilson, Bob
Hicks	Pettis	Wilson, Charles H., Calif.
Hillis	Peyser	Wilson, Charles, Tex.
Hinshaw	Pickle	Winn
Hogan	Poage	Wolff
Holifield	Podell	Wright
Holt	Powell, Ohio	Wyatt
Horton	Preyer	Wylie
Howard	Price, Ill.	Wyman
Huber	Price, Tex.	Yates
Hungate	Quie	Yatron
Hunt	Quillen	Young, Alaska
Hutchinson	Randall	Young, Ga.
Ichord	Rangel	Young, Ill.
Jarman	Rarick	Young, Tex.
Johnson, Calif.	Regula	Zablocki
Johnson, Pa.	Reuss	Zion
Jones, Ala.	Rhodes	Zwach
Jones, Okla.	Rinaldo	
	Roberts	
	Robinson, Va.	

NAYS—28

Adams	Cotter	Macdonald
Anderson, Calif.	Donohue	Moakley
Bennett	Fish	Pike
Biester	Gilman	Pritchard
Clancy	Grover	Riegle
Clark	Hanrahan	Roncallo, N.Y.
Conte	Hosmer	Rosenthal
	Lent	Saylor

Schneebeli	Smith, N.Y.	Wydler
Shuster	Studds	

NOT VOTING—76

Addabbo	Ford, Gerald R.	Mitchell, Md.
Alexander	Ford,	Mollohan
Anderson, Ill.	William D.	Murphy, N.Y.
Archer	Fuqua	Nix
Armstrong	Goldwater	Patman
Badillo	Green, Oreg.	Pepper
Barrett	Griffiths	Railsback
Beard	Gubser	Rees
Bell	Gude	Reid
Biaggi	Hanna	Rooney, N.Y.
Blatnik	Hansen, Idaho	Runnels
Bolling	Hansen, Wash.	Sandman
Brown, Calif.	Harrington	Sisk
Buchanan	Heinz	Slack
Burke, Fla.	Holtzman	Smith, Iowa
Carney, Ohio	Hudnut	Steiger, Wis.
Cleveland	Johnson, Colo.	Stubblefield
Conyers	Jones, N.C.	Symms
Cronin	Jones, Tenn.	Taylor, N.C.
Davis, Ga.	Leggett	Tiernan
Diggs	McSpadden	Waggonner
Dingell	Madden	Waldie
Dorn	Mathias, Calif.	White
Esch	Michel	Young, Fla.
Eshleman	Mills, Ark.	Young, S.C.
Flynt	Minshall, Ohio	

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

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Flynt.
Mr. Stubblefield with Mr. Murphy of New York.
Mr. Addabbo with Mr. Patman.
Mr. Barrett with Ms. Holtzman.
Mr. Blatnik with Mr. Young of South Carolina.
Mrs. Green of Oregon with Mr. Gerald R. Ford.
Mr. Madden with Mr. Sandman.
Mr. Carney of Ohio with Mr. Symms.
Mr. Davis of Georgia with Mr. Eshleman.
Mr. Dingell with Mr. Young of Florida.
Mr. Mollohan with Mr. Railsback.
Mr. Nix with Mr. William D. Ford.
Mr. Leggett with Mr. Esch.
Mr. Jones of Tennessee with Mr. Buchanan.
Mr. Sisk with Mr. Minshall of Ohio
Mr. Reid with Mr. Bell.
Mr. Pepper with Mr. Goldwater.
Mr. Alexander with Mr. Beard.
Mr. Badillo with Mr. McSpadden.
Mr. Dorn with Mr. Gubser.
Mr. Diggs with Mr. Waldie.
Mr. Waggonner with Mr. Archer.
Mr. Tiernan with Mr. Cronin.
Mr. Slack with Mr. Gude.
Mrs. Hansen of Washington with Mr. Burke of Florida.
Mr. Hanna with Mr. Heinz.
Mr. Fuqua with Mr. Cleveland.
Mr. Biaggi with Mr. Mathias of California.
Mr. Conyers with Mr. Brown of California.
Mr. Jones of North Carolina with Mr. Hudnut.
Mr. Mills of Arkansas with Mr. Michel.
Mr. Mitchell of Maryland with Mr. Runnels.
Mr. Rees with Mr. Steiger of Wisconsin.
Mrs. Griffiths with Mr. Anderson of Illinois.
Mr. Smith of Iowa with Mr. Taylor of North Carolina.
Mr. White with Mr. Harrington.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes.

The Clerk read as follows:

H.R. 10397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes", approved December 30, 1969 (83 Stat. 838; 42 U.S.C. 4301), is amended as follows:

(1) Section 2 is amended—

(A) in subsection (b) thereof, by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon, and by adding after paragraph (12) the following new paragraphs:

"(13) the Secretary of Defense;

"(14) the Secretary of Transportation; and

"(15) the Administrator of Veterans' Affairs.";

(B) in subsection (e) thereof, by striking out "quarterly" and inserting in lieu thereof "semiannually"; and

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

"(f) A group of fourteen individuals in addition to the Chairman, each of whom shall represent one member of the Committee, shall meet at the call of the Chairman at least six times each year.".

(2) Subsection 3(a) is amended by adding at the end thereof the following new paragraph:

"(3) to advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving assistance available by law.".

(3) Section 4 is amended by adding at the end thereof the following new subsection:

"(d) The Committee shall operate such regional offices as may be necessary to efficiently carry out the provisions of this Act.".

(4) Section 7 is amended—

(A) in subsection (a) thereof, by striking out in the first sentence "nine" and inserting in lieu thereof "eleven", and by striking out in the second sentence "Committee" and inserting in lieu thereof "Chairman".

(B) in subsection (b) thereof, by striking out the first two sentences and inserting in lieu thereof: "The Advisory Council shall advise the Committee with respect to such matters as may be of concern to the Spanish-speaking and Spanish-surnamed community. The Chairman shall submit all independently produced reports and studies to the Advisory Council for advice and comment. The President shall designate the Chairman and the Vice Chairman of the Advisory Council."; and

(C) by adding at the end thereof the following new subsections:

"(d) The Advisory Council shall conform to the provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App. I).

"(e) The Chairman of the Committee shall call and attend a meeting of the Advisory Council at least quarterly during each year.".

(5) Section 9 is amended by adding the following new sentences at the end thereof: "No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity, or to pay the salary of the Chairman or any employee of the Committee after the date on which such persons engage in such activity, as determined by the United States Civil Service Commission. No person found by the United States Civil Service Commission to have violated this provision shall be required to repay more than thirty days of his salary. For the purpose of this section, the term 'election' shall have the same meaning as prescribed for such term by section 301(a) of the Federal Election Campaign Act of 1971 (86 Stat. 3), and the term 'Federal office' shall have the same meaning as prescribed for such term by section 301(c) of such Act.".

(6) Section 10 is amended by deleting the language therein and inserting in lieu thereof the following: "There is hereby authorized to be appropriated for fiscal year 1974 the amount of $1,500,000 and for fiscal year 1975 for a period ending December 30, 1974, the amount of $750,000, to carry out the provisions of this Act. At least 50 per centum of the amount of any funds expended for salaries under this Act shall be expended for salaries of employees in regional offices of the Committee located outside Washington, District of Columbia".

The SPEAKER. Is a second demanded?

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

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

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. HORTON. Mr. Speaker, I am not opposed to the bill.

The SPEAKER. Is the gentleman from California opposed to the bill?

Mr. WIGGINS. Mr. Speaker, I am opposed to the bill.

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

There was no objection.

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

Mr. Speaker, the purpose of H.R. 10397 is to provide authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People through December 30, 1974, which is the date when the enabling legislation for the Cabinet Committee expires.

Under Public Law 91–181, approved December 30, 1969, the Cabinet Committee was established for a period of 5 years. However, appropriations were authorized initially only for 1½ fiscal years, and extended for 2 fiscal years in 1971.

As the situation now stands, the Cabinet Committee has 1½ years to run, but its funding authorization expired on June 30, 1973. It is now operating on the basis of a continuing resolution. Enactment of H.R. 10397 is necessary to authorize funding for the remainder of the Cabinet Committee's statutory tenure.

The Cabinet Committee on Opportunities for Spanish-Speaking People was created by statute in 1969 as a successor to the Inter-agency Committee on Mexican Affairs, which was established by President Johnson. Its objective is to help insure that Federal programs are responsive to the needs of the Spanish-speaking people. They comprise a diverse community, with Puerto Rican, Mexican, Cuban, and other backgrounds. Many of these Americans are seriously disadvantaged in terms of employment, education, housing, and health care.

The 1969 legislation provided that the Cabinet Committee be composed of seven Cabinet officials and four agency heads. The chairman of the Cabinet Committee is appointed by the President and confirmed by the Senate. He is a full-time official, in a level V position, directing a staff of approximately 40 employees.

An Advisory Council of nine members, appointed by the President, advises the

Cabinet Committee on such matters as the chairman may request. The Advisory Council, which represents major segments of the Spanish-speaking community, has met four times since its members were appointed in 1971.

The Cabinet Committee, according to its mandate, has an advisory role. It advises Federal departments and agencies in two respects: to assure that existing Federal programs are helping Spanish-speaking Americans, and to point out what new plans or programs may be needed.

In carrying out this advisory function, the Cabinet Committee is authorized to foster surveys, studies, demonstration projects, and technical assistance; also, to work with State and local governments and the private sector in solving special problems of Spanish-speaking Americans.

Hearings on the operations of the Cabinet Committee on Opportunities for Spanish-Speaking People were held on July 23 and September 12, 1973, by the Subcommittee on Legislation and Military Operations. The chairman of the Cabinet Committee, the vice chairman of the Advisory Council, and various representatives of Spanish-speaking organizations testified.

H.R. 10397 was introduced to authorize appropriations for the Cabinet Committee until December 30, 1974, when the enabling legislation expires. The committee unanimously reported the bill which was sponsored by 20 members.

The bill amends the enabling legislation in several respects to overcome certain deficiencies and improve the Cabinet Committee's effectiveness. As developed in subcommittee hearings on this matter, and in discussions with Members of Congress, two types of criticism have been heard: First, the Cabinet Committee has operated largely from a Washington headquarters and has not been close enough to the people in the Spanish-speaking communities; and, second, it has been used, to a certain extent, for partisan political purposes in the 1972 campaign.

In this bill, extending the Cabinet Committee's funding authorization for the remaining 1½ years of its tenure, we attempt to deal with the deficiencies which have been brought to our attention.

First, it seems generally agreed that a portion of the Cabinet Committee's funds should be expended in the field. Accordingly, the bill requires that regional offices be established, and that at least 50 percent of funds for salaries of Cabinet Committee employees be expended through these offices. Also, the Cabinet Committee has been assigned the added function of assisting Spanish-speaking groups and individuals in securing their participation in various benefit and assistance programs mandated by law. Previously the Cabinet Committee's role was simply to advise the Federal Government on such matters.

Second, there is language in the bill which bans partisan political activity by the chairman and employees of the Cabinet Committee had been used for partisan political purposes during the 1972 election campaign.

The bill makes clear that both the chairman and employees of the Cabinet Committee are prohibited from engaging in partisan political activities.

Third, the bill tries to make the Cabinet Committee a more effective instrument by broadening its membership and providing for a working group designated by the Cabinet Committee members. Recognizing that subcabinet officials are more intimately familiar with the problems that concern the Cabinet Committee and are able to give more time to its work, the bill provides that the department and agency heads comprising the Cabinet Committee designate representatives to constitute a working group, who are required to meet at least six times a year. The full Cabinet Committee, which the bill enlarges to include the Secretary of Defense, the Secretary of Transportation, and the Administrator of Veterans' Affairs, will be required to meet semiannually.

Fourth, the Advisory Council now provided by law would be made more effective by expanding its membership so as to become more representative of the Spanish-speaking community and by requiring quarterly meetings, with minutes of these meetings available for public inspection. The bill provides a greater range of problems on which advice would be given by the Advisory Council. It enables the Council to identify matters of concern to the Spanish-speaking community rather that merely subjects upon which the chairman has requested their advice.

The bill provides, for the first time, a dollar ceiling in the appropriations which may be authorized for the Cabinet Committee on Opportunities for Spanish-Speaking People. This ceiling is $1.5 million. The Cabinet Committee has been operating in recent years on a budget of $1 million per annum. To carry out the additional duties specified in the bill, and to perform more effectively, the Cabinet Committee may require a modest increase in its appropriations, and the ceiling was set with that in mind. The actual appropriations will, of course, be determined by the Congress on the basis of recommendations by the House and Senate Appropriations Committees.

To sum up, the Cabinet Committee on Opportunities for Spanish-Speaking People was created by statute in 1969 for a 5-year period, with funding authorization for a shorter period, which explains the need for the present bill. H.R. 10397 extends the authorization to coincide with the Cabinet Committee's tenure.

Although the Cabinet Committee's performance has been disappointing in some respects, your committee recognizes that many people in the Spanish-speaking community regard it as a helping hand of the Federal Government in their behalf. Consequently, we recommend the changes in the enabling legislation in the interest of making the Cabinet Committee more effective in the remaining period of its statutory life.

Mr. WIGGINS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I rise in support of H.R. 10397, a bill extending the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People. Chairman HOLIFIELD has given an excellent explanation of the bill, and I will not attempt to duplicate his effort. As he has pointed out, the Cabinet Committee has become a symbol within the Spanish-speaking community of the willingness of the Federal Government to be responsive to their needs. This legislation is needed to continue the Cabinet Committee through the life of its enabling legislation, which expires on December 30, 1974.

I think it is important for us to recognize that the Spanish speaking in America are not enjoying the standards of living, the educational opportunities, the health care that other Americans do. In 1969 we attempted to fashion a committee that would help make the Federal Government more responsive to the unique needs of Spanish-speaking Americans. On the basis of the experience we have had to date with the Cabinet Committee, the Government Operations Committee recommends this bill to correct the deficiencies found in its present organization and to reshape its legislative mandate to increase its ability to serve Spanish-speaking Americans.

Both the subcommittee and the full committee reported this legislation unanimously. We had discussions with the administration during the drafting of the legislation and came out with a bill that we believe took into account their views as well as those of the committee in an adequate manner.

At this time, this bill represents the best authorization possible, and the administration supports its adoption. In my opinion, this bill will strengthen the Cabinet Committee and I urge its passage.

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

Mr. HORTON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I wish to commend the gentleman from New York for his fine presentation, and associate myself with his remarks.

Mr. Speaker, as a cosponsor of H.R. 10397, I want to say just a few words today in behalf of this most needed legislation.

This bill to extend funding of the Cabinet Committee on Opportunities for Spanish-Speaking People and to expand its membership would also effectively answer the two major criticisms leveled against it—namely, the drawbacks of over-reliance on a Washington headquarters and charges that the committee has been used for partisan political purposes.

To answer the first criticism, this bill stipulates that regional offices are to be operated and at least 50 percent of the total payroll must be allotted to employees located outside of Washington.

As to the latter criticism, this bill would prohibit outright any political activity by the chairman and employees of the Cabinet committee.

But there are even greater concerns we must be considering here today. And chief among them is the overwhelming need for this Congress to remain true to the promise made to our Spanish-speaking citizens so belatedly in 1969.

At that time, the Federal Government finally acted to insure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals in this country.

Prior to that time, this Nation had demonstrated precious little concern for this almost forgotten minority. Since that time, considerable progress has been made for our Spanish-speaking citizens, and considerable credit for that must go to this committee. But let us not entertain the idea here today that the job has been done. The fact is it has barely begun and this is not the time to desert the cause.

Recent statistics like the following point out the need for action: One-fifth of the families of Spanish origin in this country are living below the poverty level; 80 percent of the Spanish-speaking homes in this country are substandard; and the unemployment rate for the Spanish speaking is almost 10 percent, in a country where the national percentage is less than 5 percent.

We must change these statistics and one of the ways to do that is to support this legislation today.

We who constantly proclaim the equality of opportunity in America, have the opportunity today to back up that claim with action. I sincerely hope that this opportunity is not lost on the floor of this Chamber here today.

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

Mr. STEELMAN. Mr. Speaker, I would like to rise in support of this legislation.

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

Mr. Speaker, I dislike the interjection of controversy into the consideration of this bill. It ought to be noncontroversial. I have supported the Cabinet Committee on Opportunities for Spanish-Speaking People in the past, and would wish to support this legislation. Much in the bill is worthy of my support, particularly the recommendation that the advisory committee be made more responsive to all segments of the Spanish-speaking population.

However, I would wish to call the attention of my colleagues to one section of the bill which I regard as fatally defective. I would like to have the attention of at least one-third of the Members of this body, because I am going to ask that they vote "no" when this bill comes up for vote in a few minutes.

The section to which I refer is section 5, which begins at the bottom of page 3 of the bill and extends over onto page 4. It is a brief section. Let me quote the pertinent language:

No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity, or to pay the salary of the Chairman or any employee of the Committee after the date on which such persons engage in such activity, as determined by the United States Civil Service Commission. No person found by the United States Civil Service Commission to have violated this provision shall be required to repay more than thirty days of his salary.

We should understand the character of the officer this language is directed against. This officer, the Chairman of the Cabinet Committee, is appointed by the President, and his nomination is confirmed by the Senate. He has been traditionally regarded to be outside the scope of the Hatch Act.

Yet a committee which has no jurisdiction over the Hatch Act would create a special amendment through special legislation aimed at one man, a Republican who happens to be the Chairman of the Cabinet Committee. Moreover, a unique penalty is to be imposed against this man; namely, if the Civil Service Commission should find that he has engaged in political activity he shall be required to forfeit 30 days of his salary.

Let me say to my colleagues, this is unprecedented.

The activities of the Chairman of the Cabinet Committee were investigated rather thoroughly by the subcommittee of the Committee on the Judiciary on which I serve, and we were unable to find, notwithstanding the complaints, that he acted in a manner outside of the legitimate scope of his activities.

I can understand Democrat Members being unhappy with a Republican appointee of the President going around the country and saying some kind things about this administration immediately prior to an election. But what would they expect him to say?

Let me say that I regard this as an unfortunate act of retribution against one man, and we should not tolerate it. We cannot stand and should not stand for a precedent which makes Presidential appointees, subject to confirmation by the Senate, subject to the Hatch Act.

That is what this legislation would do in section 5. It is a fatal defect. For that reason I ask my colleagues to oppose the legislation.

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

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

Mr. HORTON. One thing I should like to point out is I disagree with the gentleman's view that this officer is necessarily exempted from the provisions of the Hatch Act. I had always assumed that, but we did make a reexamination of the Hatch Act.

As the gentleman knows, there are five exemptions. The only exemption I believe could be applicable insofar as the Chairman of this Committee is concerned is that exemption which reads as follows:

An employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations to foreign powers or in the nationwide administration of Federal laws.

The Chairman here does not determine policy. This is not a policymaking committee. Literally the policies are made by the members of the Committee, because they are the heads of the various departments. So this particular officer does not, as the Chairman, determine policy.

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

Mr. WIGGINS. Mr. Speaker, I yield myself 1 additional minute.

I respect the gentleman's opinion with regard to the meaning of the Hatch Act. I would be more comfortable with his opinion if it were coming from a member of the Committee on Post Office and Civil Service, that committee having jurisdiction over the law which he is interpreting.

Mr. Speaker, I interpret the language contrariwise, and the precedents seem to support me. In fact, the Hatch Act has never to my knowledge been made to apply to Presidential appointees who have been subject to the advice and consent of the Senate until this time. We should not start that precedent now.

Mr. HOLIFIELD. Mr. Speaker, I yield myself one-half minute.

Mr. Speaker, this language in the bill is patterned after 2 U.S.C. 452, which is almost identical to that which was applied to the Director of the Office of Economic Opportunity.

As my colleague, the gentleman from New York (Mr. HORTON) has said, the Chairman does not make policy; the Cabinet committee makes policy. As an administrative official, the record is replete with occasions where he violated the intent of the legislation. He was abjured by both the Republicans and the Democrats not to use this committee in a political way in a campaign either for Republicans or Democrats. Notwithstanding that admonition, he did this on numerous occasions, causing embarrassment to Congressmen and Senators in whose States or districts he acted in a political way.

Mr. Speaker, I now yield 4 minutes to the gentleman from California (Mr. EDWARDS) the chairman of one of the subcommittees on the Judiciary, who also made an investigation of this in regard to the jurisdiction of his committee.

Mr. EDWARDS of California. Mr. Speaker, I rise in support of H.R. 10397, to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People.

Spanish-speaking people represent this Nation's second largest minority. Their contributions to our history, our laws, language, and customs must not be underestimated. We in Government cannot afford to forget their contributions. Nor can we fail to recognize that while Spanish-speaking Americans have contributed greatly to our Nation's wealth, they have not often been its recipients.

On July 11 and 19, the Civil Rights and Constitutional Rights Subcommittee held oversight hearings on the role of the Cabinet Committee in providing equal opportunity to Spanish-speaking people. The Chairman of the Cabinet Committee, Mr. Henry M. Ramirez, testified, as did representatives of Spanish-speaking organizations. As a result of those hearings, I think that the evidence was clear that the Cabinet Committee had not fully met its statutory obligations and had indeed participated in partisan politics to an unacceptable degree.

The Cabinet Committee remains, however, the only vehicle in the Federal Government through which the voice of the Spanish speaking can be heard. It is for this reason that I recommend that the Cabinet Committee be reauthorized for an additional year.

H.R. 10397 makes some very constructive changes in the operation of the Cabinet Committee. I believe that it will insure against the kind of political activity that so marred the performance of the Cabinet Committee last year. The new authorization will also allow much greater input from the Spanish-speaking community. I would like, therefore, to recommend to my colleagues support for H.R. 10397.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Speaker, may I ask the gentleman is it not true that the subcommittee itself was unable to make the judgment that the Cabinet Committee has engaged in unacceptable political activity?

Mr. EDWARDS of California. Mr. Speaker, in answer to the gentleman, I said that I believe that my view is shared by a majority of the Members. It is my personal belief that my view is shared. We have not had a vote; we have not written a report as such.

As the gentleman knows, I rise in support of the bill as presented by the Committee on Government Operations. But I do agree with the chairman of the full Committee on Government Operations that the conduct of Chairman Ramirez in the 1972 election was not what had been contemplated by the original legislation, and a little later on I hope that the author of the legislation, the gentleman from California (Mr. ROYBAL) will comment on it.

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

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, is it not true that this provision is not a partisan provision? This is a provision that prohibits partisan activity in campaigns either on the part of the Democrats or the Republicans.

Therefore, the provision against political activity is not partisan in nature, but it is, in my opinion, salutary.

Mr. EDWARDS of California. I agree with the gentleman 100 percent. In the event there is a Democratic President in 1976, I am sure that we would be saying exactly the same things about this office in the event the chairman of the Cabinet Committee were chosen by a Democratic President and engaged in the same activity as Mr. Ramirez.

Mr. WIGGINS. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, this is not good legislation. On page 2 of the bill it is provided that:

> The committee shall operate such regional offices as may be necessary to efficiently carry out the provisions of this Act.

Where are these new regional offices to be located and how many? The bill does not state. There can be any number of them.

The bill also provides, as the gentleman from California (Mr. WIGGINS) has pointed out, a prohibition against the financing with Federal funds of any activities designed to insure the outcome of any election to Federal office.

Why not extend that prohibition to State, county, and municipal candidates and elections? Why limit it to Federal elections?

Then, what is the penalty for violation? Forfeiture of 30 days pay.

If you are dealing in politics—and this provision would not be in the bill for any other reason than to try to keep this outfit out of politics—why only 30 days forfeiture of pay?

I imagine if any of the officials or employees were worth their salt from a political standpoint they could get a contribution that would take care of that 30-day lost pay.

If you want to outlaw the use of these people in politics, why do you not provide that they be fired? Take their jobs away from them for political activity.

I agree, too, with the gentleman from California that the Government Operations Committee has invaded the jurisdiction of the Committee on Post Office and Civil Service in its direction to the U.S. Civil Service Commission, and there is nothing any Member can do about it under suspension of the rules by way of a point of order.

I am glad to yield to the gentleman from California and commend him for his opposition to this bill.

Mr. WIGGINS. Would not the gentleman agree it would impose a more onerous duty than we do on simple civil service employees, because the chairman can be punished for engaging in political activities at any time; whereas normal employees are permitted to engage in political activities on their own time.

Mr. GROSS. That is exactly right. Moreover, looking at this thing in broad terms, why a Spanish-speaking setup of this kind? Why not German- and Italian-speaking people? You name it. Refugees from Uganda are emigrating to this country. I doubt that very many of them know the English language. How about a fund of a few million dollars for every other group of citizens who happen to speak some other language? I know of no reason why we should not expand this all over hell's half acre.

Mr. SCHERLE. Will the gentleman yield?

Mr. GROSS. I yield.

Mr. SCHERLE. I thank my colleague for yielding.

My argument is pretty much the same as the gentleman's. I am a first-generation American. I am of ethnic nationality. I am both Hungarian and German.

I served on the national committee. I have just as much respect for the ethnics as anyone else in this country, particularly for my Spanish-speaking friends, not only in this Chamber but all over the United States.

How about the Hungarians and Poles and Slovaks and all the rest of them?

Mr. GROSS. No reason why we should not borrow the money and take care of them. There are a number of minorities coming to this country.

Why not take care of all of them?

Mr. SCHERLE. When the ethnics come into this country, they are all at a distinct disadvantage, so I think it is only fair to pay attention to all of them rather than to pay attention to only one small segment, and place them in a preferential group.

Mr. GROSS. Watch this legislation grow and grow in spending once we establish this bureaucracy with regional offices all over the country. This bill provides an unlimited number of them.

Mr. HORTON. Mr. Speaker, if the gentleman will yield, I am certainly not going to take issue with the gentleman in the well, or my good friend, the gentleman from Iowa (Mr. SCHERLE), with regard to other nationalities, but I do have a large number of Spanish-speaking people in my district, and I know from personal experience that they have had great difficulties in communication, they have large families, they have problems in the schools, and so forth.

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

Mr. WIGGINS. Mr. Speaker, I yield 1 additional minute to the gentleman from Iowa.

Mr. HORTON. Will the gentleman yield?

Mr. GROSS. I will yield to the gentleman in just one moment.

I do not know that their problems are any different than the problems of other ethnics.

There are Mexicans who work in the Third Congressional District of Iowa. They seem to learn to speak English without a bureaucrat from Washington to teach them.

Mr. HORTON. If the gentleman will yield, what I am talking about——

Mr. GROSS. And they have been working there for many years in nurseries and factories and they seem to get along.

Mr. HORTON. If the gentleman will yield, that is the problem, they do not get along.

Mr. GROSS. And they are getting along without high-salaried help from Washington or anywhere else. They are

certainly learning the English language, and making themselves heard in the English language. This bill calls for the spending of $2.25 million. What has been accomplished with previous spending for this purpose?

Mr. SCHERLE. Mr. Speaker, if the gentleman will yield further, I would like to bring to the attention of the Members that we Germans and Hungarians are Catholics, and we have as many kids as anybody else.

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

Mr. WIGGINS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, the point I was trying to make is that the Spanish-speaking people have been having difficulties. I recall that I received, about 2 years ago, a telephone call from one of the members of my district's Spanish-speaking community telling me that a member of the community was in jail. So I checked it out, and arranged for a Spanish-speaking interpreter. The man was released subsequently. They had not been able to understand him because of his inability to speak English.

The Spanish-speaking people throughout the country are having great difficulties in getting programs for housing, urban renewal, education, and other such problems.

It seems to me that it is very important that we have this committee. It is in existence. The committee was authorized by the Congress in its good wisdom. The Congress, also in its good wisdom, amended the Elementary and Secondary Education Act with a special provision to help Spanish-speaking people in their communities through bilingual programs.

So, Mr. Speaker, I hope this bill will pass.

Mr. HOLIFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Speaker, I rise in support of H.R. 10397, which would extend the life of the Cabinet Committee. A great deal has been said by some claiming that the Spanish-speaking people have no problems. Whoever believes that really does not know what the situation is.

Studies made by the U.S. Government have indicated over a period of a long time that the Spanish-speaking community in the United States have a great many problems. They are the last to be hired, and the first to be fired. In the field of education they have the largest number of school dropouts of any ethnic group any place in the United States.

In a 1972 report the U.S. Commission on Civil Rights documented the failure of our present school systems to meet the educational needs of the Spanish speaking. Within my own district, it is estimated that in the Spanish-speaking barrios of east Los Angeles three out of four drop out of school. The causes of this educational tragedy can be found in the failure of our school systems to respond positively to the cultural heritage and language of the various Latino groups.

In the area of employment, Mexican Americans and Puerto Ricans today remain basically in the same position as in 1969, particularly in employment rates and job opportunities. Even though labor force participation rates have increased, unemployment has worsened. In 1969, unemployment rates for males and females, 16 years of age or older, were 5.5 and 7.4 percent respectively for Mexican Americans, and 6.4 and 6.1 percent for Puerto Ricans. In 1972, these figures jumped to 7.9 and 9.1 for Mexican Americans and 8.8 and 17.6 for Puerto Ricans.

Another major employment problem is the lack of opportunities in the professional and white collar positions. A comparison of 1969 and 1972 figures shows very little change in the distribution of types of jobs held by Mexican Americans and Puerto Ricans. In 1969, only 18.5 percent of Mexican American and 19.3 percent of Puerto Rican workers held white collar jobs. In 1972 the situation worsened for Mexican Americans, falling to 17.5 and improved only marginally for Puerto Ricans at 21.5 percent.

Although income figures show increases in median family income for Mexican Americans and Puerto Ricans, under closer scrutiny the improvement is only an illusion. In 1969, the median family income for the total population was $7,894 and in 1972, $10,285. This represents an increase of $2,391 for the whole population, but the increase among Mexican American families was only $1,998 and among Puerto Ricans, $1,216. Clearly the rate of increase among these Spanish-speaking groups failed to match the rate for the rest of the population and, in fact, was negligible in face of our inflationary spiral.

Further, I would like to point out that the percentage of Mexican Americans and Puerto Ricans below the low income level are far greater than the national average. While 12.5 percent of the total population fell below the low income level in 1972, 28.9 percent of Mexican Americans and 32.2 percent of Puerto Ricans were living in poverty.

All in all, a comparison of 1969 data with more recent statistics paints a disappointing picture of progress for Spanish-speaking Americans. The fact is there has been very little improvement in the social and economic level of Mexican Americans and Puerto Ricans since 1969. The continuing lack of opportunity has meant a tremendous waste of valuable human talent and resources.

This pattern of neglect has also been reflected in the area of Federal employment. As you may recall, in November 1970 President Nixon announced a 16-point program to increase Federal employment opportunities for the Spanish speaking. Last year a House Judiciary Subcommittee held hearings on the effectiveness of this program. It was their unanimous and bipartisan conclusion that there had been "no significant increase in the level of Spanish-speaking employment relative to the total work force since the inception of the 16-point program."

During my investigations this year as a member of the Appropriations Committee, I found a similar lack of progress within such agencies as the Treasury Department, the Postal Service, and the Office of Management and Budget. The Department of Treasury, for instance, showed just 2.2 percent overall Spanish-speaking employment with only 0.7 percent at management levels—GS 13–18. Postal Service figures revealed 2.7 percent Spanish-speaking employment with only 0.9 percent in postal executive service categories. And the Office of Management and Budget, which formulates the President's budget and evaluates equal employment performance, produced the worse record with only 0.8 percent Spanish speaking. This is the reason why this committee was established.

Mr. Speaker, the problems of the Spanish speaking are so great that there is no time and no room for any of its administrators or any of its employers to be involved in any partisan political campaigns. When this committee was originally established under the Johnson administration, I called the Director and spoke with him with regard to this problem. He agreed that the problems of the Spanish speaking were so great that he should not continue in his endeavor to speak for the administration, and it stopped. When this new Director was appointed, I also had a long conversation with him and tried to impress him with the fact that the problems of the Spanish speaking were great that there was no time or no room for him or anybody else to be involved in partisan political campaigns.

It is the purpose of the Cabinet Committee to help reverse this Federal neglect and seek viable solutions to Spanish-speaking needs without involvement in partisan politics. As long as there continues to be a serious lack of opportunity and political representation for the Spanish-speaking, there is need for a Cabinet-level unit. This bill offers a constructive approach which will strengthen this agency and return it to the original intent of the legislation. I urge you to join me in adopting this approach and renewing our commitment to serve the Spanish-speaking.

The SPEAKER. The time of the gentleman has expired.

Mr. WIGGINS. Mr. Speaker, how much time do I have remaining?

The SPEAKER. The gentleman has 5 minutes remaining.

Mr. WYDLER. Mr. Speaker, will the gentleman yield for a very short statement?

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

Mr. WYDLER. Mr. Speaker, I rise in support of this legislation.

As one of the cosponsors, however, I want to make it very clear that in sponsoring this bill I did not intend, nor do I now, to in any way pass any kind of judgment on past activities of anyone connected with this organization. The guidelines for the future I consider are intelligent guidelines for the future only. They will keep this very unique organization out of trouble in the future, but it is not meant on my part to be any type of judgment on past action.

Mr. Speaker, I highly recommend that everybody vote "si."

Mr. WIGGINS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HINSHAW).

Mr. HINSHAW. Mr. Speaker, I am a member of the Government Operations Committee. I am a cosponsor of this bill, H.R. 10397. I believe that some of the points brought out about this bill today indicate that perhaps we should afford its opponents time for more extensive debate about the possibility of creating an exception to the Hatch Act that we might later regret.

Whereas I intend to support this legislation—and I have a large number of Spanish-speaking people in my area; about 10 percent of my constituents are Spanish speaking—I do think we should have more extensive debate upon points that have been brought up in opposition to this bill today, even though I will support the measure.

Mr. Speaker, I yield to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, would the gentleman not agree that the responsible and sensible course of action at this time by those of us who truly support the Cabinet committee and its overall objective would be to defeat this bill under suspension at least, and send it back to House administration to clean up and to come back to the House under a rule where the bill can be fully debated, and those of us who have reservations concerning some of its provisions can offer amendments and get a vote on those amendments?

Mr. HINSHAW. Yes, I would think that would be a very good procedure. Certainly we have a difficult time limit in that the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People now expire, I understand, by September 30, but it seems to me we should have more extensive debate upon elements in this bill, and I think probably to defeat the suspension would be a good way to accomplish that.

Mr. WIGGINS. Mr. Speaker, I have no further request for time and I reserve the balance of my time.

Mr. HOLIFIELD. Mr. Speaker, the gentleman from Iowa (Mr. GROSS) said regional offices would be set up all over the country. I do not know how much the Appropriations Committee will give to this cabinet committee. They gave $1 million last year, and if they give the same amount this year, one-half of that would be obligated for regional offices. The testimony before us was it would take at least $100,000 to run an office with two or three people in it to bring these programs to the attention of the Spanish-speaking people. Ninety percent of these people live in six of the present Federal regions. That would mean maybe five or six regional offices, if they set the offices up, and if they get the money. If they get $1.2 million, there would be a maximum of six offices, but that is up to the Appropriations Committee. I do not know how much they are going to give on this matter, but I would hope that they would provide sufficient funds.

But let me bring to the attention of the Members this fact. Two Presidents of the United States have advocated this committee, President Johnson and President Nixon. Twice the Congress has passed a bill authorizing this committee, and this is the third extension. In the first place there was the original bill and we had a second bill, to extend the authorization. This is the third time we have come before the Members for such an authorization of such sums as the Appropriations Committee deems to be advisable.

Mr. Speaker, as the gentleman from California (Mr. ROYBAL) said there are close to 14 million Spanish-speaking people in the United States; our second largest minority group. No other national group is in this particular condition. Most of these people are native born citizens. Many are descended from ancestors who lived here before the English-speaking. Many of these people have been brought across the border to work for pittances on farms in the border counties of California, including my own district. Some of them have had children in the United States who are now citizens of the United States. These people are in an underprivileged group, denied because of their language difficulties in the main, their access to the mainstream of American life.

Mr. Speaker, I say $1.2 million or $1.5 million is a small gesture on the part of the United States to these 14 million people, the men, women, and children in many instances, who are doing the most menial types of agricultural labor in the United States. I say to make a big fight on the prohibition of partisan political activity at this time on the part of one man is to look at the mote and refuse to see the beam that is in the eye of our society.

Let us get down to the humane problems that are involved here and let us pass this bill, as two Congresses have, and as two Presidents including the one now in office have asked because they realized that here are peculiar conditions.

I assure the Members there will be no proliferation of field offices throughout the United States as far as we of the Government Operations Committee are concerned.

Mr. SISK. Mr. Speaker, I rise to express my gratitude to and support for Chairman Henry M. Ramirez, of the Cabinet Committee on Opportunities for Spanish-Speaking People. At my request the CCOSSP was instrumental in channeling Federal funds into one of the cities located in my district, Parlier, Calif. Rewarding results are already imminent. Construction began last month on a new $400,000 Parlier community center. The project is being financed with the help of a $268,821 grant from the Department of Housing and Urban Development. Furthermore, a medical clinic begins operating this month on a full-time basis, thanks to a grant from the Department of Health, Education, and Welfare. The Cabinet Committee's assistance was instrumental in securing these funds.

The city of Parlier, located in my district, has a population of 85 percent Mexican-American descent. My distinguished constituent, the Honorable Andrew Benites, mayor of Parlier, along with city government officials, has led the planning of the future of the community. In 1972, in their first month in office, the officials conferred with the staff of the Cabinet Committee and received invaluable assistance regarding implementation of major plans.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of H.R. 10397, to extend the authorization for the work of the Cabinet Committee on Opportunities for Spanish-Speaking People.

I am pleased to be a cosponsor of this legislation with the distinguished gentleman from California (Mr. HOLIFIELD) who has done an outstanding job of drafting legislation that can serve the needs of the Spanish-speaking people while preventing the Committee from being engaged in political activities.

The role of the Spanish-speaking people in our society is difficult for a variety of complex reasons. I am sure we are well aware of the rich cultural heritage we have received from these people.

The Committee can continue for the remainder of its 5-year life to compile and disseminate information on Federal programs of assistance to the Spanish-speaking people and to suggest ways in which these programs can be improved.

I have often seen demonstrated the proud tradition of individual initiative and self-sufficiency by the Spanish-speaking in California. They face linguistic and economic barriers but with an indomitable spirit and determination to conquer them.

Therefore, I strongly urge the enactment of the bill before us today.

Mr. RONCALIO of Wyoming. Mr. Speaker, the Cabinet Committee on Opportunities for Spanish Speaking People is the only Federal mechanism directly serving this country's 12 million Spanish-surnamed Americans. This committee functions in the hope of seeing the second largest, but fastest growing minority, at last obtain an equitable share of Government funds, and an equitable number of decision and policymaking positions in the Federal Government.

Nationwide, unemployment for Spanish speaking persons is at 10 percent and many of those who are working receive below poverty incomes. Within Government there must be an apparatus to assure that Federal programs are reaching these people, a people unique in that they have maintained with pride their rich language and culture.

In Wyoming, where over 4 percent of the population is Spanish surnamed—13,894 in the 1970 census—new and growing opportunities are developing. With an impending boom in resource extraction and development, there will be ground-level opportunities in which to grow with the economy. Not only will there be opportunities in industry, but also in the services and needs associated with an influx of population in small communities.

There is no reason why persons of Hispanic descent cannot and should not become established and be sitting on the boards of banks and savings and loan associations with their Anglo neighbors. They too should be reaping the benefits of their labors. We will not have future mass immigrations from Ireland, Ger-

many, or southern Europe to supply a new labor force, to bring imagination and new blood into our lifestream.

This time the burden falls on all Americans alike to contribute, to revitalize and build America from within. Americans of Hispanic descent are a part of our mix and are entitled to every opportunity and advantage available to other Americans. The Cabinet Committee on Opportunities for Spanish Speaking People is a step in the direction to assure that they may share in prosperity, and share in the growth and building of a greater America.

Mr. STEELMAN. Mr. Speaker, I rise today to speak in support of H.R. 10397, a bill to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People until December 31, 1974.

This committee was established in 1969 to assure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals. It has made sure that Federal programs have provided the assistance that these people need while, at the same time, it has looked for new programs that may be necessary to handle problems unique to the Spanish-speaking American.

During hearings in the Subcommittee on Legislation and Military Operations of the Committee on Government Operations, it was made known that there are those who feel that the Cabinet Committee has not fulfilled its intended obligations—it has not gotten close to the people it it trying to help. Other critics say that the committee was used for partisan political purposes in the 1972 campaigns.

I feel that this bill, H.R. 10397, will appease these critics. First, the bill will make the committee more responsive to the Spanish-speaking American by establishing regional offices and requiring that 50 percent of the appropriated funds for salaries be expended through these regional offices. Second, the bill prohibits anyone connected with the organization from trying to influence the outcome of a political election as well as prohibits the expenditure of funds for such a purpose.

Moreover it expands the membership of the Cabinet Committee to include the Secretaries of Defense and Transportation as well as the Administrator of Veterans' Affairs, which includes many areas of involvement that are an integral part of the lives of Spanish-speaking Americans.

The bill will also authorize the committee to advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving legal assistance, when necessary.

I believe that the continuance of funding for this committee is vital for the well-being and improvement of the Spanish-speaking and Spanish-surnamed American. I strongly urge the passage of H.R. 10397 by my colleagues in the House.

Mr. DELLUMS. Mr. Speaker, I avidly support the move for improving conditions for all nationalities and minorities within our Nation and for effective legislation to meet that objective. Creation in 1969 of the Cabinet Committee on Opportunities For Spanish-Speaking Peoples, was in essence formulated for one main principle: To help insure the Federal programs are responsive to Spanish speaking and surnamed individuals.

It is obvious that many Spanish Americans are seriously disadvantaged in terms of employment, education, housing, and health care. Thus, the objective of the Cabinet committee, I believe, should be genuine concern to act effectively in dealing with the needs of our Spanish-American citizens. Yet, over the past 4 years the effort by the Cabinet committee has fallen short of intended goal. Our colleagues on the Committee on Government Operations clearly portray some problems which can develop in a Cabinet committee that at the outset would seem improbable. For example, the Cabinet committee operates largely from its Washington headquarters and is not close at all to most Spanish-speaking communities. Second, Cabinet committee membership, to a certain extent, was used for outright partisan political purposes in the 1972 Presidential and congressional campaigns.

What good are such tactics for Spanish-speaking communities all across the Nation?

The impression that I perceive in talking with minority leaders, remains one of intense pessimism toward the Federal Government. On many ocassions, Spanish Americans are not even aware that there exists a Federal Cabinet-level committee, whose sole purpose is to help their basic necessities.

How can we, as representatives of the people, spend money on a cause that presently is not meeting the role for which it was created.

The moment has arrived for a significant improval within the Cabinet committee. Hopefully, this bill will remedy the situation and will allow the Cabinet committee to indeed aid our fellow Spanish Americans.

Although the Cabinet committee's performance has been disappointing, Spanish communities throughout America need the help of the Federal Government on their behalf. I urge my colleagues, to support the authorization for the Cabinet Committee on Opportunities for Spanish-Speaking Peoples.

Mr. BOLAND. Mr. Speaker, I rise today in support of H.R. 10397, a bill to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People until the expiration on December 30, 1974, of the enabling legislation which created the cabinet committee. This legislation provides much needed recognition of the problems that the over 12 million Spanish-speaking and Spanish-surnamed citizens of this country face.

Spanish-speaking Americans have a national unemployment rate of 10 percent. The national figure is below 5 percent.

Housing for the Spanish speaking is nearly 80 percent substandard. Twenty percent of Spanish-speaking families live on incomes below the poverty level.

School dropout rates are also well above the national average. These statistics are in a sense all related to one another. Inadequate food and housing relate directly to poor school performance and truancy. This is particularly tragic in today's world where education counts for so much.

Schooling was the bootstrap by which many of our ethnic minorities pulled themselves out of poverty and into the mainstream of American economic and social life. Their experience serves as a lesson for the plight of Spanish-speaking Americans. Without a similar boost, Spanish-speaking Americans can only expect to fall further behind their fellow citizens at an ever increasing pace.

What is needed in the face of these sometimes overwhelming disadvantages in all areas of social life—accentuated by a different language and cultural tradition from that of most Americans—is a concerted effort by all Americans first to understand and relate the experience of our Spanish-speaking neighbors to our own situation, then to assist with all the forces at our disposal in righting the inequities under which so many Spanish-speaking Americans live and work.

It is for this reason that I voted for the 1969 legislation creating the Cabinet committee. For these same reasons I endorse H.R. 10397 today. The Cabinet committee was created to insure that Federal programs are responsive to the Spanish-speaking community by advising agencies and departments of Government when Spanish-speaking interests are affected and how best to implement programs and policies which are therefore attuned to their particular problems.

The legislation now before the House would insure expansion of that role. It would provide for the establishment of needed regional offices closer to various Spanish-speaking communities. The Cabinet committee, moreover, would move from its purely advisory role to one more representative of the Spanish-speaking community. The committee could thus offer more specific assistance to Spanish-speaking individuals and groups in obtaining various Government benefits. Since the committee would expand the scope of problems with which it would concern itself, appropriations would increase to $1.5 million in fiscal year 1974, an increase of $0.5 million from the previous year.

Mr. Speaker, I believe that the work of the Cabinet Committee on Opportunities for Spanish-Speaking People represents only a small part of what we can do for the 12 million citizens it attempts to serve. These Americans look to the Federal Government for assistance on many fronts. They must deal with many Federal agencies and departments. This, as we can all testify, can sometimes be a demoralizing experience. The feeling that their particular problems are receiving attention commensurate with their special needs is therefore very important to Spanish-speaking Americans. H.R. 10397 represents only a small step for national expenditure, but it could hasten a giant step for the Spanish-speaking citizens of this country—parity in fact as well as theory with their fellow Americans.

Mr. MATSUNAGA. Mr. Speaker, I urge approval of H.R. 10397, a bill which would extend and improve an important service for our Spanish-speaking

brothers and sisters. The Cabinet Committee on Opportunities for Spanish-Speaking People, which is charged with the duty of opening new vistas and opportunities for our neglected Spanish minorities, deserves not only the funding authorization necessary to continue its important work, but also protection from political interference which has frustrated and obstructed it from fully attaining its true mission. This is what this bill will provide. Free of political manipulation and open to greater participation by those affected, the Cabinet Committee can return benefits many times over on the taxpayers investment by improving understanding and harmony between our citizens, bettering the lives of our less fortunate brethren, reducing the causes of poverty, crime and misfortune, and opening the door to all our citizens to a future of promise and hope.

The Committee on Government Operations is to be commended for fashioning this thoughtful legislation.

Mr. Speaker, H.R. 10397 is not dissimilar to H.R. 261, introduced by my colleague from California (Mr. GLENN ANDERSON) and myself, which would establish the same type of Cabinet committee for Asian-Americans.

I trust that H.R. 261 will soon receive congressional approval.

Today, of course, I urge my colleagues to approve H.R. 10397, which will enable the Cabinet Committee for the Spanish-Speaking to strengthen its efforts in behalf of that group of Americans.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD) that the House suspend the rules and pass the bill H.R. 10397.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 130, not voting 63, as follows:

[Roll No. 487]

YEAS—241

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

NAYS—130

NOT VOTING—63

Alexander	Flynt	Michel
Anderson, Ill.	Ford, Gerald R.	Mills, Ark.
Archer	Fuqua	Mitchell, Md.
Ashley	Goldwater	Mollohan
Badillo	Green, Oreg.	Murphy, N.Y.
Barrett	Griffiths	Nix
Bell	Gubser	Railsback
Bergland	Gude	Rees
Biaggi	Hanna	Reid
Bolling	Hansen, Idaho	Rooney, N.Y.
Brown, Calif.	Harrington	Runnels
Buchanan	Heinz	Sandman
Burke, Fla.	Holtzman	Sisk
Carney, Ohio	Hudnut	Slack
Cleveland	Johnson, Colo.	Smith, Iowa
Conyers	Jones, N.C.	Steiger, Wis.
Davis, Ga.	Jones, Tenn.	Symms
Dingell	Leggett	Waldie
Dorn	McSpadden	White
Esch	Madden	Young, Fla.
Eshleman	Mathias, Calif.	Zwach

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Rees.
Mr. Barrett with Mr. Ashley.
Mr. Fuqua with Ms. Holtzman.
Mr. Murphy of New York with Mr. Cleveland.
Mr. Nix with Mr. Jones of North Carolina.
Mr. Alexander with Mr. Symms.
Mr. Davis of Georgia with Mr. Hudnut.
Mr. Dingell with Mr. Steiger of Wisconsin.
Mr. Jones of Tennessee with Mr. Railsback.
Mr. Leggett with Mr. Zwach.
Mr. Waldie with Mr. Michel.
Mr. Slack with Mr. Burke of Florida.
Mr. Reid with Mr. Esch.
Mrs. Green of Oregon with Mr. Gerald R. Ford.
Mr. Badillo with Mr. Conyers.
Mr. Mollohan with Mr. Buchanan.
Mr. Smith of Iowa with Mr. Gubser.
Mr. Sisk with Mr. Heinz.
Mr. Hanna with Mr. Eshleman.
Mr. Biaggi with Mr. Mathias of California.
Mr. Carney of Ohio with Mr. Bell.
Mr. Dorn with Mr. Archer.
Mrs. Griffiths with Mr. Gude.
Mr. Flynt with Mr. Goldwater.
Mr. Mills of Arkansas with Mr. Anderson of Illinois.
Mr. Mitchell of Maryland with Mr. Runnels.
Mr. Madden with Mr. McSpadden.
Mr. Bergland with Mr. Brown of California.
Mr. White with Mr. Harrington.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just considered.

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

There was no objection.

VICTOR LAPIDOS—VICTIM OF SOVIET EMIGRATION POLICIES

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

Mr. FASCELL. Mr. Speaker, it is a privilege for me to participate today in the "Congressional Vigil" which will take place each day until final House passage of the Mills-Vanik amendment and the Trade Reform Act. This is a measure which I strongly support and of which I am a cosponsor, and I was delighted last

week when our colleagues on the Ways and Means Committee agreed to include the amendment in the bill.

The issue of human rights and freedom must always be paramount in any deliberations by this body. The denial of these rights by the Soviet Union to thousands of its citizens who want to leave that country and emigrate elsewhere must constantly be brought to national attention and our concern must be expressed. The case of Victor Lapidos is typical of the harassment and denial of human rights experienced by so many Jews in the Soviet Union.

Victor Lapidos, a doctor of technical sciences who worked in Moscow's Automobile Industry Research Institute, applied for an exit visa to Israel in August 1972, and was granted permission to leave the Soviet Union upon payment of a $30,000 exit fee. This is an astronomical amount of money in the Soviet Union and Dr. Lapidos could not hope to accumulate that much.

Suddenly, he was told he would not have to pay the fee if he left the U.S.S.R. within 10 days. He and his wife quit their jobs; his 11-year-old daughter withdrew from school; and his 19-year-old daughter and her husband were expelled from the university. The family was evicted from their apartment and, after the payment of approximately $1,000 for an exit visa for each member of the family, they were told it had all been a mistake and they would not be permitted to leave.

Mr. Speaker, we must make the Soviet Union understand the revulsion we feel upon hearing such stories. The granting of most-favored-nation trade status is important to the Soviet Government. They must know of our concern for human rights. The adoption of the Mills-Vanik amendment will do this. We must see to it that it is retained in the Trade Reform Act.

INTERNATIONAL DAY OF BREAD, OCTOBER 2

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

Mr. SEBELIUS. Mr. Speaker, tomorrow, October 2, is the International Day of Bread. To help celebrate this special day as part of Harvest Festival Week, I again plan to distribute a complimentary loaf of bread to each of my colleagues. This complimentary loaf of bread is in behalf of the wheat growers, millers, and bakers.

I would like to ask that my colleagues join with us in breaking bread in thanksgiving and in committing our resources to world peace, understanding and a better tomorrow for all of mankind.

Harvest Festival Week has become a traditional time for peoples of the world to come together and express thanksgiving for the annual harvest in their native lands. To fully understand the significance of this event, I am submitting the following article, "The World Has a Day To Remember" and commend it to the attention of my colleagues:

THE WORLD HAS A DAY TO REMEMBER

Before recorded time, the family of man paused each autumn for rites of joy and gratitude for the bounty of Nature. Spontaneous ceremonies marked the completion of his harvest from field, farm, forest . . . from lakes, streams and seas.

This compelling impulse became part of tribal or religious custom beyond the reach of human memory. You still find Harvest Festivals—whether for grapes that make wine, grains for bread, or fish or meat for the larder—celebrated by most people of the world.

Following the Egyptians and those before them, the Greeks incarnated the concept in a goddess, *Demeter*, and paid her homage. The Romans called her *Ceres*, for whom cereals were named. *Bread* came to symbolize all food and the dependence of man upon the soil, the rain, the sun, the seasons and the labor of agriculture.

Bread thus signifies the reaping of all crops, of meat, milk and food itself, a meaning expressed in prayer, "Give Us This Day . . ." The thought gains greater import every day as governments around the world become increasingly concerned with problems of feeding the hungry and malnourished, at home and abroad.

In token of such values, the tradition was revived in West Germany in the early 1950's as a "Day of Bread." The observance spread to other countries of the Continent, to the Americas and the Far East. The President of the United States, the Governors of the 50 States, and the Mayors of scores of cities annually proclaim a "Day of Bread" on the first Tuesday of "Harvest Festival" Week, usually the first full week of October. Deeply rooted in the legacy of all mankind, the occasion has won acceptance as a contribution to human understanding, person-to-person, around the world, a means of national communication transcending boundaries of country, creed, or politics.

VIOLENCE IN AUSTRIA

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

Mr. KEATING. Mr. Speaker, this summer I had the opportunity to visit the processing center at Schoenau, Austria, where thousands of Soviet Jewish refugees have been processed as they leave the Soviet Union for a new life in Israel. I was shocked by the news this weekend that the Austrian Government, under Arab terrorist threats, agreed to close down the center.

The decision to close down the Schoenau Center was hailed by the leaders of the Arab Terrorist Movement as their greatest victory to date. The decision cannot be allowed to stand. Once terrorists win one objective through violence, they will try again. There can be no compromise with those who are willing to blackmail society to achieve their goals.

When I visited Austria and Israel to inspect the international refugee program I was impressed by the fine work done in the Austrian center; it would be deplorable if this link in the migration program was broken.

We have witnessed acts of violence in England with the terrorist bombings and in Ireland; both of these countries stood up to the terrorists. During the violence we witnessed at Wounded Knee I spoke on the House floor urging that the Justice Department not give in to demands while lives were threatened. Recently I condemned the action of Ohio State officials who closed down a State park under the threat of a bomb scare. In Washington we have seen the attempt in 1971 to close the Federal Government and in 1972 the violent takeover of the Bureau of Indian Affairs. In short we must have a policy of not capitulating to acts or threats of violence.

In the case of the Austrian Government decision to close down the Schoenau Processing Center it is my feeling that the center must remain open.

The decision was made under duress and the law is very clear that a promise made under duress has no standing. Therefore, there is no legal reason for the Austrian Government to keep their promise to the Arab terrorists.

The Austrian center must remain open so that the Jewish refugees can continue to leave the persecution of the Soviet Union and it must remain open to show the Arabs and other potential terrorists that they will not achieve their goals through acts of violence.

WELCOME TO CARDINAL MINDSZENTY

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

Mr. THOMPSON of New Jersey. Mr. Speaker, it is with respect and admiration that I place before the House an editorial from the Saturday, September 29, 1973, issue of the New Brunswick Home News—an editorial which remarks upon the recent visit to New Brunswick, N.J. of His Excellency Jozsef Cardinal Mindszenty. Cardinal Mindszenty has become a living legend to tens of millions of people throughout the world as a symbol of the freedom of the human spirit. I think it is noteworthy to point out that the Home News editorial appeared on the front page in Hungarian thanks to the translation of Mr. Laszlo I. Dienes, who for 30 years has edited the Magyar Herald, the Hungarian newspaper in the eastern United States. The editorial reads as follows:

WELCOME, CARDINAL

With great pleasure and pride, our community today welcomes Josef Cardinal Mindszenty, Primate of Hungary and Archbishop of Esztergom, who is making a four-day visit during which he will officiate at the dedication of the relocated St. Ladislaus Church on Somerset Street.

The visit of this extraordinary religious leader is a singular honor for New Brunswick. The 81-year-old prelate, a legend in his own time, is known the world over as an ardent foe of communism, a champion of freedom in his beloved homeland, and the unflagging conscience of the free world.

Cardinal Mindszenty spent 23 years of his life, except for four days, either in prison or as a refugee in the United State mission in Budapest. Sentenced to life imprisonment by the Communist government in Hungary

in 1949, the cardinal was released by Hungarian Freedom Fighters during the 1956 rebellion. When the tragic uprising was brutally put down, the cardinal took refuge, after four days, in the American mission in Budapest where he remained, silenced but unbending, until called from his exile by Pope Paul VI in 1971.

The courageous and steadfast Cardinal Mindszenty has lived since 1971 in Vienna, a living symbol of one extraordinary individual's unrelenting battle against tyranny.

Today, on the occasion of Cardinal Mindszenty's visit to New Brunswick, we join with the Hungarian community in extending our warmest welcome and our sincerest admiration and respect for a great man.

THANK YOU

The Home News is indebted to Laszlo I. Dienes for the Hungarian translation, which appears on Page 1, of our editorial welcoming Josef Cardinal Mindszenty. For more than 30 years Mr. Dienes has been the editor of the Magyar Herald, the only Hungarian weekly newspaper in the eastern United States. We are grateful to him for his assistance.

INQUIRY INTO CHARGES MADE AGAINST THE VICE PRESIDENT

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

Mr. BAKER. Mr. Speaker, I respectfully submit that the leadership of the House has erred in declining to act favorably on the request of Vice President SPIRO AGNEW to "undertake a full inquiry" into the charges which have been made against him during the course of the investigation by the U.S. attorney for the district of Maryland.

Based upon precedent, there is clear evidence that the Vice President should look to the House of Representatives in a situation of this kind, and it is just as clear that the House should respond by making the investigation which will determine the true facts of the charges before any further action is taken outside of Congress.

My position on the House's responsibility has been fortified by a telegram I received today from the Honorable Winfield Dunn, Governor of Tennessee, in which he asks me to prevail upon you, Mr. Speaker, to reconsider your decision and allow an immediate investigation of the charges against the Vice President. Governor's Dunn's telegram is included as a part of my remarks. I implore you, Mr. Speaker, to give it due consideration.

In your response to the Vice President's letter on September 25, you indicated that you would not "take any action on the letter at this time."

That decision was several days ago. Since that time, resolutions have been introduced calling upon you to instruct an appropriate committee to begin the investigation. Respected Members of the House and Senate have asked you to reconsider your decision and take this course. As you have given more thought to the proposition, I trust that you see it as your constitutional duty to undertake the investigation. You can make this decision without waiting for action on the resolutions. I am confident a majority of your colleagues in this body will support you in carrying out this responsibility.

The telegram from Governor Dunn follows:

NASHVILLE, TENN.

Hon. LAMAR BAKER,
119 Cannon Office Building, Capitol Hill, Washington, D.C.

I honestly request that you as a member of Tennessee delegation in the United States House of Representatives prevail on House Speaker Carl Albert to reconsider his decision and to allow an immediate investigation of charges of kickbacks and bribery against Vice President Spiro T. Agnew. In my judgment, it is imperative that such an investigation be conducted by the House to determine the facts. To date the Vice President has only been terribly abused without concrete grounds of factuality or authenticity. With the leaks of information concerning the Grand Jury investigation of the charges against Mr. Agnew, it seems to me to be virtually impossible for him to get fair hearing any other way. I strongly share the Vice President's view that under constitution the only avenue open for all the facts to be made known is through the House of Representatives. I support an investigation of this matter by the House and it is my sincere hope that you share my desire.

GOV. WINFIELD DUNN.

HOW MUCH LONGER?

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

Mr. RANDALL. Mr. Speaker, this is the fifth legislative day in succession that I have taken the floor to briefly but earnestly urge the administration to do something specific and concrete for assistance to our hard-pressed farmers now desperately needing adequate quantities of gasoline and diesel fuel to move from the fields feed grain and soybeans in the days that lie ahead. They also need some positive assurance that there will be forthcoming an allocation of propane in the event crops need to be dried.

For the past 3 months our office has been up the hill and down the hill urging action by Governor Love. We have called his attention to the unbelievable circumstances in our congressional district where suppliers of diesel fuel admit and agree they have available product in their tanks, but are prohibited from selling it by orders from higher up. What a spectacle that this kind of refusal to sell exists when crops remain unharvested in the fields, particularly silage which must be cut right now, or else suffer a loss in feed value.

Just today I asked our chairman of the House Committee on Interstate and Foreign Commerce when to expect floor action on mandatory legislation for allocation of petroleum products. His answer was within a week or 10 days with the hope our bill would be agreed to by the other body and a conference avoided.

But, Mr. Speaker, we do not need legislation and we have not needed any since April of this year. Anyone who can read English can see from the language of Public Law 93–28 that there is a clear and indisputable grant of authority for allocation of petroleum fuels.

Why does this administration wait? Why does Governor Love's office do nothing? Well, these questions remain unanswered day after day, even week after week.

The record will show that Governor Love came out of the West to become energy czar away back about July 1 of this year. As nearly as most of us can determine, he has done nothing since his arrival on the Washington scene but make lofty pronouncements about the disruptive effect of any kind of allocation on private enterprise. He means he does not want to disturb the tranquillity of the giant oil companies. He has repeatedly deplored the bureaucracy he says would be needed to enforce allocations. By that he means he wants to let the major oil corporations continue to do as they jolly well please while the independents and the public suffer the continued hardship of fuel shortages. Meanwhile, Governor, the condition of our farmers progressively worsens.

AUSTRIA: 1938 REVISITED

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

Mr. KOCH. Mr. Speaker, the response of the Austrian Government to the demands of two Arab terrorists to close down the processing center for Soviet Jewish emigrees bound for Israel is so outrageous that it is difficult to comment in moderate terms. The action of the Austrian Government makes it even more clear why Israel takes the position that its security and that of its citizens abroad can never be left to others to defend. Austria's history is not without blemish. During the Nazi era its citizens cooperated extensively with Germany and overwhelmingly supported Anschluss. Now, once again, Austria is taking an action against Jews which can only call up that past.

Unfortunately, Austria is not alone in submitting to extortionate Arab demands. The French, in their eagerness to achieve oil concessions in Algeria and other African countries, turned its back on Israel and provided Israel's enemy, Libya, with Mirages, knowing they would be available to Egypt. At the same time it denied Israel the same planes. Great Britain has made it clear that its desire to do business with Arab states will not be impeded by any display of fair play vis-a-vis Israel in the Security Council. And, of course, the Japanese, in submission to Arab threats, have engaged in an economic boycott of Israel by refusing to sell key electronic and other items which Israel needs. This is

only a partial list of nations that have failed to give Israel fair treatment, to say nothing of support when Israel has been in need of help. It also does not take into account the recent drive by certain American oil companies, Mobil and Standard Oil of California among them, to change American foreign policy in the Middle East making it less favorable to Israel.

An examination of the record of the Security Council shows that on almost every occasion, the governments I have listed and those controlled by the Soviet Union, have excused Arab terrorism and condemned Israel's counteractions to deter that terrorism. If other countries, such as Austria, do not seek to deter terrorism by apprehending the terrorists and instead choose to deter it by submitting to the terrorists' demands, then what choice does Israel have but to strike the terrorists wherever they might find sanctuary?

Since the end of World War II and its recognition as a sovereign state in 1955, Austria has sought to win its way back as a respected democratic nation in the world. It is true that in heretofore providing a way station for Soviet Jewish refugees, Austria had in part demonstarted some contrition for its anti-Semitic outrages of the past, but its announcement that it will close Schoenau Castle to Israel-bound Soviet Jews is so grotesque that if not rescinded, it can only cause all decent people to ponder how different is Austria today than in 1938 when Anschluss occurred.

Nations normally principled look away when Arab nations encourage and support terrorists, and give them sanctuary, as Libya habitually does, while they are quick to condemn Israel's actions taken in self-defense to stop the terrorists. Where is justice?

RAISE HELL WITH THE COST OF LIVING COUNCIL

(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, just about every day I get a mimeographed copy of a hell-raising speech by Secretary of Agriculture Earl L. Butz in my packet of press releases from the Department of Agriculture, in which he lambasts those decisionmakers who have foolishly disrupted meat production, or some other kind of food production, with unwise price controls.

From coast to coast he tells his audiences that the Cost of Living Council's actions are disastrous, that their decisions are counterproductive by destroying incentives to raise hogs and feed cattle, closing down food production plants and causing all sort of havoc throughout the food industry.

I wish he would raise hell instead with the Cost of Living Council here in Washington, give some of it to John Dunlop, who runs the CLC, or carry his case on up to the President.

Listen to what Mr. Butz told the American Meat Institute in Chicago 1 week ago today:

> We've just come through a period when, due to very heavy consumer pressures, we temporarily shelved producer incentives in food production, including meat. The results have been disastrous.
>
> Price ceilings imposed on meat at the retail counter have been counter-productive, just as many of us knew they would, and so predicted at the time.
>
> Freezing retail prices for food while production and processing costs continued to mount had the predictable effect. Producers and processors simply cut their losses and reduced or shut down their operations.
>
> Baby chicks destroyed a few months ago mean less chickens on the market. Breeder flocks sold off mean one complete life cycle in the life of a chicken before the industry can get back into full production.
>
> Pregnant sows taken to market earlier this year, because the profit motive has been removed and pork producers no longer could find their incentive in the marketplace, mean fewer pork chops next winter.
>
> Fortunately, in the case of beef, breeding herds were not liquidated during the freeze. For the most part, the animals stayed out there on the pasture and range. Now, since the beef-price ceiling has been lifted, beef is starting to come to market, although many animals are heavier than would have been the case if cattle marketings had remained normal.

These are points that need to be discussed, but there are many more hard facts to be faced if consumers are going to have adequate supplies of American beef.

The Secretary was mistaken about beef starting to come to market.

There always has been some coming to market, but not enough, and at the time the Secretary spoke the volume had not picked up. Cattle marketings last week were still running about 10 percent behind last year. The big bulge that Cost of Living Council predicted had not materialized when the Secretary made that speech; buyers were offering such low prices for cattle that many producers were still holding, rather than accepting bankruptcy returns for products it had taken years to produce.

The cattle business was in such agony that placement of cattle on feed for markets next year were hundreds of thousands of head behind last year's level. Placements on feed have been off since last April, when the beef boycott threatened the solvency of the business, and they will continue to stay down until prices are stabilized at least at a breakeven level.

These are the points that have to be made emphatically here where it counts with the people who are damaging supply meat decisions.

And now the Cost of Living Council rejected an emergency price order for October milk earlier this week. Secretary Butz's Dairy Division recommended that the base for pricing class I fluid milk in October be set at $6.95 per hundredweight, an increase of 57 cents cwt. but CLC rejected it. Did USDA press its position at the CLC? Who appealed it to the President to point out this detrimental decision that will affect milk supplies?

Milk production in the United States was off 0.7 percent in January. Dairy herds were being liquidated. They have continued to be liquidated and production was down 3.8 percent by August. The dairy division, realizing the increasing costs of dairymen tried to stop the trend with the modest price increase. We are short on fluid milk already in some of our cities. Yet CLC rejected the modest increase.

Secretary Butz should note that this also is a "disastrous" and "counter-productive" new price ceiling John Dunlop was imposing. It may not be formally labeled a price ceiling but in reality it is.

And what is being done about a fertilizer supply for farmers?

When are we going to get some action that will stop the export of nitrogen that we desperately need in Montana to decompose stubble and prepare the ground for next year's wheat crop?

What is being done about fertilizer dealers having their supplies cut off out in my State of Montana?

I cannot find that the U.S. Department of Agriculture is doing anything to assure fertilizer for our agricultural producers, and my office is contacting USDA on shortages in our State. All we can get is explanations about who and why the cutoffs are made.

Is it because the USDA officials including the Secretary cannot go to the Executive Office Building, or if need be the White House to convince the administration that these are serious problems?

The food producers and consumers of this Nation are entitled, especially in these critical times, to have someone in Washington to raise hell where the hell ought to be raised. Secretary Butz makes his point in his speeches across the country about the "disastrous," "counter-productive" decisions his associates in the administration are making in his absence. They need a hell-raiser in Washington who can slug it out with Mr. Dunlop in the Oval Office if necessary. Adequate food supplies are at stake.

The action is here in Washington where the wrong decisions have been made and here is where those decisions must be corrected.

TOWARD THE REALIZATION OF PEACE, PROSPERITY, AND FREEDOM AS GOALS OF U.S. FOREIGN POLICY

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, last week the other body, exercising freely its constitutional prerogatives, confirmed the President's nomination of his principal foreign policy architect as the new Secretary of State. Dr. Kissinger will serve in the dual capacities as Secretary and as Assistant to the President for National Security Affairs. These dual responsibilities will afford the Secretary an unparalled staff capability, an access to the decisionmakers and policy implementors, and a structural ability to effectuate policies agreed upon. They will also place

squarely upon him major responsibility for achieving our substantive foreign policy objectives. Secretary Kissinger ranks among the most knowledgeable of the men to serve in this most prestigious of cabinet posts. Few men, if any, are more qualified to perceive and to deal with the intricate maneuvers between nations and their leaders. Because he brings this forté to the secretaryship, he must be that much more prepared to deal with the achievement of the substance of our nation's foreign policies—the actual realization of policy goals.

What might be, in summary, some of these substantive foreign policy objectives which ought to be pursued?

First, to guarantee adequately the defense capability of the United States against potential aggression, either in full scale war or in small-scale military or para-military operations. Second, the making of no concession by the United States which does not result, on the whole, in the obtaining of commensurate concessions.

Third, to use the economic power of the United States to obtain concessions from foreign nations which result in the expansion of political freedom and the right of free expression by the citizens of that nation. The doctrine of "noninterference" holds that no nation ought to use its foreign policy in such a way as to "interfere" with the domestic policies of a second power. When the United States must formally confer with representatives of other nations, this is an understandable policy to publicly express. It is not, however, an accurate or desired doctrine. The controversial United States-Soviet Union grain deal shows clearly the way in which the Soviet Union was able to impact upon our domestic economy through that one trade package, that is, today, we have inadequate domestic grain supplies for home consumption, a misallocation of railroad boxcars, a resulting rise in domestic food prices, a serious dock shortage in some ports, et cetera, and the resulting political implications arising from these economic factors. I hope that our foreign policymakers perceive the realities of this doctrine, and its shortcomings. Trade can be such a weapon for freedom.

Fourth, to base any permanent realinements in power relationships between nations on the realities of commonly shared aspirations, heritage, and objectives, not upon "hoped-for" divergences between former allies or upon perceived changes from revolutionary fervor to status quo acquiescence when such changes may be only short-lived phenomena.

Fifth, to guard against any careless or precipitous withdrawal of support from our allies. By definition, our allies are allied with us; if "push should come to shove," it is these nations which will be "on our side." We need a conscious, deliberate, and visible foreign policy and expression of same which shores up the real and psychological needs of our allies and their governments.

Mr. Speaker, all of the foregoing substantive objectives will be frustrated unless the administrative capability for carrying out our foreign policies—the Department of State, the international-in-scope economic assistance agencies of our government, the foreign service—is, on all levels, operating in a manner consistent with the administration-determined policy objectives. To guarantee this is to shore the foundations for our policies; to fail to insure it—to "get along"—is to run the risk of total frustration.

THE TOOLS OF NEGOTIATION

Mr. Speaker, there are both positive and negative tools at our disposal to effectuate our foreign policy. From a positive sense, we have the significant advantage of trade, a trade capability engendered by our market economy. We have our economic, technical, and military assistance programs and funding sources. And we have the advantages of operating from a position of prestige, influence, and respect—although all of these factors have been waning in past years. From a negative sense, we have our military capability—as the ultimate use of foreign policy—and the capacity to withhold the advantages of economic, technical, and military assistance.

OUR NATION'S FOREIGN AFFAIRS AGENDA

The foreign affairs agenda of our Nation is a crowded one. We have the overriding problem of the allocation of energy producing resources among the powers—a way in which to say, the 60-year struggle for control of the oil fields of the Middle East has intensified. We have the presently very visible exposés on the plight of minorities and dissident intellectuals within the Soviet Union, most of whom are today subject to a repression unseen since the Stalinist purges of the 1930's, all because these individuals and sects seek the same freedom of expression for which the United States has stood since its Independence. We have the continuation of aggression within Southeast Asia, evidenced by increased subversive activity in Thailand, by new initiatives against the government in Cambodia, and by actual construction of military bases by the Communist North Vietnamese within the sovereign borders of South Vietnam. We have the expansion of trade with the Soviet Union and the question of conferring upon it, by an act of this Congress, the most-favored-nation status sought for it by both the Soviet Union and the United States but for which the Soviet Union appears to be unwilling to make any concessions on the rights of expression and exit.

We have the on-going Conference on European Security and Cooperation, popularly known as the European Security Conference, now being held in Geneva. We have the pervasive question of the mutual reductions of forces and armaments and associated measures in Central Europe, the outcome of which will govern the security of all Europe, if not the world. And, we have the second round of the Strategic Arms Limitation Talks—SALT II, the outcome of which may affect the very survival of the military capabilities of our Nation, for we have already, as a result of SALT I, moved from a position of military superiority to one perceived by many renowned experts as one of simple parity; that, is, in relationship to the Soviet Union, we are less strong today than we were previously.

TRADE AS AN INSTRUMENT FOR FREEDOM

Mr. Speaker, it is my intention to address this body at length on some of the crucial questions and issues arising out of the Nation's foreign policy agenda. I wish to discuss today, however, two aspects of that agenda—aspects which ought to have been intertwined by our Government some time ago. I speak of trade with the Soviet Union and of the suppression of dissent within the Soviet Union. They should not be treated by the administration as separate and distinct questions. We should force their intertwining; otherwise, we should refuse to confer the most-favored-nation treatment on the Soviet Union.

East-West trade is nothing more than a contemporary manifestation of a centuries-old policy question: To what extent ought a nation permit its industries to engage in commercial trade with nations which constitute an ideological, and often military, threat to that first nation? There can be little doubt, in the mind of one who has read history, that the arguments advanced for and against Carthaginian trade with the Roman Empire differed little from the arguments advanced for and against United States trade with Imperial Japan during the 1920's and 1930's. Whether the ensuing wars were the result of having increased the economic or military capacities of the weaker powers, or were the result of having withdrawn such trade once it was established—thereby forcing military aggression to obtain resources, history does tell us what the consequences of such trade were in both instances. In essence, while the conflicting ideologies and national aspirations have obviously been different, the strategic considerations have remained essentially unchanged, to wit: How much will trade mean aid? How much will aid help the other nation's military capabilities, or permit it to divert nonmilitary or consumer production to military production?

There are several critical points which must be raised and which must serve, collectively, as a frame of referene within which the United States ought to negotiate, or permit to be negotiated, trade packages with the Soviet Union or any other Communist power.

First, indiscriminate trade may jeopardize the security of the United States. There can be no trade in commodities which can be put to military use.

Second, certain types of nonstrategic trade, if under specific limited conditions—such as, obtaining political concessions in behalf of the freedom of their people by us in exchange for such trade—could be in the best interests of the United States and the world.

Third, such trade is not a simple commercial concept where American firms trade with private firms or individuals. It is trade by American firms with communist governments, or their representatives, which are more often than not oppressive and misrepresentative of the aspirations of their people. Such trade tends to strengthen those governments. Because this trade is not between private firms and private firms, or pri-

vate firms and individuals, it is misleading to assert that there ought to be a removal of all restrictions on such trade. No matter how much our country may strike to remove restrictions, there is no free trade or free market allocation of resources on the receiving end until that nation makes similar and full removal of restrictions. This has not, and will not, happen, for government control of the means of production and distribution lies at the heart of the socialist economies of these nations.

Fourth, trade in nonstrategic goods can permit the communist government to divert requisite consumer production to military production.

Fifth, trade must be on terms which strengthen the U.S. dollar. The American taxpayer is, today, paying eight percent interest on dollars borrowed by the Government of the United States to permit the Soviet Union to buy the grain on credit with only 2 percent interest. The American taxpayer is subsidizing the remaining 6 percent and is not receiving any payments in gold—gold which would help shore up the value of the U.S. dollar against erosion at foreign money markets. Testimony offered by a former foreign service officer before the Commitee on Foreign Relations of the other body at the time of the confirmation hearings on Dr. Kissinger indicates the interest paid by the American taxpayer on the Soviet grain package is alone enough to pay the operating budget of the Department of State for a full fiscal year.

Sixth, the Communists, by sometimes disregarding ordinary patent conventions or treaties, seek to buy prototypes for copying purposes.

Seventh, the Communists refuse to pay cash. They want credits—credits underwritten by the American taxpayer. They want credit rates well below the customary rates on the American or world money markets. They want waivers on payments for a set minimum period of years after receiving the commodities. With such credit terms, trade runs the risk of being aid. I voted for the amendment proposed by the gentleman from Idaho (Mr. SYMMS) which would have required cash payment terms for all trade deals with Communist nations.

Eighth, trade with Communist countries, by relieving them of economic and domestic political burdens, discourages, rather than encourages, internal reform of the government or of the economy. We will never engender a market economy in the Communist countries when our market economy, through trade, continues to "bail out" their malfunctioning state-controlled economies.

Ninth, American businessmen are not starved for world markets and can seek out many more "business as usual" foreign markets.

Mr. Speaker, these concerns are underscored by the rising expressions of dissent among the Soviet intellectuals. Andrei D. Sakharov, the noted Soviet physicist who helped develop the Soviet hydrogen bomb and later took up the cause of civil rights in the Soviet Union, recently stated that an expansion in trade would turn out to be "very dangerous" if it was not accompanied by some democratization of Soviet life and some reduction of Soviet isolation from the outside world. He stated that "rapprochement has to take place with a simultaneous liquidation of—Soviet—isolation." In Sakharov's view, "politically unconditioned deals with the West merely strengthen the regime, without changing it, and aid it in its grab for world power."

Sakharov added:

To get back to the question of whether (this wave of repression) is connected with the change of the international situation (toward détente), I cannot avoid the impression that the connection exists, and I believe this ought to show Westerners that in accepting détente they must realize that détente cannot be unconditioned. If it is that would be one more capitulation to our antidemocratic regime, an encouragement to its crimes. It could have grave and tragic consequences for the entire global situation.

The West should also realize that if our country does not develop toward greater freedom, any agreement will be precarious. It will last only as long as immediate economic and political necessity compels the rulers of this country to respect it.

The key issue to pose from the beginning ought to be an end to the isolation of this country. This means freedom to leave the country, freedom to return, freedom to renounce or to keep Soviet nationality.

In his article of September 28, 1973, "The Protracted Conflict," James Burnham commented concerning these Sakharov observations:

He is contending that in this specific case of the presently developing relation between the existing Soviet Union and the Western nations, it is impossible to affect Soviet foreign policy in a manner of benefit to the Western nations unless there is a change in the domestic structure; that, in fact, Soviet policy without domestic changes must be a continuing and increasing danger to Western nations.

Mr. Speaker, there can be little doubt but that the trials and so-called confessions now emanating from the Soviet dissidents are designed with only one clear purpose in the mind of the Soviet hierarchy: to intimidate and silence all internal criticism of the government and to foreclose, thereby, any internal softening or normalization.

SOME VALID REASONS FOR EXPANDED TRADE

Mr. Speaker, there are advantages in the expansion of trade—trade with any nation—free or not free. Such trade can bolster the domestic production of commodities, thereby generating potential for increased employment and machinery purchases.

It can generate additional workloads—and therefore jobs—within the shipping industry—trucks, rail, barges, ships.

It can help aright our balance-of-trade deficits.

If on the right credit terms, or if for cash or gold, it can bolster the value of the dollar, domestically helping to curb inflation and halting and reversing the erosion on foreign money markets.

It is for these reasons—the positive aspects of trade versus the negative aspects of same, Mr. Speaker, that I strongly believe we should couple all trade negotiations with Communist nations with concessions and tradeoffs and for that reason I strongly support the Jackson amendment and its House version; that is, the Mills-Vanik amendment.

SOVIET INTELLECTUAL SUPPRESSION

Mr. Speaker, many eyewitnesses of Communist suppression from the captive nations of Eastern Europe have testified to the horrors of Soviet detention camps, of reprisals, of the unspeakable fear which comes from living under regimes which have no regard for human life or dignity, much less the rights of man as expressed in our Declaration of Independence and set forth in our Bill of Rights. My district is the home in this free land for thousands who have fled or escaped from Soviet suppression—from Poland, from Hungary, from Estonia, Latvia, Lithuania, the Ukraine, Germany. Many left all of their worldly possessions behind; many left their families and loved ones. There is no spirit within the psyche of man which is as driving a force as the search for liberty and freedom. The will of the suppressed and repressed people of these nations, even today, speaks as a testament to that spirit—the Polish uprisings several years ago, Czechoslovakia in 1968, Hungary in 1956, East Berlin always. The walls, the barbed wire, the mine fields, the watchtowers, the police dogs, the border patrols—they are not there to keep people out. They are there to keep freedom-loving people in.

There are well publicized cases of intellectual suppression in the Soviet Union today: Alexander Solzhenitsyn, the Nobel Peace Prize recipient, and Andrei D. Sakharov, the father of the Soviet hydrogen bomb, and others. And, there is the continuing repression of the Soviet Jewry.

Much has been said within the pages of the RECORD on the extensive repression within the Soviet Union, particularly against the suppression of intellectuals' dissent. I welcome the remarks of those persons whose silence has been loud on this issue prior to Solzhenitsyn's blast at those who remain silent while Stalinist repression goes forward daily. I wish to add to the record of this debate on Soviet repression by adding thereto an astonishingly frank and accurate editorial from the Wall Street Journal, Wednesday, September 19, 1973. The editorial follows:

TOMORROW OF MANKIND?

The latest warnings from Alexander Solzhenitsyn, printed elsewhere on this page, are of particular relevance to impending debates in the Senate. The Senate Democrats' liberal wing is assaulting the defense budget even more vigorously than usual, and also wants to cut off all foreign aid funds used for the South Vietnamese police force. How better could one illustrate the folly of which the Soviet Nobel laureate complains?

To take the minor but telling matter first, the question of police funds for Saigon is a perfect example of the double moral standard Solzhenitsyn discusses so disdainfully. We have no doubt that there are valid criticisms to be levied against the South Vietnamese police; no doubt their prisons are abusive, no doubt there are instances of torture. Yet the Senate move is not directed narrowly at abuses, but broadly enough to cripple South Vietnam's struggle to survive against North Vietnam.

The cut-off professes to express moral anger at South Vietnam's abuses. But where is the moral anger at North Vietnam's far greater abuses? Where, Solzhenitsyn asks, is the anger at the Hue massacres? Senator Case. Senator Mathias. Senator Kennedy. Senator McGovern. The National Council of Churches. Where were they on the morality at Hue? Did they give the massacres more than the "momentary attention" of which Solzhenitsyn complains? Do they remember Hue in putting at the center of their view of Southeast Asia—and of their lobbying campaign—the curtailment of abuses by the South Vietnamese police?

Solzhenitsyn contributes just as relevantly to the far more important debate on the Defense Department authorization. For in essence this debate will turn not on judgments about military hardware, but on judgments about the nature of the Soviet regime. The underlying if often unspoken threat in the assault on the Pentagon budget is, since we are now making friends with the Russians, why do we need arms at all?

Yet is "friendship" the proper way to achieve any kind of detente with the kind of regime Solzhenitsyn knows and describes? We hope that he underestimates the resilience of the West in general and the United States in particular when he warns that Soviet-style repression is the "tomorrow of mankind." We will learn something of that resilience, or its lack, in the defense debate that starts this week.

John W. Finney reports in The New York Times that the Soviet government has been telling its Eastern European allies that detente is merely a tactic. Over the next 15 years or so it plans to pursue accords with the West to lull it into complacency while the Soviets build their own military strength. Then in the mid-1980s the Soviets will be in a commanding position, and able to dictate their own terms for detente, able to spread their own influence and social-economic system.

Mr. Finney reports that military leaders are worried, but that civilian analysts tend to excuse the Soviets. These warnings, they say, are merely ways to sell detente to Communist hardliners. Perhaps so, but why then is the Soviet Union investing so much money in a weapons building program entirely consistent with commanding superiority by the mid-1980s? The SALT-I agreement ratified Soviet superiority in numbers and throw-weight of Soviet strategic weapons, offset only temporarily by a U.S. lead in MIRV technology the Soviets have already started to close. This year Jane's Fighting Ships reported for the first time that the Soviet navy has eclipsed the American one, and of course in land forces we never have been their equal.

Given this arms building program, and given the internal rule Solzhenitsyn knows so well, it seems to us the most optimistic possible conclusion about Soviet intentions is that they have not made up their minds about detente. They are clearly keeping open the option of a hard line if the West does relax, but if that course does not seem promising the detente can continue. The way for the West to preserve the detente is to keep its military strong.

This is what is at stake in the defense spending debate. The details of specific programs aside, we need enough weapons to maintain the balance of forces that makes detente work. If anyone thinks instead that it works because of Russian friendship, let him remember Solzhenitsyn and the warning that the Soviet system is the tomorrow of mankind.

Mr. Speaker, on Sunday, the Washington Star-News featured an article based upon an eyewitness account of the Soviet "labor camps," the likes of which have not been seen since the days of Nazi Germany. It is estimated that there are perhaps 1,000 Soviet labor or detention camps in a nationwide system enslaving what some experts estimate to be up to 10 million persons. These camps are characterized by conscious policies of torture, separation, hunger, heavy labor, inadequate medical care, and sheer brutality. These are not the revelations of some right-wing anti-Communist, acting upon inadequate information. These are the observations of those who have been there, who have seen these camps, who have been in these camps. At this point in the RECORD, I wish to insert excerpts from this moving article, "Soviet Labor Camps: The Nightmare That Doesn't End," by Brian Kelly. The excerpts follow:

SOVIET LABOR CAMPS: THE NIGHTMARE THAT DOESN'T END

(By Brian Kelly)

As his train rocked and swayed on the KGB's narrow-gauge railway in the forests of Russia's Mordovia region, Alexander Krimgold was stunned by what he saw in the clearings. One ugly compound after another. Barbed-wire fences. Fierce-looking patrol dogs. Watchtowers and armed guards.

A Russian Jew escorting a prisoner's wife to a visit with her husband, Krimgold really had no reason to be surprised. Like millions of others in the Soviet Union today, he knew about labor camps.

Still, he never had seen one, and his glimpse of the Potma camp complex in Mordovia two summers ago left him with an image straight from Dostoyesvky.

The terrible labor camps of Potma, he later wrote, lie along the tracks "like so many boils." Describing that "the gloom can hardly be exaggerated," Krimgold says "Potma is a fearful place which readily evokes Nazi concentration camps."

But Krimgold saw only Potma. He traveled only on the KBG's 37-mile private rail spur from Potma to Barashevo, a rail line mysteriously missing from official maps of the Soviet Union.

Now safe in Israel, he didn't see Russia's remaining "boils." On Wrangel Island in the Arctic Ocean, along the steppe, across the Urals, in the Ukraine—camps stretch across the entire USSR, from its borders with Western Europe to the vastness of Siberia in the East. Camps dot the plains and forests at the sites of new cities, lumber camps, hydro-electric dams, railroad and airport constructon, coal mines and like projects requiring heavy labor. There are perhaps 1,000 of them in a nationwide system enslaving what many experts estimate to be 5 to 10 million persons. Many are political prisoners, members of the dissident movement that has surfaced in recent years, or people from minority groups—not only Jews, but members of every minority race or faith in the Soviet empire.

Camps for men, camps for women, for women with babies. Camps where men and women fall ill, and often die, from poor food, lack of medical care, exposure, outright brutality and overwork. Camps in one case at least, where prisoners have been the guinea pigs in dangerous medical experiments.

In the last third of the 20th Century it sounds like a forgotten nightmare, perhaps a last gasp of offsetting Nazi propaganda. A reminder of the terrifying Stalinist era in Soviet Russia.

But it is none of these. The details cited here come from survivors or observers of the hidden Russian labor camp system in the 20 years since Stalin's death in 1952, up to and including the last two years.

Krimgold says he saw the "boils" in July 1971. Reyze Palatnik, another recent emigrant to Israel, left a camp last December. It was "located in a swamp," she recalls, "buildings damp . . . semi-cold existence, no medical services. One had to lose consciousness to be allowed off for the day."

In February 1972, Yuri Galanskov, the dissenting writer and intellectual, wrote the International Red Cross and the United Nations, saying in part:

"The sixth year has begun . . . I am ill . . . duodenal ulceration. Denied food and sleep for more than five years now. Obliged to work eight hours a day. Every day a torture. Health deteriorating. I am gradually exterminated.

"No longer can keep quiet. Not only my health, but my very life, is now endangered."

Nine months later, Galanskov died in the Potma labor camps.

According to Mikhail Shepshelovich, another recent labor camp graduate, such deaths are no mistake. "Annihilation is achieved through a slow process of destruction over a period of many years," he writes.

"Continuous malnutrition and the constant nervous tension to which a prisoner is subjected in his environment, is the essence of this method.

"The prisoner's medical treatment depends very much on his attitude toward his political views. A person who does not renounce his political convictions receives practically no medical aid.

"In a labor camp, such people are condemned to slow deterioration and death."

* * * * *

Shifrin says he saw many horrors. He saw companions mutilate themselves in despair or protest. Prisoners working in lumber camps would even chop off a hand and place it in the stacks of wood as a reminder of their plight to the lumber's eventual recipients, some of them in the Free World. Shifrin saw others gash themselves, then infect their cuts with plaque from their teeth to gain the respite of a hospital bed. Protesting inmates severed their ears or tattooed their foreheads with anti-regime slogans.

Some desperate prisoners sliced flesh from their own bodies to put in their thin soup, or drew their own blood to enrich their plain bread, Shifrin testified.

In response, Shifrin saw his guards react with terrifying cruelty. One man he knew was punished—and died—when they poured water on him in temperatures 30 degrees below zero. Another died tied to a stake in a region infested by gnats, his body swelling visibly as the tiny insects swarmed.

In the northern camps, a number of prisoners died each night during winter.

Then there was Wrangel Island in the Arctic waters. Shifrin never was there himself, but he met one prisoner who was.

According to the Wrangel Island survivor, inmates there were subjected to medical experiments—injections, strange diets, radiation exposure, oxygen and submersion tests. The same source reported seeing Raoul Wallenberg, the Swedish diplomat who organized a rescue effort for Hungarian Jews fleeing the Nazis in World War II, only to "disappear" when the Red Army stormed Budapest. Also languishing at Wrangel Island was Rudolph Trushnovich, a leader of the anti-Soviet NTS organization who was kidnaped from West Berlin in 1954.

* * * * *

Convinced that world opinion has its effects upon Moscow, Shifrin urges a Free World outcry of revulsion against the Soviet slave labor system of the 1970's.

"We can help in two ways," he says. "First by exposing the facts, and second, by voicing our indignation.

"In helping them, we shall also be helping ourselves."

Mr. Speaker, that last point, raised by Avraham Shifrin, a Soviet Jew and intellectual who spent more than 30 years

in and out of such camps, is vital here. I repeat it for emphasis:

Convinced that world opinion has its effects upon Moscow, Shifrin urges a Free World outcry of revulsion against the Soviet slave labor system of the 1970's. "We can help in two ways," he says, "First by exposing the facts, and second, by voicing our indignation. In helping them, we shall also be helping ourselves."

Yet, Mr. Speaker, where is the recognition of this spirit as a part of our foreign policy objectives? Are we to recognize only the aspirations for markets and dollars as the denominators of our foreign policy formulae? What is so wrong with the use of moral and ethical criteria in the formulation of foreign policy—especially when such criteria rest upon a belief in political and economic freedom; the rights of free speech, freedom of worship, freedom of the press; the fundamental goodness of the exercise of free will—politically, economically, and morally; and the dignity of life? Is it that such criteria restrict the ability of our foreign policy makers to be pragmatist? Or that our foreign policy makers are too seated in relativist philosophy?

CONCESSIONS WHICH SHOULD BE SOUGHT

Mr. Speaker, there are a number of concessions which should be sought by the United States as a product of its negotiations with the Soviet Union and other Communist nations. These concessions can be obtained, albeit over a period of years and a variety of negotiations, as the so-called era of détente goes forward. I do think, however, that the negotiations now underway, and the legislation pending on the outcome of those negotiations, with respect to expanded trade with the Soviet Union and allied nations is an opportunity to move forward towards the first significant concession from the Soviet Union. If they want our trade badly enough, they will commence the relaxation of the police state which characterizes Soviet life.

What are some of these potential concessions?

First, the right to emigrate. Next to the right to life, the right to leave one's country and return is probably the most important of human rights. However fettered in one's country a person's liberty might be and however restricted his longing for self-identity, for spiritual and cultural fulfillment and for economic and social enhancement, opportunity to leave a country and seek a haven elsewhere can provide the basis for life and human integrity. On October 14, 1972, I introduced a concurrent resolution of the Congress, setting forth the manner in which some nations have not adhered to the United Nations Declaration of Human Rights, which specifically recites that all people have a right to expatriate themselves, and asking for a sense of the Congress expression that the Congress and the President, acting through the United Nations, should present to the United Nations General Assembly in fitting manner the issue of the right to emigrate from and also return to one's country. I hope the Congress will, now that there is heightened interest in the Congress on this matter, act promptly on this resolution.

Second, freedom of any citizen of the Soviet Union or any of its eastern European satellites to freely exit, on a permanent basis, with property and family and without the payment of exit fees or the reimbursing of the state for the costs of services. A compromise would be to permit third parties to pay the reasonable costs of exit or services, with the funds to be placed specifically in trust to be administered for the benefit of medical services in the country being departed by an international agency, like the International Red Cross. Families, organizations, synagogues could raise these funds.

Third, the granting to the Soviet people their inalienable right to freely express opinions, particularly in print. We regard this as an inalienable right for our citizens; if we are true and sincere in asserting that all men are equal and that we are all brothers, how can we ask for less for the citizens of these foreign nations?

Fourth, the lifting of restrictions on travel to and from the Soviet Union and its satellites to permit families divided by borders to be reunited and to visit one another—for the members of families in Buffalo, for instance, to be able to freely visit with their relatives in these countries, and vice versa.

Fifth, the reestablishment of freedom of religious worship.

Sixth, unrestricted travel among scholars and intellectuals.

Seventh, the free flow of postal mail between peoples. Citizens living in this country, with families still living within the Captive Nations, have great difficulty in getting mail to their relatives and friends there, and in getting mail from them.

It goes without saying, Mr. Speaker, that our negotiators must also obtain the economic concession of hereafter dealing in cash or gold, not on credit, with payments due before the shipments are made.

TOWARD A NEW ERA IN FOREIGN POLICY

Mr. Speaker, we have an opportunity, almost unparalleled in our Nation's history, to achieve vital substantive objectives in our foreign policy. We are not alone in perceiving this opportunity. In his open letter to the U.S. Congress, Sakharov stated:

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.

Mr. Speaker, we must concern ourselves with the substance of this task, and the criteria for that substance must be the fundamental rights of all men. I can think of no more worthy a goal for the Nation, for our President, and most assuredly for the people who will be the beneficiaries of such policies.

AMENDING THE BARTLETT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I am today introducing a bill which would amend subsection (b) of 16 U.S.C. 1082, the so-called Bartlett Act, to require that all fish on board any vessel apprehended fishing in American territorial waters be forfeited. Under the current law, only fish actually taken within our territorial waters need be confiscated.

The present statute does, indeed, provide a rebuttable presumption that all fish on board were in fact taken within our territorial waters. However, my bill replaces that rebuttable presumption with a conclusive presumption that they were so taken.

It is clear both from the statutory language and from the legislative history of section 1082(b) that fish can be ordered forfeited even though the vessel itself is not confiscated.

Mr. Speaker, this bill is necessary in light of the present situation facing our coastal fishermen. Time after time, the same nations are caught in violation of the law, either fishing inside the contiguous zone, or violating provisions of the international agreements that were drafted to protect and conserve the tremendous renewable resource of Alaska's waters.

Only last year, two Russian vessels, the 362-foot *Lamut* and the 278-foot *Kolyvan* were apprehended by the Coast Guard while conducting an illegal transfer of fish supplies off St. Matthew Island in the Bering Sea.

The apprehension of the two Soviet vessels by the Coast Guard Cutter *Storis* led by a classic nighttime sea chase through the ice-choked Bering Sea. It was ended only after the Americn vessel received permission to unlimber its 3-inch gun in preparation to putting a shot across the Russian vessels' bows.

Just last week, a Japanese fishing vessel, the *Mitsu Maru No. 30* was fined $230,000 for its flagrant violations of the fisheries treaties off the Aleutian Islands. Any captain who can navigate his way 3,000 miles across the North Pacific to find Alaska fish surely should be able to determine whether he is on the legal side of the 12-mile limit.

The Coast Guard does an exemplary job of patrolling the Alaskan coast. But this is just a case of good men being compelled to make do under the most trying circumstances. Alaska has more than 36,000 miles of coastline and millions of square miles of territorial waters. And yet the Coast Guard is unable to do more than put two or three boats on patrol.

Clearly, the odds lie in favor of the potential violators. If the Members of this Congress could listen in on the radio broadcasts of the foreign fishing fleets they would learn that most of the callers ask: "Where is the Coast Guard?"

They keep track of the American vessels in order that ships in the fleet may violate the treaties and take American fish in American waters with impudence.

Such intrusions into Alaska's territorial waters and the American contigu-

ous fishery zone cannot and must not be tolerated any longer. Offenders must be dealt with harshly. Otherwise, not only this Nation, but the entire world stands to lose one of the richest fisheries and one of the most valuable sources of protein that has ever been discovered.

I would like to note that this bill specifically provides that the monetary value of the fish may be forfeited in lieu of the fish themselves. In order to insure that there is no question but that the forfeiture of the monetary value rather than the fish is to be at the discretion of the offending vessel's owner, this bill has been amended.

I request that the bill be printed in its entirety in the CONGRESSIONAL RECORD.

A bill to amend the Act prohibiting certain fishing in United States waters in order to revise the penalty for violating the provisions of such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964, as amended (16 U.S.C. 1082(b)), is amended by striking out all of such subsection following "subject to forfeiture and all fish" and inserting in lieu thereof "aboard such vessel or the monetary value thereof shall be forfeited; the election to forfeit the monetary value rather than the fish themselves shall be made by the United States Government."

COL. MUAMMAR AL GADDAFI MAY BE THE ULTIMATE ANSWER TO OUR ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, Libya's radical leader Col. Muammar Al Gaddafi unknowingly may be the ultimate answer to America's energy crisis.

Remember how the Russians placed sputnik in orbit and triggered a massive U.S. buildup in the space program that, in a few years, put us well ahead in the space race?

Well, Colonel Gaddafi and his erratic actions could cause the same result in making us face and eventually solve our serious energy situation.

Several times since he took power, Colonel Gaddafi, chairman of oil-rich Libya's Revolutionary Command Council and Minister of Defense, has poked the United States with his big stick of oil: Libya's oil output has been slashed, prices have been sharply increased, control of American oil companies has been seized, and oil income has been used to subvert all governments that do not see things his way.

Instead of deploring the Libyan leader and his growing hostile actions, perhaps we should be grateful.

Colonel Gaddafi may be a Paul Revere in alerting our country and Europe and Japan to the serious stage to which our energy crisis has grown.

With every single burning light, working appliance, and passing car, our dependence on Colonel Gaddafi and Kuwait and Saudi Arabia grows geometrically. On any given incident of violence, terror or murder, emotions could be aroused so high that Arab countries would eagerly cut off our oil supplies.

Thanks in measure to Colonel Gaddafi, one of these days the Congress, our energy producing companies, our investors and our researchers are all going to get the lead out and start moving together toward finding a lasting solution to the problem. Only at that time will there be a lessening of our dependence on Libya's present boss. But, of course, he is not the only problem.

The Middle East oil countries have enough dollars to clean out Fort Knox.

In Saudi Arabia, what do you give the Sheik of Araby who has everything that he or we can think of? That is the crux of the problem in getting Saudi Arabia to increase oil output. You name it and they have it, unless it is an improved standard of living for the average man. Our technology and scientific knowhow can be put to good use in this area. But we cannot count on Saudi Arabia to jeopardize its own political stability merely to oblige the galloping oil consumption in the United States.

There are many actions being taken to end the shortage of oil here and to eventually cut short our need for imported oil. But, at the present time, the current demand in the United States has resulted in an increase of imported oil from the Middle East at a record rate.

Middle Eastern countries now export almost 1.2 million barrels of oil a day to the United States, an increase of about 800,000 barrels a day from 1972. Mideast oil now makes up 18 percent of U.S. imports.

The United States traditional oil suppliers have been Canada, Venezuela and the Dutch West Indies, but these sources are having to cut back.

Thus, we are faced with having to increase imports from the Mideast to meet demands. Unfortunately, we have not moved fast enough on the home front. We need more refineries, more exploration, and above all, more research.

Construction of the Alaskan pipe line is in the making and offshore drilling is moving ahead, but that is not enough to meet the immediate shortages.

The overall problem is certainly a complex one with no easy answers. If the shortage can be overcome, and that is far from certain, it will have to be largely due to a cooperative effort on the part of industry, government and the people.

In the meantime, Colonel Gaddafi may just force us to find the answers. If so, he has unwittingly done us a great favor.

HOUSE SHOULD INVESTIGATE CHARGES AGAINST VICE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, as I indicated when I introduced House Resolution 569, I feel strongly that the House of Representatives should investigate the charges against the Vice President of the United States. I consider it a matter of extreme importance and urgency.

At stake is public confidence in our institutions of Government, especially the Vice-Presidency. Confidence is severely shaken. People do not know what to believe. At the very time that the President of the United States through his new Attorney General seeks to reestablish confidence in the administration of the Department of Justice, the Vice President of the United States is making serious charges of maladministration.

While a Federal grand jury in Maryland hears evidence that may lead to an indictment of the Vice President, Mr. AGNEW declares he will not resign if indicted.

If an indictment is returned, the question of indictability inevitably will proceed through the courts. If, in the meantime, the House of Representatives, which has the initial responsibility in impeachment proceedings, sits on its hands and does nothing to begin an investigation, precious time will have been lost.

By then the cloud hanging over the Vice-Presidency will be black indeed. Presidential succession is a vital and precious part of our constitutional system. The uncertainties of life in this world must give us pause for thought.

The cloud must be dispelled as quickly and thoroughly as possible. Public confidence in the Vice-Presidency must be restored as soon as possible.

In these time-bomb circumstances the House has the special responsibility to begin an investigation. On September 26, I introduced a resolution, House Resolution 569, calling for a select committee for this purpose.

I introduced the resolution before I was aware that the Speaker had decided to reject the request of the Vice President that the House undertake such an investigation. Two days later I wrote a letter to the Speaker urging that he reconsider his decision. And today, in order to focus the attention of the House on the urgency of the matter, I have introduced a privileged resolution, one of inquiry.

It directs the Attorney General to furnish the House with any facts within the knowledge of the Department of Justice that the Vice President accepted bribes or failed to declare income for tax purposes. These are the central allegations that have been disclosed in the press and other media concerning the Vice President

The resolution will presumably be referred to the Committee on the Judiciary. It is my hope that the committee itself will see fit to direct the Attorney General to furnish this information as a part of a thorough investigation of the allegations. If the committee takes no action, however, it is my intention at the appropriate time to offer a motion in the House to discharge the committee of further consideration and bring the matter before the House for vote.

Here are the texts of House Resolution 569, my letter to the Speaker of Sep-

tember 28, and the text of the privileged resolution I am introducing today:

H. RES. 569

Whereas article I, section 2, clause 5, of the Constitution states that "The House of Representatives . . . shall have the sole Power of Impeachment"; and

Whereas article II, section 4, of the Constitution states that "The . . . Vice President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors"; Now, therefore, be it

Resolved by the House of Representatives, That the Speaker of the House, after consultation with the minority leader, shall appoint a select committee of the House to recommend after deliberate inquiry, whether the House shall undertake impeachment proceedings against the Vice President of the United States for violations of article II, section 4, of the Constitution of the United States of America.

SEC. 2. Such select committee shall be composed of a chairman and a vice chairman not of the same political party and twelve other Members as follows: seven of the majority party and five of the minority party.

SEC. 3. Such select committee shall commence its investigation under this resolution forthwith, shall have the power to subpena witnesses and compel their attendance at such times and places as the committee shall determine, and shall report its findings to the House of Representatives, together with its recommendations, at the earliest practicable date, but in no case later than the sine die adjournment of the first session of the Ninety-third Congress.

SEC. 4. There is authorized to be appropriated out of the contingency fund of the House of Representatives such funds as may be required by the select committee to carry out the requirements of this resolution.

SEPTEMBER 28, 1973.

HON. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Your decision Wednesday not to take any action "at this time" on the charges made against the Vice President stirs in me the hope that you will reconsider your decision in the coming days as you ponder the gravity of the situation.

Some of our colleagues have stated that they see no reason why the House of Representatives, controlled by the Democrats, should help a Republican Vice President out of his predicament. I feel confident that your decision was not based upon this reasoning. These Members have missed the basic point behind the impeachment provisions of the Constitution. The issue is not whether we shall help the Vice President, but whether the nation shall have a Vice President who is fully capable of taking over as President if the need arises.

Suppose that President Nixon should meet a terrible fate like that of President Kennedy just a decade ago. Could Vice President Agnew assume the great burdens of the highest post in the land with a criminal indictment hanging over his head? At a time of great national stress, could the Vice President provide the moral force to head the nation while he is engaged in a criminal trial and perhaps protracted appeals?

If the House takes a hands-off attitude while the matter is before the courts, a cloud may hang over the Vice President for several years, and all that time, Spiro T. Agnew will be just a heartbeat away from the Presidency. Only the House of Representatives can initiate action to remove that cloud promptly and guarantee to the nation the continuity of leadership which is so essential to our democracy. If the Vice President is guilty of high crimes and misdemeanors, he should be impeached. If he is not guilty, then the cloud should be removed so that he can carry out the functions of his office.

In your reply to the Vice President's letter, you predicated your decision upon the fact that this matter is presently before the courts. Perhaps one of your concerns was the fact that the request for action by the House came just two days before the grand jury began hearing evidence. To the extent that your decision was based upon a reluctance to interpose the House between grand jury action and the Vice President, you have been successful. The grand jury proceedings have now begun, and there seems little reason to believe that the courts will order them halted regardless of what action the House takes.

There are ample precedents for Congressional action while grand juries are considering the same or related issues. Throughout the Watergate hearings now being conducted by the Senate, several witnesses before the Committee have also appeared before grand juries, and some have been indicted. For example, former Secretary of Commerce Maurice Stans testified before the Senate committee only one month after a federal grand jury in New York indicted him for criminal conduct, and former Attorney General John Mitchell appeared just two months after his indictment. The fact that an indictment by grand jury or a criminal trial may be imminent is therefore no reason for the House to delay fulfilling its Constitutional responsibility.

If you wish to be completely on the safe side, you may decide to wait until the Vice President's lawyers attempt to quash the grand jury proceedings. By examining the court's decision you may determine whether there is any hint that Congressional action would act as a bar to further grand jury proceedings. I do not recommend this course of action, but it is preferable to doing nothing.

Perhaps your decision was based upon the belief that indictment and trial by the courts should precede impeachment by Congress. The Constitution would seem to contemplate impeachment first and subsequent trial. Article I, section 3 of the Constitution states:

"Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but *the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to law.*" (Emphasis added.)

The use of the word "nevertheless" clearly contemplates that impeachment by Congress has already occurred. In a constitutional sense it unquestionably would be proper for Congress to proceed now to consider whether impeachment in this case is warranted.

As the person who is next in line after the Vice President to accede to the Presidency, you keenly feel, I am sure, the special responsibility which this burden imposes upon you. You can assume that responsibility and demonstrate a greatness of spirit and a willingness to rise above partisan consideration by reconsidering your decision.

If you decide to support an investigation into the charges made against the Vice President, your decision will not only enhance the position of the House of Representatives in the eyes of the American people, but it will also enhance your own position as a leader of the House and a leader of the country. It will confirm your own ability to lead the nation in a moment of trial. A distinct possibility exists that if the Vice President resigns or is removed, the Congress may become deadlocked over the choice of his successor, at which point you would be only a heartbeat away from the Presidency.

Recent years have found our institutions under heavy stress. Indeed, this year must rank as one of the most critical in our nation's history. The Congress has not escaped criticism. It is often derided as being so cumbersome and unresponsive as to be ineffective in a crisis. The crisis posed by the charges against the Vice President is the latest test of the Congress, and particularly the House. I feel we must do all possible to restore confidence in this vital institution so often and so accurately described as the people's branch of the government.

As it has been seldom in our history, now is the hour of the United States House of Representatives. I do hope that you will see fit to lead the House in meeting this challenge.

Sincerely,

PAUL FINDLEY,
Representative in Congress.

RESOLUTION

A resolution directing the Attorney General to inform the House of certain facts

Resolved, by the House of Representatives, that the Attorney General of the United States be, and he is hereby directed to inform the House of all the facts within the knowledge of the Department of Justice that the Vice President of the United States, Spiro T. Agnew, accepted bribes or received consideration for services rendered or promised in the performance of his official responsibilities as a public official in the State of Maryland or Vice President of the United States, or failed to declare his income for tax purposes.

NORTHEAST RAIL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 60 minutes.

Mr. DRINAN. Mr. Speaker, six Northeast railroads are bankrupt. The economy of the entire Nation is dependent on the continued operation and successful reorganization of these railroads. But without substantial and immediate congressional help, the services of these railroads may be severely reduced if not eliminated entirely. No area of the country would be immune from the economic havoc that cessation of service would cause.

I have organized this special order today, with the cooperation of the New England Congressional Caucus, in order to emphasize with my colleagues the importance of Northeast rail service to the entire Nation, and to bring to the attention of the Congress and the public the urgent need for legislation to restructure the Northeast railroads into self-sustaining entities.

I am pleased that this special order has attracted bipartisan participation, and that Members of Congress from areas apart from the Northeast have joined in emphasizing the importance of the Northeast rail crisis and the need for a solution to it. The Northeast rail crisis is not a partisan issue. Nor is it a regional issue. It is a national problem—one that must be approached in a constructive spirit of compromise by all of the parties concerned.

I am grateful for the participation in this special order of my distinguished colleagues BROCK ADAMS from Washington and DICK SHOUP from Montana, who deserves a great deal of credit for the hard work that they have done on the Transportation and Aeronautics Subcommittee of the House Interstate and

Foreign Commerce Committee. I hope that the legislation they have coauthored, H.R. 9142, will receive prompt and favorable action by the full committee where it is now being considered.

The day of decision in the Northeast rail crisis is fast approaching. The trustees of Penn Central have already proposed liquidation and consequent termination of service. The Interstate Commerce Commission today released a report on the liquidation proposal which I understand recommends against immediate liquidation and proposes more hearings. And, on October 12 the bankruptcy judge in the rail proceedings, Judge John P. Fullam, will conduct a hearing on the future of Penn Central and the other bankrupt railroads—at which liquidation will certainly be considered. Judge Fullam has stated that:

It appears highly doubtful that the Debtor [Penn Central] could be permitted to operate on its present basis beyond October 1.

While there is uncertainty among lawyers debating the power of Judge Fullam to order the bankrupt railroads into liquidation, there is ample evidence that without rapid congressional action severe reductions or even termination of service may occur.

If all things were possible, I would prefer that the bankrupt railroads reorganize entirely with private capital, as I am not enthusiastic about involving the Government in the business of running the railroads. But the evidence is that the many factors that have contributed to the declining fortunes of the Northeast railroads are not going to be reversed without some government involvement. The extent of government involvement should be carefully limited. But short-term assistance will be required to keep the railroads operating until the long-term effects of restructuring begin to take hold. Government guarantees of loans and bonds will be necessary to facilitate the modernization and restructuring of the railroads.

Certain changes will be necessary in regulatory procedures so as to make possible the streamlining of Northeast rail lines. A matching subsidy program will be appropriate to keep open branch lines of particular importance to shippers or local communities that would otherwise be abandoned as part of the restructuring. And, the Government will have to assume the social cost of labor that will be dispossessed as part of the restructuring.

Yet the direct government investment will be relatively small, especially when compared with the great economic importance of continued rail service and healthy, competitive Northeast railroads. Without this Government assistance, we take the risk that the already manifold problems of our economy could be further compounded, possibly to the point of a recession or beyond.

An article in the Wall Street Journal suggests that termination of Penn Central service alone would increase national unemployment by 60 percent, and decrease national productivity by 3 percent. The Senate Commerce Committee has estimated that a Penn Central shutdown would cause a cut in national economic activity of 4 percent after 8 weeks, with localized effects, particularly in the 17 northeast region States, more severe. Key industries would be particularly affected, including the automobile industry, lumber and other construction materials, and many perishable goods.

Termination or severe limitation of rail service would increase inflationary pressures throughout the Nation—at a time when the cost of living soars virtually uncontrolled. Use of alternate transportation modes, particularly trucking, would aggravate air pollution, further clog highways, and increase use of gasoline and other petroleum products at a time when fuel resources are already stretched thin.

Termination of service must be avoided. In its place we must work for an orderly restructuring of the Northeast railroads. The Northeast railroads should be given a chance to again become self-sustaining entities. Such an approach is embodied in the legislation coauthored by my colleagues, Congressmen SHOUP and ADAMS. But many difficult issues remain as yet unresolved, and each facet of the rail problem has its own legitimately self-interested constituency. 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.

MASSACHUSETTS AND THE NORTHEAST RAIL CRISIS

While I and other Members assembled here today have stressed the national economic significance of the Northeast rail crisis, I would like to discuss as a case in point the great importance of rail service to the economy of my own State of Massachusetts, and particularly to the Montachusett and South Middlesex areas of Massachusetts which are located in my congressional district.

These areas are serviced primarily by the Boston & Maine railroad and the Penn Central. The Associated Industries of Massachusetts—AIM—a group representing 2,500 firms in Massachusetts who collectively employ 450,000 persons and thus represent three-quarters of the State's manufacturing employment, has estimated that between 2,500 and 3,000 shippers depend on continued service of just the B. & M., and that, according to AIM, at least 60,000 jobs stand to be lost if the B. & M. shuts down.

Another study of the B. & M., conducted by the Harbridge House Inc., a consulting firm in Boston, suggests that at least 51,250 jobs will be lost in the five New England States served by the B. & M., 35,842 of these in Massachusetts. This is a conservative estimate. According to the Harbridge House study, as many as 150,000 jobs could be lost in New England if B. & M. terminates service. At least $811 million would be lost to the States serviced by B. & M. if the line shut down, with Massachusetts taking the lion's share of the loss, $569 million. Nearly 10,000 of the jobs that could be lost are dependent on rail lines serving towns in the Fourth Congressional District which I represent.

According to the Harbridge House study, industries in Massachusetts which would be particularly hard-hit would be: plastics, tires and inner tubes, printing and publishing, sanitary paper products, machinery, fabricated steel products, paperboard boxes and containers, cotton fabrics, and paper. The consumer in Massachusetts would also be a big loser if the B. & M. folded, as the study forecasts a price rise of 4.9 percent for butter, 5.0 percent for cheese, 1.3 percent for malt liquor, 2.1 percent for lumber, 4.5 percent for plywood, 3.2 percent for fabricated structural material, and 2.0 percent for hydraulic cement. These are increases the beleaguered consumer can hardly be expected to bear.

The Harbridge House analysis notes that each job lost costs Federal, State, and local governments an average of $1,000 to $3,000 annually in lost tax revenues, increased welfare and employment security service, and other related costs. On the basis of these figures, the loss of 51,250 jobs related to the Boston & Maine in the Northeast would cost Federal, State, and local governments between $51.2 million and $153.8 million each year. When Massachusetts already suffers from chronic unemployment, thousands of new additions to the unemployment rolls must be avoided.

Two other studies on the impact of rail service in the Montachusett and South Middlesex areas of Massachusetts have been conducted at my request by the South Middlesex Area Chamber of Commerce and by the Montachusett Regional Planning Commission. I would like to take this opportunity to thank these groups and the other individuals, organizations, and business leaders that participated in the compilation of the valuable material that I have just recently received.

The study conducted by the Montachusett Regional Planning Commission, involving 22 towns served by 14 rail stations, estimates that at least 18,000 carloads will be either received or shipped by the industries in the region. More than 1,150 jobs in the towns included in this preliminary study depend on continued rail service. The study shows the towns of Gardner and Fitchburg to be particularly dependent on rail services: In 1972 Gardner received and shipped a total of 3,146 carloads, with the principal commodities being furniture, paper, lumber and steel.

The total carload figure for Fitchburg was 2,855, principally paper, plastics, steel, grain and lumber. It is especially interesting to note that 22 towns responding to the Montachusett Regional Planning Commission survey indicated that they would expect greater use of rail facilities if service were improved, while the most common complaints against the railroads were the slow or erratic delivery of freight and the recurring unavailability of freight cars when needed. These complaints signify areas that must be improved as part of the restructuring of Northeast railroads.

The South Middlesex Area Chamber of Commerce study, based on responses from 26 firms in the area, indicates that more than 3,500 jobs will be lost if rail

service is discontinued. One-third of the firms responding use rail for 90 percent or more of their freight volume, and more than half the firms use rail for more than 50 percent of their freight volume. Cessation of rail services would cause the loss of all jobs at four firms, including 1,400 at one plant. Termination of service would cause the loss of more than 2,000 jobs at another plant.

The firms responding indicate an approximate yearly inbound use of 8,650 freight cars, and an average outbound use of 655 cars. Even though several respondents indicated that availability of piggyback service could be improved, total piggyback use by the firms amounted to over 3,500 cars per year. A number of responding companies criticized the railroads, noting most frequently slow service and poor condition of equipment. Still, most of the firms responding estimated substantial increases in freight volume over the next 5 years. Obviously these increases—and the economic growth they indicate, will not come to pass without a viable Northeast rail system.

The Northeast is the heart of industrial America. A significant portion of the economic activity of the entire nation originates in the 17 States directly affected by the Northeast rail crisis. The collapse of the bankrupt railroads, which could begin in as little as 30 days from today, would bring economic disaster felt throughout the country. Congress must act to avert such a peril. We must act rapidly, yet responsibly, to enact legislation that will save the threatened railroads and restructure these rail lines and companies into a self-sustaining system operating in the public interest. I believe that the best bill to do this job is that coauthored by my colleagues Congressmen BROCK ADAMS and DICK SHOUP, H.R. 9142. I am hopeful of its passage.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I am delighted to yield to our distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I want to take this time to heartily congratulate my friend and colleague, BROCK ADAMS, and members of his subcommittee for their diligent bipartisan efforts in reporting to the full Interstate and Foreign Commerce Committee a bill that offers the only constructive alternative to a policy which pretends that the Northeast rail crisis can be solved without substantial Federal assistance.

And I am pleased to participate in the special order called by my distinguished colleague from Massachusetts, BOB DRINAN, to impress upon the members of this House that the Northeast crisis is a national problem with national repercussions. For, a healthy Northeast rail system is important to the economy of the entire Nation to preserve the markets and access to sources of supply and to keep transportation costs down.

If there is a serious interruption or curtailment of services over the Northeast railroads, customers in every region of the Nation would have to find other methods of transportation to receive their supply of goods, thus forcing an increase in transportation costs, which would serve to add fuel to our already inflated economy.

Only bold and imaginative congressional action as represented in the Adams-Shoup bill, will enable these railroads to continue their services to supply customers in every region of this Nation, thus preventing a national disaster in which all sections of the country could suffer instant recession.

How important are the northeast railroads to the rest of the country? A few examples will graphically illustrate.

Forty percent of all intercity freight moves by rail, and more than 50 percent of that total amount originates or terminates in the Northeast.

Thirty-six percent of all manufactured products that move by rail originate in the Northeast.

Fifty-two and eight-tenths percent of all mine products that move by rail originate in the Northeast.

While 9.8 percent of all agriculture products that move by rail originate in the Northeast, nearly 12.9 percent of all agriculture products that move by rail terminate in the Northeast, and

Nearly 63 percent of all coal that moves by rail originates in the Northeast.

The Shoup-Adams bill provides the kind of necessary long-range solution to the Northeast rail crisis, because it restructures the Northeast railroads with Federal financial assistance in the form of direct grants and Government guaranteed bonds. And these Federal loan guarantees are necessary safeguards for any kind of private investment solution to the problem. In addition, the bill provides a limited operating subsidy for bankrupt railroads threatened by a shutdown during the planning period. It contains labor protective provisions for workers who would be displaced by the reconstruction of the rail system.

H.R. 9142 provides a workable, balanced and comprehensive solution to the Northeast rail crisis. It provides a long range solution which will preserve these railroads in the Northeast region as a major and imperative resource for the national economy of the late 1970's and 1980's.

In closing, let me reemphasize that the future of the railroads in the Northeast will have an economic effect over the whole Nation, from Maine to California, from New York to Key Biscayne.

I urge all my colleagues to support the Shoup-Adams bill. For only by passing this bill can we avoid a national economic disaster.

Mr. SHOUP. Mr. Speaker, if the gentleman will yield further, it might interest the gentleman from Massachusetts, in reciting the importance of rail service in the Northeast to the Nation, to know that in my home State of Montana there are a few figures that are somewhat outstanding to me and others to the effect that 19 percent of all interestate railroad carloads that originate in Montana are delivered to the eight Northeastern States; and that 26 percent of all interstate rail movements of lumber and wood products loaded in Montana are delivered in the Northeast; and 34 percent of all interstate movements of primary metal products loaded in Montana are delivered to the Northeast by rail.

This is one factor that makes it very provincial in my consideration and in my determination for the sponsorship of and continued pressing for this bill.

Mr. O'NEILL. Let me emphasize that the future of the railroads of the Northeast has a great economic effect on the whole Nation, not only California and New York.

I want to congratulate Congressman SHOUP, too, for his kind efforts in behalf of this legislation and for his consideration for not only the Northeast section of the country but for the entire Nation, because it is a national problem.

Mr. Speaker, I hope that the Adams-Shoup legislation, when it reaches the floor, will have a favorable result.

Mr. SHOUP. If the gentleman will yield further, I should like to express my appreciation to the majority leader for his support of this bill.

Mr. DRINAN. I, too, thank the gentleman from Montana (Mr. SHOUP) and the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. Speaker, before calling upon the gentleman from the State of Washington, I submit for inclusion at this point a long, comprehensive report of Gov. Francis W. Sargent of the Commonwealth of Massachusetts, in which the Governor sets forth imperative reasons for the continued services of the Northeast railroads to the Nation.

COMMONWEALTH OF MASSACHUSETTS,
Boston, Mass., October 1, 1973.

Hon. ROBERT F. DRINAN,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN DRINAN: I very much appreciate this opportunity to present my views on the national railroad crisis. As you know, the Commonwealth of Massachusetts has made a serious effort to come to grips on a state level with this complex problem not only as it affects our state's economy, but also because it bears very importantly upon the quality of life for our citizens. Just recently, for example, our state completed the acquisition of over 145 miles of Penn Central trackage for the purpose of preserving these valuable lines for intercity and intrastate passenger service. We are also negotiating with the Boston & Maine Railroad for a similar acquisition program. Thus, our state has a very real interest in the legislation that is now being considered by Congress.

There are four points which I would like to make at the beginning of my comments which underline my concern that Congress pass a comprehensive and effective railroad reform act that will come to grips with this problem:

1. The so-called "Northeast railroad problem" is not a problem limited to the Northeast. It is a problem which affects directly every region of the country as well as the rest of the continent and those countries which ship goods through our ports.

2. By focusing our attention on the Penn Central and, to a lesser degree, the other major bankrupt railroads, we tend to lose sight of the fact that most railroads in this coun-

try are making a profit, and that there is legislation before Congress which these railroads need and need now if they are to continue as healthy and growing organizations.

3. Large scale abandonments are not *the* answer to the railroad problem in the Northeast. While some rationalization of road and facilities must occur, excessive abandonments would hurt the railroads more than it would help them.

4. The implementation of the Northeast Corridor high speed rail passenger service project should be included in any overall solution to the northeast railroad problem.

While our state is very much concerned about the problems confronting the Penn Central Railroad, we are equally concerned about the other major carrier that operates in our state, the Boston & Maine Railroad. Together with our sister states in New England and the State of New York, we have undertaken an extensive analysis of the Boston & Maine Railroad, a bankrupt, Class One, railroad which is regional in character. The conclusions we have reached will be of considerable interest to you as you and your colleagues consider legislation affecting the railroads, since many of these conclusions pertain to other Northeastern railroads and Mid-western railroads.

In the event that the Boston & Maine were to shut down completely—and there have been proposals for the liquidation of this railroad as there have been of others—at least 51,000 jobs would be lost in the states of Maine, New Hampshire, Massachusetts, Vermont and New York. These are railroad jobs, jobs in manufacturing firms served by the railroad, and jobs with suppliers to these firms. 51,000 was considered to be a very conservative estimate, actual job loss could run as much as three times that number.

These jobs, plus the goods which they produce, contribute more than $800 million in value added to the New England economy.

Our state also looked at the rail abandonment program proposed by the B & M Trustees. Under their plan of Reorganization, over 25 percent of the present system would be abandoned. The Trustees estimated that this would save the Corporation one million dollars a year in costs. We found that this plan could probably save about 50% more than this figure with the proposed abandonments, but we also found that they would loss even more dollars in terms of revenues, resulting in a net income loss. Only if a quarter of the freight presently handled on these branch lines could be retained by the railroad, which might happen if shippers trucked their freight to another B & M rail line, could the railroad break even on these abandonments. What we found was that the B & M abandonment program is at best a break-even proposition. When we looked at other possible abandonments which had been mentioned at one time or another, we found that if the B & M undertook any further abandonments, the results would be clearly detrimental. Branch lines are important feeder lines to the rest of the system, and it is my fear that the emphasis being placed on abandonments will only accelerate the present trend of the declining importance of railroads in the movement of our freight.

Clearly there are some low-density lines, especially parallel lines which are clearly duplicative and branch lines which generate very little traffic, which should be abandoned. But before any abandonment occurs, we must take a long hard look at all these lines. We must develop a means for accurately determining whether or not they generate a profit. We must determine what the effect of each abandonment would be in terms of jobs and other economic considerations. We must determine what effect an abandonment would have on the rest of the system. We must determine whether there are other transportation alternatives which could be utilized. All this takes time. Until we know these things, we cannot be so casual about line abandonments.

Several bills being considered by Congress would provide a subsidy for branch line operations. I believe such a subsidy is essential, at the very least on a temporary basis, to allow us time to evaluate these lines, to allow shippers time to determine whether there aren't other alternatives available to them. In New England, we have recently faced some major military base closings. Our biggest problem is not so much the closings themselves, but the suddenness of it all. We do not have the time we need to develop job training programs and new industrial development. Let us not allow the same thing to happen in the case of rail line abandonments.

Should some lines be abandoned, it is essential that the rights of way be preserved in a land bank for possible future uses. Such corridors are almost impossible to duplicate and represent a resource which must not be lost. In the future, they might be needed for the restoration of rail service or for power lines, pipelines or recreation. While Massachusetts has been leading this effort at state level, federal policies and funding mechanisms must be designed not only to encourage, but to ensure the preservation of these corridors at both the national and state levels. In other words, notwithstanding this effort at the state level, federal policies and funding mechanisms must be designed to encourage the preservation of these corridors by federally assisted state acquisition.

Let me now turn to a brief discussion of the economic impact of freight service termination on the Boston & Maine system.

The Boston & Maine receives considerably more freight than it ships out. New England is heavily dependent on goods mined, grown or produced outside the region and, to a large degree, outside of the Northeast. The study of the B & M found that the cost to consumers of certain commodities could increase by as much as 5% if B & M rail service were for some reason terminated.

For some area of our economy, the results of a Boston & Maine shutdown could be catastrophic. For example, just about all the feed grain consumed in New England is imported from outside the region—we grow almost none of our own grain here. A full 75% of all the grain consumed is shipped in part over the Boston & Maine. The irony is that if B & M service collapsed, the major losers would not be B & M customers, but farmers in northern Maine who themselves are served by profit-making carriers.

Many of the points that I have raised above in reference to the Boston & Maine problem apply equally as well to the Penn Central reorganization. Indeed, it is our objective to insure that freight service to Massachusetts and New England along the Penn Central system is preserved and strengthened rather than terminated. Where consolidation with other Northeastern railroads is possible—after due consultation with the affected states—such programs should be undertaken.

While half of the rail miles operated in the Northeast are operated by bankrupt carriers, we tend to forget that other half—the half in the northeast operated by the nonbankrupt carriers—as well as other railroads operating throughout the country are in need of assistance. There is legislation before Congress, notably the Surface Transportation Act, which is designed to help all of our nation's railroads, and the surface transportation industry as a whole. I urge Congress to go forward with this significant piece of legislation. Our laws need to be changed so that railroads can operate with more flexibility, so that railroad managements can increase the efficiency and productivity of their operations, and so that railroading can be more innovative and thus compete more effectively in today's transportation market.

There is one more area which warrants immediate consideration and action, and that is the "Northeast Corridor Project." The development of high-speed rail passenger transportation between Boston and Washington has been studied and debated for a decade. Now is the opportune time to implement the project. Twenty percent of the population of the United States lives in the Northeast Corridor, on less than two percent of the nation's land. Our highways are congested; our airports are operating at near capacity. We need good, high speed rail service and we need it now. Much of the right-of-way needed for this project is also heavily used for freight and thus the two services must be coordinated. The corridor must be included as a part of the solution to the overall northeast rail problem. The northeast corridor is the first of several corridors throughout the country which are ideal for such service.

I believe there is a solution to the northeast rail problem. I believe that there is a solution which need not require huge federal grants, and I believe that in the end we will again see a healthy, private rail system operating in the region. Certainly studies by the U.S. Department of Transportation have demonstrated over and over again that the high-speed corridor can be profitable. And studies of the freight system show that there is business to be had in the Northeast once we get the railroads back on their feet.

Again, thank you for the opportunity to present our views concerning this most important national transportation problem.

With best wishes,

Sincerely,

FRANCIS W. SARGENT.

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

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

Mr. ADAMS. Mr. Speaker, I personally want to express my appreciation to the gentleman for having this special order today to afford us the opportunity to discuss this matter. I want to express my appreciation to the distinguished majority leader for his kind remarks on what we are attempting to do in the full committee.

My colleague, the gentleman from Montana (Mr. SHOUP) and I hope that tomorrow we will start on the markup of this bill in the full committee. The bill has had long and extensive work in the subcommittee, and I wanted to announce to the House, so that they will know that the bill has been completed in all of its particulars, that as of Friday of this last week an agreement was entered into between management and labor on the so-called labor protective agreements that would be necessary in order to start a new corporation in the northeastern part of the United States.

I think I would like to echo once again the remarks of my colleague, the gentleman from Montana (Mr. SHOUP) that this has been a bipartisan effort and it it not a regional matter; it is a national matter. Each of us has examined our States and, for example, I find in my own State that 31 percent of all of the railroad carloads in the State of Washington are destined for the northeastern part of the United States, and 45 percent of all of the interstate movements in lumber in the State of Washington are destined for the Northeast, and 41

percent of all farm products are destined for the Northeast.

One of the reasons why this Member of the House has been working on this problem for nearly 3 years is that we have had before the House, before the Committee on Interstate and Foreign Commerce, various bills dealing with strikes in the northeastern part of the United States on the Penn Central system, and each time the testimony of the various witnesses that have been before our committee has been that this country would be in a depression in less than 30 days if the railroad system in the Northeast were to stop. It is absolutely vital to this Nation. We estimate that in less than 2 weeks all perishable commodities would be embargoed out of the State of New York.

The most recent estimate is that they would start shutting down the automobile production facilities in Detroit in 5 days if the Penn Central Railroad were to stop because it would be unable to deliver commodities that are served only by the Penn Central to the Detroit area.

It is very important, I would say to the gentleman from Massachusetts, that we do this today. This is particularly appropriate today because Judge Fullam, the judge in charge of the reorganization of the Penn Central Railroad, required that the ICC report as of today as to what should be done with regard to the railroads, for it has been proposed by the trustees that the Penn Central begin a phased shutdown starting October 31.

That gives only 30 days for us in the Congress to arrive at a solution. The ICC in their report today to the court, as rereported in the Wall Street Journal this morning, states very forcibly that we simply cannot have a liquidation of these railroads in the Northeast.

The ICC goes on to say that the bill being considered at the present time in the House is the proper solution, that we are going to have to have Federal involvement in this matter, and we are going to have to have Federal involvement with regard to the jobs that are concerned in the railroad industry, and the ICC repeats the recommendations that something must immediately be done in terms of restructuring the whole system.

I would just conclude my remarks by stating to the House the proposal that has been introduced by the gentleman from Montana and myself and which has passed the subcommittee and is before the full committee provides for 20 months for a planning process, whereby a new corporation will be set up in the Northwest. The time will be spent to put together a system which will be viable for that portion of the country and the rest of the Nation.

I think this is vitally important. I hope this House will move on it rapidly, as well as the other body, so we may have this in statutory form and the process started before the Congress adjourns this year.

EFFICIENT RAIL SERVICE IN THE EAST ESSENTIAL TO STATE OF WASHINGTON'S ECONOMY

Mr. ADAMS. Mr. Speaker, I am pleased to join with my colleagues today in a discussion of the impending crisis that rail transportation in the Northeast is facing. This subject is painfully familiar to those of us who serve on the Committee on Interstate and Foreign Commerce, where we have been wrestling with the wreck of the Penn Central for more than 3 years.

One thing is very clear to me. This is not a regional crisis, but a threat to the national economy and the transportation network that binds it together. Actually, the term "Northeast crisis" is a misnomer, for the States served by the Penn Central and the five other bankrupt railroads include Michigan, Illinois, Indiana, Ohio, and West Virginia. The industrial heartland of America is threatened by a cessation of vital transportation service which would in short order close auto plants and steel mills. The crippling effect of a shutdown of the industrial East would soon be felt in my own State of Washington. We would have a statewide depression in a short period of time. For example, the Association of American Railroads informs me that:

Thirty-one percent of all rail carloads originating in Washington for out of State shipment are delivered to the Northeastern States;

Forty-four percent of all interstate rail movements of lumber and wood products loaded in Washington are delivered to the Northeast;

Forty-one percent of all interstate rail movements of farm products loaded in Washington are delivered in the Northeast;

Thirty six percent of all interstate rail movements of primary metal products loaded in Washington are delivered in the Northeast;

Eighteen percent of all interstate rail movement of pulp, paper and allied products loaded in Washington are delivered in the Northeast.

The State of Washington and the Pacific Northwest simply cannot tolerate the economic wrench that a collapse of rail service in the East could cause.

I believe that the bill presently before the full Committee on Interstate and Foreign Commerce, H.R. 9142, offers a practical solution to this transportation crisis. It would use Government backing to preserve a necessary public service but the ultimate ownership and management of the new railroad created from the shambles of the bankrupts would remain in private hands. Absent congressional action on this legislation, I fear that we will end up with the worst of all possible solutions—either an ongoing, expensive and inefficient subsidy program or outright nationalization at staggering cost.

Mr. Speaker, in a recent speech in Seattle to the National Association of Regulatory Utility Commissioners, I discussed the need for legislation to resolve the Northeast crisis and the impact that the transportation problems there could have on the people of Washington whom I represent. I would like to conclude my remarks with an excerpt from that speech.

As a Congressman from Seattle, I am deeply concerned about the fate of railroad service in the Northeast—and the Northeast means official territory when we are talking about the Penn Central for it includes Illinois, Ohio, Indiana, and Michigan. I am worried not because of some idealistic principle, but because I am worried about the economy of Seattle and the State of Washington. Washington and Seattle, its economic center, depend on exports for economic survival. We export to the Asian East and look to a growing market there; but we also export to the East of the United States for by our constitutional union this country is the greatest internal market in the world.

This internal market depends on transportation to bind it together. What has impressed me most is how dependent we are on this transportation network for our economic unity. Much as we cherish our regional differences of salmon in the Northwest and cod in the Northeast, and argue about the virtues of baked beans versus black-eyed peas—our industrial Nation relies on a basic transportation structure for its day-to-day production. Now, today, as a nation, we depend on a transportation chain whose very link is rail transportation in the Northeast. If this Northeastern link fails, the industrial system will stop in a short time. Seattle must worry about the Northeast, for without a decent transportation system in the Northeast, we will have an economic recession in Seattle which will make the Boeing disaster of 1970 look like a minor event.

Let us look at some basic facts. The State of Washington is an exporter of raw materials to the East. And the balance of trade is in our favor. A sample of railroad waybills in 1969 showed that while we shipped 65,000 cars with 2.5 million tons of freight to the East, we received 48,000 cars carrying 1.2 million tons. These are 1969 figures and I am sure that 4 years later the carload tonnage figures will have increased.

The ratio of shipments from Washington to the East is 2 to 1. We export to the East raw materials for change into manufactured products.

Our lumber, grain and fruit depend on an Eastern market and rail service to bring them there. Some examples:

Weyerhaeuser is a well known name in the Northeast. How many know that Weyerhaeuser has 33 plants in the East which are served by the Penn Central, the Reading, the Central of New Jersey, the Erie Lackawanna and the Boston & Maine. These plants turn raw wood products into packaging materials and paper; they supply wood products to builders throughout the region. A shutdown of these plants for lack of rail service would soon be felt in the State of Washington.

The Federal Railroad Administration reports that 29 percent of the lumber, 36 percent of the plywood and 73 percent of the fruit in the Northwest moves to the East by rail. A major railroad serving Seattle says that in 1972, it moved more than 12,000 carloads from the Northwest to the East while it brought only 8,200 carloads from East to West. It says that about 60 perecnt of its traffic terminates in the East on the bankrupt railroads now threatened with liquidation.

Another major railroad tells me that it shipped more than 2 million tons from

Washington and Oregon to the territory served by the bankrupts in 1972; from this territory it received 600,000 tons.

I am told that ports in the Northwest receive about 100,000 tons in import containers each year for shipment to the East—it is estimated that each ton of cargo in these containers equals $60 to $70 in payroll for people in the Northwest. Here in Seattle we look to cargo by rail as part of the economic life blood of our great port.

Another railroad tells me that it alone receives 35 percent of Washington's potato crop, 64 percent of our apples, 68 percent of our pears, 35 percent of our pulp and 25 percent of our aluminum production for delivery to the East.

These statistics are examples, only, but I think they show why we in the Northwest should have more than neighborly concern for the transportation problems of the Northeast. The problems there are not New England regional problems, they are also the problems of Seattle.

Mr. DRINAN. Mr. Speaker, I commend the gentleman from Washington for all the extraordinary work he has done, as well as the gentleman from Montana (Mr. SHOUP) for the work he has done. I want to thank both of them for their collaboration with the 25 Members of this House who constitute the New England Congressional Caucus.

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

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

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

I commend the gentleman from Massachusetts as well as the gentleman from Washington for their initiative in proceeding in this extremely serious matter.

Coming from Akron, Ohio, as I do, which is not only the rubber capital of the world but also the trucking capital of the United States, I can say absolutely without any equivocation that the trucking industry is absolutely incapable of supplying the needs that would exist if the Penn Central Railroad, let alone other Northeastern railroads, were to shut down. We would be out of business in industry after industry in Ohio as well as in other parts of the Middle West. It is absolutely unthinkable that we would let this come to pass.

I think it is very commendable that the House leadership and the leadership of the committee are now prepared to close in on this. This is the kind of leadership we need. We are getting it from both sides of the aisle. We are going to have to act if we are not to have a catastrophe of earthshaking proportions.

As one Member from the Middle West, which is about halfway in between the two gentlemen, the one from Massachusetts and the one from Montana, I would like to say that everything in between is dependent on their bringing out a bill along the lines that have been indicated and I will do everything I can to support it.

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

Mr. DRINAN. I yield to the gentleman from Montana.

Mr. SHOUP. Mr. Speaker, is the gentleman from Ohio aware that although the North American Trucking Association has not endorsed this particular bill, they have come out in full support of some legislation which would enable the continuation of the railroads. They are certainly endorsing action by this body to insure the continuation of rail transportation.

Mr. SEIBERLING. I am aware of their basic position and I know they cannot take any other position because even if they wanted to they absolutely could not fulfill the need the railroads fill.

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

Mr. DRINAN. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, reorganization of the six bankrupt Northeastern railroads is an urgent necessity.

A shutdown of these lines would result in serious economic distress, not just for Northeastern States, but for the entire Nation.

Interchanging and receiving of rail traffic from those areas, on lines which at present are unaffected by solvency crisis, would necessarily cease.

The margin of safety, represented by high traffic volume, which lines like the Union Pacific or Southern Railroads now enjoy, would disappear.

Estimates of the impact, that a strangulation upon rail movements in the Northeast would have, range, from a sharp drop in the gross national product, to a significant rise in unemployment.

I have been told, that the failure of reorganization legislation, would affect as many as 2,500 to 3,000 customer-shippers of just one beleaguered line, the Boston & Maine Railroad.

Sixty thousand, in Massachusetts alone, would lose their jobs in connection with a Boston & Maine cessation of operations.

The effect nationwide, of a northeast-wide rail collapse, would be a further rise in consumer prices. Manufacturing levels would fall off dramatically without adequate transportation facilities.

Even the switch to existing trucking lines—if it could be accomplished—would have the effect of further exacerbating the fuel oil shortages that are now beginning to be felt throughout the country.

All of these developments, moreover, will come at a time when our hard-hit economy is steadily nearing the brink of recession.

In the face of the severe repercussions that a rail failure could produce, available alternatives are few.

Temporary measures, designed to shore up existing operations, have many disadvantages. They fail to produce any long-range solution, while draining millions from the public purse. Such expenditures could have no conceivable termination.

Similarly, operating subsidies fail even to preserve the status quo, since rolling stock and equipment—much of it of already advanced age—must eventually be replaced.

In addition, creditors of the bankrupt railroads lose, when the assets of the lines wear out, and are not replaced, reducing still further, the amount of their investment they can expect to recover.

The principal objection, to a temporary solution to the plight of these railroads, is the certainty that there can be no expectation of improvement in the state of affairs without a commitment on every level—Federal, State and local—to a plan that can offer hope for an end to subsidies.

Nothing less than complete rejuvenation of all railroads—bankrupt or no—must be the goal of such a plan.

As I see it, three elements are essential to a railroad plan.

First, operating subsidies must be provided—but only as an interim measure. They will prevent the shutdown of northeastern railroads, while a plan is devised, for creating a core system of lines, without the present rail network.

When this plan for reorganization is presented and approved, then the third stage—that of the comprehensive and massive rehabilitation of that core system—must go forward.

Necessarily, this must be done under the auspices of Federal control. Eventually, however, if we have planned well and invested sufficiently, control as well as operation can pass once again into private hands.

This end—and the desire for a healthy economy—are my reasons for advocating this approach.

I feel that alternative plans—private sector rescue on the one hand or nationalization on the other—do not offer either realistic or workable evaluations.

I support wholeheartedly H.R. 9142, which was recently reported out of the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee.

I feel that it provides the perspective and proper funding to be successful legislation. I would like to point out, in particular, that the major funding provisions of H.R. 9142 constitute loan guarantees, not direct grants. The only direct grants are for operating costs, which are limited to the period during which the reorganization plan is developed.

I cannot accept the criticisms of some who cite the amount of loan guarantees—$2 billion—as too large or inflationary.

These guarantees constitute insurance for the operation of an industry which, despite its decline in recent years, is an essential element of the economic infrastructure of this country.

Railroads helped make this country what it is today.

We are, all of us, beginning to realize—after years of neglect—what this country might be without them tomorrow.

With these stakes at risk, it seems to me, that $2 billion is a rather low insurance premium. That amount happens to be the final price of the C–5A cost overrun, which, at best, flies infrequently.

Let me quote you some statistics concerning my district to give you an idea of how frequent—and how important—rail traffic is.

Let me emphasize that these statistics pertain to Penn Central operations only.

Twenty-four freight trains pass daily through the area carrying traffic be-

tween Selkirk, Beacon Park and New Haven, in addition to the local trains servicing industries on the Penn Central lines.

Fourteen passenger trains operate, extending service between Boston, Montreal, New Haven and beyond.

Springfield yards dispatch over 1,700 cars per week while receiving over 1,200 cars per week.

At Springfield, over 18,500 cars are interchanged annually onto Boston and Maine Railroad lines. Over 26,000 are received.

At Palmer, Mass., interchanges to the Central Vermont Railroad total over 29,000 cars annually and over 15,500 received.

The commodities handled in greatest volume are plastics, chemicals, tires, toys, egg cartons, matches and paper products. In addition, a wide variety of commodities are shipped into the district.

Among the greatest in volume are petroleum products, forest products, chemicals, paper, packing house products, canned goods, fruit and vegetables, iron and steel, building materials, plastics, and paper products.

The Penn Central serves numerous smaller industries located on their lines and participates in the routing of many of those located on the Boston and Maine Railroad and the Central Vermont Railroad.

Major patrons alone account for 17,700 car loads per year on Penn Central in my district.

The railroad employs a total of 518 persons in the area.

Mr. Speaker, my district is in many ways typical of many in the Northeast. It seems to me—and believe me, it seems this way to my constituents too—that without prompt and comprehensive action on the plight of Northeastern railroads, there is going to be a serious impact upon all of us in the Northeast.

Mr. Speaker, the Nation cannot afford to wait for the repercussions to spread outside the Northeast, for by then it will be too late.

Mr. Speaker, I want to take this opportunity to thank the distinguished gentleman from Washington (Mr. ADAMS) and the distinguished gentleman from Montana (Mr. SHOUP) for their leadership that ultimately will bring H.R. 9142 to the floor of the House for action. Both have given untold hours of labor and hearings to this problem. It is fair to say, Mr. Speaker, that without their persuasiveness, persistence, and intense interest, the matter would be wallowing without action and we would be treading water without meeting the problem head on. The New England Congressional Caucus expresses its appreciation with deep gratitude to both and to the Chairman of the full Committee the distinguished gentleman from West Virginia (Mr. STAGGERS) for his scheduling committee action and support of the proposal.

Mr. DRINAN. Mr. Speaker, I want to thank the distinguished gentleman from Massachusetts for these words, which have particular force in that they come from the former chairman of the Subcommittee on Transportation of the Appropriations Committee of the House. Mr. BOLAND has been long familiar with these problems. He is one of the most knowledgeable people in the entire House on this problem, and he is joining with Congressman SILVIO CONTE, also of Massachusetts, in giving leadership not merely to New England Congressional Caucus, but to the entire House on this matter.

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

Mr. DRINAN. I yield to the gentleman from Montana.

Mr. SHOUP. Mr. Speaker, I rise for the purpose of addressing myself to the special order on H.R. 9142 called for by my colleague from Massachusetts, Congressman DRINAN. His remarks made before the House and carried in the RECORD of September 25 are of the very highest caliber. They reflect a command of the bill which is to be most highly respected and for those of you who have not seen those comments they begin on page 31387 of the RECORD.

H.R. 9142 as of this date has advanced from the Subcommittee on Transportation to the full Interstate and Foreign Commerce Committee where markup sessions are scheduled to begin tomorrow. This legislation is very difficult to understand; its complexities confound those of us who have been intimately connected with it for many months. Parts of it have raised a storm of controversy among some very fine legal minds. These disputations cross party lines and raise the ire of almost all who become involved.

Why then in the face of all this must this legislation be brought forward to the Congress? I will not now attempt to raise and argue the many complexities of H.R. 9142 since the time for debate will soon be upon us. However, I would use this occasion to remind you that the Northeast rail disaster is upon us and it threatens the entire Nation with economic disaster of a proportion and degree that is most gloomy in all its prospects. Attempts have been made to avoid the problem and to postpone it through interim measures but one inevitable conclusion that cannot be avoided is that this problem will not go away but will only get worse the longer it festers. This then is the time to solve the problem and I firmly believe that H.R. 9142 is the vehicle to do the job. While not perfect in every detail it is structurally and basically sound.

I would further like to commend the Members from the Northeast region for their interest and support and specifically Congressman JIM HASTINGS of New York who demonstrated his concern by sponsoring identical legislation. But the greatest measure of credit and gratitude must be extended to my friend and colleague from the State of Washington, BROCK ADAMS. While mine is the name on the bill, this is very much the Shoup-Adams bill. BROCK's expertise, his firmness and dedication to transportation problems contributed greatly to the contents of this bill and its progress to where it now is today and by the same logic the future welfare of the bill. Therefore, I again extend my sincere thanks to Congressman DRINAN, Congressman HASTINGS, Congressman BROCK ADAMS, and to all the others who have contributed thought and energy to H.R. 9142 and I close by reminding you that a difficult struggle is yet ahead of us on this legislation, but I am confident that the measure will advance through this Congress and will be signed into law by the President. Thank you.

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

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

Mr. ADAMS. Mr. Speaker, I thank the gentleman from Montana very much for his comments. This has been a very long, difficult session for all of us involved. For example, the subcommittee met evenings and has met afternoons and over a great period of time.

Mr. Speaker, I would simply like to leave my part of this colloquy by stating to the gentleman in the well that I think a great deal of the success or failure of this bill will depend on the actions of the New England Caucus and of the States of New York, Ohio, Illinois, Maryland, and the District. All of these areas are heavily involved with these bankrupt railroads. I hope we solicit the interest of all the Members from this area to watch the bill, to make their comments on it, to be certain we are carrying out the public service aspects of Federal railroad participation, because to us that is the only reason any of us are involved in it.

This is a public service. It is very necessary for the Nation's economy, and I am very pleased that the New England Caucus and Members of the region involved are now aware of what is occurring. We desperately need and urgently solicit their support.

Mr. DRINAN. Mr. Speaker, I thank the gentleman from the State of Washington. Also, I express my gratitude to the 20 Members of Congress who will be submitting material in the CONGRESSIONAL RECORD today and in the next 5 days.

From this, we will hopefully build a body of knowledge that will be available to all of our colleagues at the time when we will have the vote on this bill.

I have also collected material from my own congressional district, from businessmen, chambers of commerce and from every source I can go to with respect to the urgent necessity of continuing a railroad service for heavy freight of all kinds.

Mr. CRONIN. Mr. Speaker, it is incumbent upon Congress to act now to solve the Northeast railroad crisis. We have watched too many weeks pass by and no solution has generated itself from the financial morass that is the Penn Central Railroad. Moreover, the branch lines that particularly involve my district, as well as Massachusetts and New England, are left helpless and without recourse until a positive decision is reached.

Many officials believe that the branch lines can easily be eliminated when a new plan is devised to salvage the railroads. A study of the Boston & Maine Railroad, a branch line of the Penn Central Railroad, conducted by Harbridge House under the auspices of the New England Regional Commission and Massport, proves that this assumption is entirely erroneous. The study clearly indicates that the branch lines are not a considerable drain on the main service lines, but rather an important contributing segment.

Within the region of Massachusetts served by the Boston & Maine Railroad fall 70 percent of our population and 67 percent of our manufacturing employment. Already the State has purchased the Passenger Corridor from Boston to the Rhode Island line in an effort to aid the struggle to revive the railroads. The purchase does not, however, directly affect my district. In fact, if the branch lines serving my district are abandoned, the value added loss in terms of direct and indirect jobs will be nearly $206,000,000 or 32,300 jobs. These figures alone are awesome and represent the loss to only one congressional district. I need not elaborate on their potential multiplicative results.

Clearly it is the responsibility of the Federal Government to do its part to assist the States like Massachusetts in easing the railroad crisis. The railroads are an important alternative to the automobile and the airplane, both energy-expensive and highly polluting means of transportation. Congress is the body of the Federal Government that can and should effect this action. I urge that it be done immediately.

Mr. BURKE of Massachusetts. Mr. Speaker, on Friday, September 26 the Wall Street Journal reported that:

Federal Judge John P. Fullham of Philadelphia, overseeing the Penn Central's reorganization proceedings, has talked of starting liquidation of the railroad's assets warning 'unconstitutional erosion of the debtor's estate.' He has called a crucial hearing for October 12. It's understood he will delay action only until about November 1, to allow a bit more time for Government action to keep the freight trains and commuter lines running.

The Penn Central, the largest of the six bankrupt carriers, is rapidly running out of money. The economy of the Northeast as well as the Nation as a whole is intricately tied to the continued operation and reorganization of these railroads. Unless action is taken by this Congress and taken soon the repercussions of a cessation of service will be brutally felt throughout the Nation.

The Northeast railroads handle approximately 45.5 million tons of originating and terminating freight each year. About 70 percent of this amount is carried by two major bankrupt railroads, and the Boston & Maine and the Penn Central. The Boston & Maine has somewhere between 2,675 and 3,000 active shippers and the Penn Central is believed to handle somewhat beyond this amount for a total of at least 6,000 shippers. Thousands of shippers in the Northeast are dependent on these railroads. Once it is realized the great dependence that exists on the Northeast railroads in the 17 State Northeast region the impact of a shutdown becomes clearer.

Approximately three-fourths of all lumber and wood products are transported by rail. Large amounts of agricultural commodities and vast quantities of fuel for the region are carried by rail. What does this mean for the Northeast? Higher housing costs, higher food costs, fuel shortages in an area already fraught with critically short fuel supplies. A 1969 Department of Transportation survey showed that railroads carried 3.8 million tons of freight per day in the Northeast, including such vital products as coal, iron ore, heavy machinery, automobiles and parts, wood pulp and building materials. It is expected that just a shutdown of the Penn Central alone would affect the entire national rail system glut the highways, and push waterways and air carriers beyond their capabilities.

In fact, the Northeast rail crisis is not a regional problem but goes well beyond affecting the entire economy. Senator HARTKE in his statement in the CONGRESSIONAL RECORD of June 25 points out—

If one of the bankrupt railroads in the Northeast ceased operation, the consequences could be disastrous to the more than 100 million people living in the region and the Nation as a whole. For example, a study has disclosed that if the Penn Central were to curtail activity for a period of 8 weeks economical activity in the Northeast would decline at a rate of 5.7%. Economic activity in the entire Nation would decline by a rate of 4% and the gross national product would decline by 2.7 percent.

In more human terms, thousands would be thrown out of jobs, widespread food shortages would occur and the health and safety of over 100 million threatened. And what about the farmer down South who ships his products North. Certain economic disaster would follow if he suddenly found that his market had disappeared.

During the past few months much of the progress scored in shaping legislation to deal with the Northeast rail crisis can be credited to the efforts of Congressmen BROCK ADAMS and RICHARD SHOUP. It is my understanding that a modified Adams-Shoup bill has just been reported from the House Interstate and Foreign Commerce Subcommittee on Transportation and Aeronautics to the full committee for their consideration. The bill would authorize $2 billion in loan guarantees to be offered by a new Federal National Railway Association—Fannie Rae—patterned after the Federal National Mortgage Association, the Government sponsored, but private corporation for the Federal housing mortgages. The Association would be authorized to raise $2 billion through bond issues guaranteed by the Federal Government and to make loans for purchase, rehabilitation, and improvement of railroads. The Association would be responsible for drawing up an operation plan for the Northeast region subject to the approval of Congress. The bill would also create a Northeast Rail Corporation authorized to issue stock and authorized to purchase and operate bankrupt railroad properties. Provisions are made for conveyance of bankrupt properties to the Corporation in exchange for stocks or Association bonds.

In addition shippers, States or localities could subsidize deficit rail operations to maintain service with Department of Transportation reimbursements of up to 70 percent, but not exceeding $50 million per year. In short, the bill mandates consolidation of the bankrupt railroads maintains Government expenditures at a minimum and vests control of the new system in a private corporation.

A major bone of contention yet to be settled between Congress and the administration is the amount of Federal funding that will be needed. The administration has maintained that private capital should provide the major financial support for a restructured system; however, I personally feel it is ridiculous to even entertain the notion that private investors without Government assistance or loan guarantees will provide the level of financing needed to undertake the reorganization. Investors have lost their shirts in railroad investments and it is difficult to imagine that they will come forth with capital without some sort of Government guarantee. In view of this, it is incumbent upon the Government to maintain an active role in providing adequate rail service and I think the Shoup-Adams bill offers us this opportunity in a highly sensible and constructive manner.

The Northeast and the Nation is heavily dependent on continued rail service in the Northeast. It is urgent that the House act at once on legislation to keep the railroads going. I think that the Shoup-Adams bill, H.R. 9142, represents a comprehensive and balanced approach to the Northeast rail crisis and we in this body should waste no more time in passing this urgent legislation.

Before closing my remarks today, I think it is important to mention at this time funding for the high-speed passenger rail project in the Northeast corridor which I hope to see included in the bill now being debated before the House Interstate and Foreign Commerce Committee. A 17 volume Northeast corridor transportation project was completed by DOT in 1969. Subsequently, DOT recommended that the project be started in its September 1971 report to Congress.

The passenger corridor basically comprises the Metroliner route from Washington to New York and the turbotrain link between New York and Boston. The improved passenger service is needed for several reasons. Passenger travel along the corridor is forecast to increase by a minimum of 3 percent per year. Air routes, as well as highways are reaching saturation point along the corridor and expected outlays for these two transportation modes far surpass the estimated cost of a high-speed passenger rail project.

It is my firm conviction that action by this Congress to improve the Northeast passenger corridor will prove beneficial in terms of cost, safety, energy consumption, noise, and pollution control and I certainly hope to see this provision carried as part of any legislation for the reorganization of the Northeast railroads.

Mrs. GRASSO. Mr. Speaker, I hope that my colleagues have read the commentary on the Northeast railroad situation given in the House on September 25 by my colleague, the gentleman from Massachusetts (Mr. DRINAN). This background information demonstrates the need for immediate forthright action to alleviate the critical situation affecting the State of Connecticut and the entire Northeast because of the Penn Central bankruptcy.

The basic facts of the situation are well known. The Penn Central operates a 20,000-mile railroad system covering 16 States with a population of 100 million people. It accounts for 70 percent of the Nation's passenger service and 20 percent of its freight transportation, including everything from raw materials and heavy manufactured goods to foodstuffs.

The Penn Central has faced financial difficulties ever since its merger in 1968. In 1972, it earned 14 percent of the Nation's rail revenues, but suffered a deficit of $198 million. Finally, on June 29, the trustees of the bankrupt system outlined a plan for the eventual liquidations of the system later this year. Today, October 1, was to have been the day of decision. Unless positive action is undertaken to prevent excess cash flow and further erosion of the estate of the system, liquidation could begin later this month.

The problems of the railroad have been known to us for years. Yet, the Northeast United States stands on the brink of economic disaster because a plan for restructuring and reviving the Northeast railroads has yet to be formulated.

One cannot overestimate the importance of the Penn Central to the economy of the Northeast. In Connecticut the railroad plays a vital role in the economy of the State, carrying raw materials to our numerous manufacturing concerns and transporting our finished goods nationwide. Trains bring in foodstuffs, grain for our dairy and poultry industries, fuel—virtually all the necessities of life. Finally, the State's citizens make 18 million commuter trips each year. Indeed, the Penn Central is, as the Greater Hartford Chamber of Commerce has stated, essential to the economic health of the State and region.

Without railroads, Connecticut's citizens would be forced to turn to motor transportation. But, the State's highways could ill afford the estimated 1,000 trucks needed each day to carry the 7.3 million tons of freight now transported by rail. Nor could they afford the thousands of additional commuter automobiles which would be forced to take to the road. In addition, some Connecticut businessmen have informed me that they could not remain in business without rail transportation. For these companies, a liquidation of the Penn Central would mean economic ruin, causing unemployment for their workers and additional tax burdens for the towns in which they now operate.

Let me emphasize, however, that this is not a Northeast problem, or a Midwest problem. It is a national problem. The liquidation of the Penn Central would mean a drop of 3 percent in national productivity and an increase of 60 percent in the unemployment rate. It would mean higher prices for goods and increased inflation. Increased fuel consumption by motor transportation would mean additional pollution and a larger balance-of-payments deficit.

Many in the Congress and the administration recognize the magnitude of the problem and have advanced proposals to deal with the crisis. They range from the Department of Transportation's piecemeal approach, relying totally on private enterprise, to creation of a nonprofit corporation. Earlier in the year, the entire Connecticut delegation sponsored a plan to save the Northeast railroads. However, at this crucial time, only one bill has the support needed to save the Penn Central. This is H.R. 9142, the Shoup-Adams bill. Without proffering a panacea to the problems of the bankrupt railroads, the bill provides the framework we must develop now if the Congress is to prevent a liquidation order later this month.

Mr. Speaker, the crisis is here—and it cannot be avoided without frightening economic consequences. The only foreseeable alternative to Shoup-Adams is the shutdown of the Penn Central and the other bankrupt Northeast railroads, which would cause economic disaster.

We must pass the Shoup-Adams bill with all possible dispatch.

Mr. CONTE. Mr. Speaker, I am indeed thankful for this opportunity to address the House concerning this imminent Northeast rail crisis. This, of course, is a problem of great concern to me as it is to a great number of my colleagues. Without the Northeast railroads, I daresay that this Nation of ours could very well face economic disaster. We will see a loss of jobs, a displacement of industry, a disruption of planned business, a slowdown of industrial development and expansion, all adversely affecting the national economy.

Should we be unfortunate enough to lose the major rail systems in the Northeast, the loss will be felt nationwide. Whether some want to admit it or not, a balance exists between the Northeast and the rest of the United States. Rail freight in the Northeast is a huge industry which supplies the United States many tons of merchandise daily. In just one day, 64,000 cars carrying 4 million tons of cargo will travel from the Northeast. What other means are we going to find to handle this monstrous load if the railroads are left to die? In shipments to points outside the Northeast, over 7 billion tons of cargo are needed annually. This boils down to over 5,000 carloads being put into use each day. In turn, the Northeast must rely heavily upon outside rail shipments for its merchandise. For example, the States of Minnesota, Texas, Wisconsin, and North Carolina supply us with over 60 million tons of cargo annually.

Immediate action must be taken, and we have the ability and the means to do it here in Congress. We must first halt the indiscriminate axing of sections of trackage, until indepth studies can be made of the situation. Second, we must bring passenger rail travel to its former first-rate status. These are only a couple of areas needing improvement which comprehensive legislation could go a long way toward solving.

The rail situation in the Northeast is a grave one indeed. I, therefore, join with my colleagues in offering my full support for the drafting of viable legislation which will keep the railroads alive.

Mr. KYROS. Mr. Speaker, I appreciate having the opportunity to join in this special order today to express my deep concern with respect to the needed reorganization of the Northeast railroads. At the outset, I want to commend my distinguished colleague from Massachusetts, Congressman BOB DRININ, for leading this colloquy and for his hard work and diligent attention to this pressing national problem.

At the risk, Mr. Speaker, of repeating what has been said many times already when discussing this problem, I want to stress that the word "Northeast," when speaking of the reorganization of the Northeast railroads, must not delude any of us into thinking that this is merely a regional problem. By no means is this the case. In fact, the nationwide ramifications of any shutdown of the Northeast railroads are so far-reaching as to be literally horrifying. It is estimated that if the Penn Central alone were to stop running, unemployment in the Nation might rise by 60 percent, with our entire national productivity cut by a full 3 percentage points. This is certainly not a problem for the Northeast alone.

Mr. Speaker, we have come to the point where the Northeast rail crisis is just that—a crisis, which must be faced squarely, forthrightly, and, above all, immediately. With this in mind, I want to express my sincere appreciation and profound respect for my two colleagues on the Interstate and Foreign Commerce Committee, Congressman BROCK ADAMS and Congressman DICK SHOUP, who have devoted literally months of time and effort in preparing legislation providing Congress with the groundwork for a comprehensive and realistic solution to this complex and forbidding problem. Mr. Speaker, these men are to be commended in the highest possible terms, for they set for themselves a monumental task. Unlike the Senate, which has already acted on three stop-gap bills, Congressmen ADAMS and SHOUP were determined to reconcile, as nearly as possible, the long-standing and deeply ingrained interests of the sundry parties affected by reorganization, so that the Members of this body might have for their consideration a truly comprehensive piece of legislation. While H.R. 9142, the bill for which they are primarily responsible and which has just been reported to the full Commerce Committee, is not a perfect bill or one that is equally satisfying to all parties, it does provide, as I have said, a blueprint for a genuine solution to this problem in the public interest.

As a member of the Interstate and Foreign Commerce Committee, I pledge, Mr. Speaker, to do all I can to see that a committee bill is reported to the floor of the House as soon as is humanly possible. Time is running out for the Northeast railroads, with consequences affect-

ing the entire Nation. It is time that Congress act on this problem.

Mr. STEELE. Mr. Speaker, as a number of my colleagues have noted today, we are on the brink of a disaster of enormous proportions in the transportation industry of this Nation. Next week, a Federal judge will begin a review of plans to sell off the assets of the Penn Central Railroad, thereby breaking up the largest rail operation in the entire United States. If this liquidation is allowed to proceed, each and every consumer in my State of Connecticut and throughout the Northeast will feel its brutal effects. And beyond its immediate impact on the social and economic well-being of the Northeast, this liquidation would be a huge blow to our progress toward an efficient, comprehensive, and rational transportation system for the dense and bustling Northeast.

Let us look at the figures:

Each year the Penn Central ships for use by Connecticut residents alone nearly 1.6 million tons of coal, 800,000 tons of primary metals, and nearly 1 million tons of food. These commodities are vital to the Connecticut consumer, but none of them can be moved by truck at anything like comparable rates to rail shipping. If the railroads stop running, the result would be either large-scale inflation in the retail prices of these goods or the disappearance of these commodities from the market.

Moreover, the railroad employs 1,300 persons on a payroll of $43 million in Connecticut. It purchases $3½ million in goods and services in the State, thereby generating more than 11,000 supplementary Connecticut jobs. And it invests close to $11 million per year in industrial development within the State.

If the Penn Central stops running, the Connecticut consumer and worker are going to pay for it.

It is essential that we have emergency legislation to keep the bankrupt railroad operating while a comprehensive rail reorganization plan is developed. Once again, Congress must intervene to save the Nation's rail service. But this time has got to be the last time. We must make it clear that we do not intend to subsidize the bankrupt railroads any longer than is necessary to implement a comprehensive railroad reorganization.

Thus, I have joined with the other five Members of the Connecticut House delegation in introducing legislation to insure the continuation of rail service throughout the Northeast while laying the groundwork for the creation of a viable rail system designed to meet the overall needs of the area. This is only one of many proposals pending before this House to deal with the rail crisis. But—regardless of which bill and which approach we choose to take—the one essential thing to remember today is that we must have decisive action, now. Time is running out, and we cannot afford the disastrous consequences of liquidation of the Penn Central.

Mr. HARRINGTON. Mr. Speaker, I rise to support H.R. 9142, the Shoup-Adams Northeast railroad reorganization bill. In doing so, I would like to point out some of the serious consequences the present crisis has for New England, and to offer several proposals for dealing with that crisis.

INTRODUCTION

Construction of New England's railroads began over 100 years ago and peaked shortly after the turn of the century, long before alternative modes of transportation had been developed. As a result, the railroad system in the Northeast reached into almost every community in New England to provide both freight and passenger service. Since then, highway transportation has been substituted for all but the most densely traveled routes, and truck and pipeline transportation have made deep inroads in freight transportation.

Today, six of the railroads in the Northeast are bankrupt. Two of them, the Penn Central and the Boston & Maine, are of critical importance to the economy of New England. The six bankrupt railroads lost a total of $318 million in 1971, and even after the reorganization that followed the declaration of bankruptcy, the railroads lost $267 million last year. While the Penn Central alone earns some 15 percent of the Nation's railroad revenues, it has not had a profitable year since 1968.

It appears that the Penn Central will not be able to operate after October without substantial action by the Federal Government. There are two basic reasons for this: cash flow problems and the probability that the banktruptcy judge will liquidate the Penn Central so as to protect the rights of the railroad's creditors. Liquidation of the Penn Central would be an intolerable blow to all the railroads in the Northeast, a blow from which most of them could never recover.

BACKGROUND TO THE CRISIS

The Penn Central itself is a large part of the cause of the crisis. Mismanagement on the part of former Penn Central executives has certainly played a major role in Penn Central's financial problems, although it has not been the only factor. Among the more noted examples of mismanagement and scandal: an illegal attempt by Penn Central executives to organize their own airline, speculation by executives in stocks of Penn Central-controlled companies, the draining of railroad investment funds through ill-conceived diversification, poor planning in the 1968 merger, and a loss of $4 million to a foreign investor.

After the Penn Central formally went bankrupt, these problems were eliminated. But other factors continue to hobble the railroad:

First. While U.S. railroads now handle about 40 percent—260 million tons in 1971—of all intercity freight, originated tonnage has increased by only 1 percent nationally since 1957. Tonnage has decreased 21 percent in the East. The development of light manufacturing in the East and a modern highway system in the Northeast have combined to favor trucking over rail transportation.

Second. Shorter hauls and frequent terminal operations in the East 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 Northeast railroads get fewer than 1 million ton-miles per employee.

Third. All the Northeast railroads have been hit by the reduction in high-sulfur coal shipments, formerly a dependable source of revenue. High-sulfur coal has declined in use because of anti-pollution concerns.

Fourth. Overregulation has choked off innovation, even when proposed rate and/or service changes have been clearly in the public interest and would not work hardship on competing traffic modes. The ICC's overregulation of all transport modes has led to maintenance of cartels that cost the economy some $5 billion annually. The problem is not so much with the motivations of the ICC, but rather with the procedures under which the ICC must operate.

Fifth. Discriminatory taxation practices applied to railroad properties by many communities have been a significant factor in the Northeast. Both rail spokesmen and critics agree that equitable assessment and taxation must be substituted for the old-fashioned tax-gouging presently going on.

External factors have compounded the problem. In New England, there has been a marked shift away from heavy manufacturing to service industries and high technology goods, neither of which depend significantly on rail service. The Northeast, and especially New England, now produces little in the way of raw materials and the demand for rail-carried raw materials—notably coal—from other parts of the country has declined. Furthermore, the significance of the Northeast as a major port has diminished markedly. For example, in 1955, 218 million bushels or 49 percent of all U.S. grain exports passed through North Atlantic ports. By 1971, this figure had shrunk to less than 6 percent. Some of the reasons for this shift were essentially transportation-related, such as high labor costs at eastern ports. But others include the development of the St. Lawrence Seaway and subsequent easy access to grain elevators on the Great Lakes.

SOLUTIONS ARE CALLED FOR

It is clear that the rail network in the Northeast is overextended and must be cut back to reflect present-day requirements. Continued operation on nonessential low-density lines not only constitutes a drain on the rail system, but is highly inefficient in terms of manpower, equipment utilization, and energy conservation. On these points, I think we can all agree.

The answers to the following questions are less clear.

Which lines should be abandoned?

What are the cost of abandonment in terms of jobs lost or industry cutbacks? Can firms now served by these lines use alternative transportation modes?

Which lines are really losing money? How do you determine whether, or not a line is indeed losing money?

It would be folly for this Government to again tackle the problem of re-

organizing the Northeast railroads without answers to these very fundamental questions—answers which are not presently available.

B. & M. STUDY

A study of the Boston & Maine Railroad conducted by several Masschusetts agencies and the New England Regional Commission has concluded that the trustees' estimates that they could realize an annual savings of $1 million by abandoning 370 miles of rail line are conservative. The study projects savings of $1.6 million annually. However, the study also discovered that the B. & M. would lose $2.1 million in revenues by such abandonments. In effect, closing the 370 miles of track would trigger a net loss to the railroad of $500,000 annually.

However, the study reasoned that if 24 percent of the freight on the branch lines could be retained for rail transport, as it found to be the likely case, then the abandonment of the 370 miles would prove to be an essentially break-even proposition.

Lastly, the study concluded that the effect of further abandonments, even of lines which in themselves could be shown to be losing money, would so deprive the railroad of revenues as to cause those portions of the system presently operating at a profit to begin to lose money. In other words, the study found that the rail system which produced the greatest potential earnings for the railroad was the one in which most of the present service was preserved.

The impact of abandonment on local economies is an additional factor to be considered. In terms of jobs, the B. & M. study found that for lines where no alternative transport would be available in the event of a B. & M. shutdown, 23 percent of the local jobs in manufacturing firms served by the B. & M. would be lost.

LOCAL IMPACT

The impact of such abandonment in my own congressional district, the Sixth of Massachusetts, highlights the serious nature of these eventualities. Closing spur service would affect 22,783 jobs, directly and indirectly. The job loss, direct and indirect, would amount to 5,309. The loss of value added would come to over $132 million.

At a time when the unemployment rate in my district is running around 10 percent and many communities have unemployment rates over 15 percent, we cannot accept policies which would set the economy farther back.

CONCLUSIONS

From the B. & M. study and other sources, I have come to a number of conclusions about the railroad crisis.

First, wholesale abandonments are not the answer, and are not even particularly important to the process of reorganization. some lines should be abandoned, but with a system rationalization, increased efficiencies, and improved marketing, many of the branch lines could be preserved profitably.

To look at the profitability or losses of a single line is not enough; we must recognize that this line feeds into a system and cannot be considered alone. On the B. & M., for example, there are many lines which lose money on a simple bookkeeping basis, but which generate the revenues that allow the rest of the system to make money. Any "core rail system" based on major population centers and freight densities tends to ignore the fact that many rail customers are located on branch or feeder lines, and that without their business, significant revenues would be lost.

In addition, we must consider potential as well as real revenues. A line must not be abandoned today because it is losing money, if it is also probable that in a few years developments along that line will make it far more profitable.

Nonrailroad costs must also be brought into consideration. The adequacy of the local highway system and the need for highway construction or repairs, with associated costs, must be assessed. For each branch line, it must be determined whether or not the commodities shipped or received can be transferred by truck. Materials such as lumber, coal, and grain cannot be shipped economically by any other mode of transportation. Where the goods shipped over a branch line are of this nature, abandonment is likely to have more of a critical impact than where other types of materials are handled.

Second, it is clear that Government policies—State, local and Federal—must change if a profitable, private rail system is to survive.

While the problems peculiar to the Northeast must be dealt with as such, a rational process for dealing with abandonments elsewhere in the Nation, as well as in the Northeast once the present problems are solved, must be developed. ICC procedures must be shortened and set within a specific time frame.

Basic to an abandonment proceeding is the determination of whether or not a line is profitable. Right now, no one really knows how many ton miles, how much revenue, or how much traffic is required to keep or make a line economically profitable. Several bills presently before us require that a process be developed whereby the actual costs and revenues associated with branch line operations can be identified. I have offered the strongest of such proposals. Such a process, in place of the present procedures based on guesses more than anything else, is badly needed.

Public subsidy of branch lines should be considered seriously, as it is in several of the bills before us. Public subsidies of transportation operations are not new. Barge construction is heavily subsidized. The CAB directly subsidizes local air service. If a railroad is ordered to operate in the public interest, then the public must be willing to bear a part of the cost.

It makes little sense for a rail carrier operating an unprofitable line in the public service to pay local taxes, which are often discriminatory. The adverse effect of these taxes has been thoroughly documented, and the taxes should be adjusted or abolished.

PENDING PROPOSALS

It is clear that the Congress must act quickly to preserve adequate rail service in the Northeast. I support three immediate measures to help solve the problems we face.

First, I strongly endorse H.R. 9142, the Shoup-Adams bill which has been reported out of subcommittee and is pending before the House Commerce Committee. It is the best and most comprehensive reorganization plan before the Congress. The bill would create the Federal National Railway Association, which would be charged with the responsibility for system planning and developing an implementation plan. Operations of the bankrupt lines would be the responsibility of a for-profit entity, the Northeast Rail Corporation, which would be created by the bill. This corporation would acquire bankrupt rail property in exchange for stock, and would rehabilitate and operate the railroad.

Second, I have proposed an amendment to the Shoup-Adams bill to require a complete economic evaluation of the Northeast rail system, along the lines of the B. & M. evaluation, before any reorganization plan is implemented. The figures I have offered documenting the impact on my own congressional district make it clear, I feel, that we must know the effect of what we are doing before we proceed. I hope that each of my colleagues will seriously consider supporting this proposal, and that the Commerce Committee will amend H.R. 9142 to include such provisions. The text of the amendment follows at the end of this statement.

Finally, I have proposed a bill, H.R. 10287, to provide Federal assistance to firms, workers, and communities adversely affected by the closing of railroad service. First, the bill would enable firms to explore alternative modes of transportation and alternative production processes to determine whether they can continue operation. In the event that the firms would have to close or relocate, the bill would provide assistance to workers who lose their jobs, and to the communities in which firms close.

In my view, the Federal Government has a responsibility to help those adversely affected by its policy decisions to adjust to their new circumstances. This is even truer when the local economy is as depressed as it is in much of the Northeast. I urge each of my colleagues to recognize this responsibility. I hope the Congress will act accordingly.

Mr. Speaker, I appreciate the opportunity the House has given to me, Congressman DRINAN, and my other colleagues in the House in our attempt to highlight our concern about the railroad crisis in the Northeast. It is important that the public and every Member of Congress understand the situation, so that we can act promptly and wisely to solve some very real problems.

The text of the amendment follows:

AMENDMENT TO H.R. 9142

Page 19, immediately after line 4, insert the following:

(b) In carrying out the provisions of subsection (a) of this section, the chairman shall conduct a comprehensive study of all railroads in the northeast region for the purpose of evaluating the economic viability of the rail system in such region, and of each railroad in such system; assessing the economic impact of changes in the level of rail services on communities, industries, and shippers adversely affected by such changes and on the economy of the northeast region; and determining necessary measures to be taken in the public sector and in the private sector to assure continuation of essential rail services in such region. Such study

shall include an analysis of existing rail facilities and equipment, including the location, value, and use of such facilities and equipment and the cost of necessary improvements, and an analysis of the alternatives available to communities, industries, and shippers adversely affected by a loss of, or reduction in, the present level of rail services.

Page 18, line 15, immediately after plan —, insert "(a)".

Mr. COUGHLIN. Mr. Speaker, as a Congressman from eastern Pennsylvania, the Northeast rail crisis is of particular concern to me since two of the bankrupt lines—the Penn Central and the Reading—serve my congressional district.

Naturally, my constituents who are employed by these lines are distressed that they be adequately protected under a reorganization bill. Companies in my district also are concerned over the economic hardships which they would face should the threat of liquidation or interrupted service become a reality.

However, the Northeast crisis not only affects those of us from that particular geographic area. In fact, the ramifications of a rail collapse would be felt nationwide. Recent studies have shown that not only would there be an overall decline in employment and the gross national product, but there also would be an increase in the price of major consumer goods, construction materials, agricultural commodities and fuel supplies. At a time when we are struggling to find a means with which to combat the rising cost of living, not to mention the threat of a fuel shortage this winter, further complications brought on by a termination of Northeast rail service clearly are not needed.

I firmly believe it is the responsibility of the Congress to enact legislation which will again give the Northeast lines the opportunity to be self-sustaining. In the past, the Congress has provided massive amounts of Federal aid to other modes of transportation, specifically air, maritime, and highways. But assistance to the railroads has been minimal—and very recent. We simply cannot continue to neglect this vital means of transportation or allow it to deteriorate further.

While some have advocated a short-term solution to the present situation, I feel that such an action would be irresponsible. Piecemeal legislation is not the answer. The railroads have been declining for many years, and the application now of several bandages is not sufficient to heal the many wounds.

We need comprehensive, long-range legislation if we are to revitalize the railroads as an efficient and economical operation. Not only is it essential that we rejuvenate the Northeast system, which is our primary concern at present, but I feel it also is imperative that we later take a careful look at some of the other factors which have contributed to the rail decline. By this I refer to the disproportionately high taxes which have been levied against the railroads, as well as the stringent and unrealistic regulations of the Interstate Commerce Commission which have made it difficult for the railroads to abandon unprofitable lines or to adjust to changing market conditions.

Without an overall revision of the regulatory provisions of the Government agencies which deal with surface transportation, I feel that we will fail to come to grips with the problem before us, and while we may manage to produce a revival in the Northeast, this may only be short-lived. In addition, by failing to recognize and rectify the underlying causes, we may only be encouraging the possibility of similar disasters in other areas of the country.

I am pleased that the Interstate and Foreign Commerce Committee has devoted so much of its time to formulating legislation to resolve the Northeast crisis. I firmly support the principle of restructuring which is embodied in H.R. 9142, as well as the long-term approach which has been taken.

Now I feel it is the duty of all of us in the Congress to thoroughly review and evaluate this legislation in order to insure that the final measure which is passed represents a truly workable solution to the Northeast problem. We need action in this area, not just more studies, and we need a plan which can be implemented within a reasonable time frame. The delay already has been too long.

The legislation which we enact must be directed at the transportation problems of the 1970's and the years beyond, not a patchwork proposal to update laws and regulations of a bygone era. While I realize that the dilemma is indeed complex and that many special interests are affected, the overall national interest should be recognized above all else in formulating a measure which will restore the Northeast railroads as viable and contributing forces in our transportation network.

Mr. TIERNAN. Mr. Speaker, today is a significant day in which to focus-in on rail problems, particularly those that plague us in the Northeast section of the country. Federal Judge John Fullam of Philadelphia designated today, October 1, as a deadline for submittal of a plan to help solve the Penn Central operation.

As Members of the House know, the Subcommittee on Transportation and Aeronautics has reported out legislation which would assure maintenance of fully adequate rail service to the Northeast during a period of great change in the Government's role in railroad assistance. Briefly, the Adams-Shoup bill provides for a Federal National Railway Association—FNRA—which would design a new rail system and would also be a financing agent for the new system; a mandatory consolidation of selected rail properties into an operating, privately owned entity—RRC; an exchange of stock and FNRA bonds for the rail assets; labor protective provisions for workers displaced by restricting of the system and a limited operating subsidy for bankrupt railroads threatened by a shutdown during the planning period—about 15 months.

A great deal of hard work has gone into this legislation and it should give assurance to Judge Fullam that we are working out a solution to this problem. I want to commend the subcommittee for the effort and expertise spent on this matter; we are much in their debt.

During the planning period for granting a new and viable rail system, much research will need to be accomplished, collated and acted upon in order to carry out the mandate of the legislation. One of the critical areas to be researched is that of branch line abandonment, an issue vital to many small communities all over the country.

One of the major elements in railroad reorganization plans is the abandonment of a considerable portion of rail mileage, most of it branch lines. There are railroads in bankruptcy, among them Penn Central and the Boston & Maine, who claim that money could be saved by the abandonment of many of their branch lines and that if this occurred their financial problems would be solved. I just do not believe in such simplistic solution, and the best studies show that branch line abandonment is not a way to solve the railroad problem.

Some of the points neglected or not considered in branch line abandonment are:

The costs of abandonment in terms of jobs lost and industry failures.

The lack of alternative transportation modes.

Where the money is being lost, that is, which lines are the real losers?

How to determine whether a line is indeed a loser, what is the methodology used?

Whether the closing of a branch line would contribute to a greater financial deficit of the "Core" line?

What innovations can be implemented to make branch lines more competitive—with other transportation modes—and more flexible?

What is the public interest consideration in branch line abandonment?

What part does the Government and the shippers play in advancing subsidy programs?

What is the future usage of abandoned branch lines properties?

These questions beg for answers. It seems to me that before action is taken in future branch line abandonments, we must have these points debated and answered.

Just recently the Boston & Maine Railroad was the subject of a comprehensive, detailed computer study, commissioned by the New England Regional Commission and Massport and carried out by Harbridge House, a private consultant. The report has not been made officially public, but enough has been learned that suggests we would benefit from a similar study of all the Northeast rail lines. The Boston & Maine study shows in part the wholesale branch abandonments will not only not solve the railroad's problems, but any significant number of abandonments probably would worsen the situation.

I believe a modern computer study such as the Harbridge House study to be a necessity in resolving our rail problems. I urge the House to approve such an approach when it considers the General National Railway Association and Northeast rail proposals.

Mr. McKINNEY. Mr. Speaker, no doubt, as part of this special order, many of my colleagues will address themselves to the social, environmental and economic factors surrounding the Northeast rails and the "instant depression"

that would result should the railroads stop running. For my part, I will spend my time discussing some aspects of the Shoup-Adams bill that concern me and possible additions and deletions which I feel are imperative.

On the whole I believe the principles of H.R. 9142 as amended present a workable and balanced approach to the Northeast rail crisis, one that will preserve railroads as a major resource for the economy of the late 1970's and 1980's. I was particularly happy to note that the Shoup-Adams bill does not address itself only to the Northeast but includes the Midwestern States in the rail emergency region. Often our rail crisis is narrowly referred to as the "Northeast rail problem" when, in fact, it is an urgent national problem. Should Congress address itself now only to the Northeast rail crisis at a later time—undoubtedly in the near future—we would have to devote attention to the Midwest rail crisis. We need to provide a coordinated, integrated rail system for the entire Nation and not approach the problem in our usual piecemeal fashion, only legislating when a crisis occurs. Our national transportation system demands a total approach and I commend the Subcommittee on Transportation and Aeronautics for taking this total approach.

One of my reservations regarding the bill concerns the membership of the Board of Directors of the Federal National Railway Association. I was disappointed to note that there is no representative of railway passengers or consumer groups or environmentalists. I believe a representative for these groups is as essential as representatives of shippers, railroads not in reorganization, Governors, mayors, and labor. Too often it is passenger service that has suffered cutbacks and now, more than ever, we need continued and increased passenger service in order to relieve the congestion of our highways. I would hope that the full Commerce Committee must revise the membership of the Board of Directors in terms of adding to their number a representative for passengers, consumers, and environmentalists.

The criteria for the formulation of the final system plan includes the requirements of commuter and intercity rail passenger service and coordination with the National Passenger Corporation. The criteria also includes identification of all short-to-medium distance corridors in densely populated areas in which the major upgrading of rail lines for high-speed passenger operation would return substantial public benefits. Such a provision only highlights the recognition of the necessity of passenger service and again emphasizes the need for inclusion of a passenger representative on the Board of Directors of the FNRA.

While I was pleased to note that one function of the FNRA is to provide assistance to Amtrak in the form of loans for the improvement of the Northeast corridor between Boston and the District of Columbia, at the same time I would have preferred stronger language with respect to the Northeast corridor, specifically, implementation of the Department of Transportation recommendations. It is time the Federal Government acquire the right-of-way between Washington, New York, and Boston. We must have such a transportation system in this growing megalopolis and the price will never be lower.

It is generally agreed that the Government must play an active role in any solution which is to maintain an adequate rail service. But I am worried about that section of H.R. 9142 which commits the Federal Government, in advance, to an extensive financing program. The administration believes that the proper approach is to first find out what is needed and then to arrange for the specific funds and guarantees. That was one of the primary aims of the bill introduced by the Connecticut congressional delegation: learn the facts and then determine what Federal assistance is necessary and what form it should take. I believe it would be a mistake to pour money into a system without adequate preplanning for no one really knows enough at this time to lay out specific programs or dollar commitments. I do not want to effect an unnecessary degree of governmental intervention or cause a voter backlash or Presidential veto because of overauthorization. This problem must be approached in a fiscally responsible manner; therefore, I would prefer to see the legislation merely provide "start-up" financing, assistance in solving the labor settlement and limited loan guarantees for modernization of the system. Then, later, after the facts are in and the requirements known, we can responsibly legislate additional funds.

I was pleased to note that the subcommittee draft recognizes the problem of abandonments and provides for a system of subsidies for State or local agencies that desire to operate a rail line scheduled for abandonment. However, I would like to see the full committee go further and include a moratorium on all abandonments until the core system is identified as well as provide that no abandonments occur until a modern computer study similar to the one done by Harbridge House on the Boston & Maine is carried out for the entire Northeast rail system. Too often it is assumed that excess branch lines are what is killing the railroads when, in reality, abandoning lines does not make railroads more viable in most cases.

Along this line I would like to see inclusion of a provision mandating preservation of existing rights-of-way—whether in use or not—for future mass transit use in the rail emergency region. The rights-of-way on lines that are dropped from the core system and not subsidized by the States, communities, shippers, or manufacturers, must be protected. Technical developments may restore economic possibilities of feeder lines in the future and other modes of transportation might make use of old transportation corridors. Once a railroad right-of-way has been held for development, it can never again serve transportation.

Included in any plan to resolve the Northeast railroad problem must be revisions of the Interstate Commerce Act. One of the basic problems of our railroads is that they are being regulated in the 1970's under a law written in the 1880's when the railroads were a monopoly. It would be easy to say that the fault lies with the Interstate Commerce Commission but that agency simply administers the laws written by Congress. Now is the time to rewrite the Interstate Commerce Act so that our new railroad system can make the proper adjustments to changing economic conditions.

For example, we must eliminate minimum rate regulations so all transportation can compete freely on the basis of price, speed, and service. We must eliminate restrictions that prohibit a company in one field of transportation—whether trucking, airlines or railroads—from operating in any of the other fields, thus granting the benefits of intermodal operations to both the shipping public and the railroads. I would urge the Commerce Committee to give full attention to this area for regulatory reform would immeasurably assist in underwriting the viability, durability and progress of the new railroad system.

Perhaps most important, I believe it is imperative that a management study of the railroad industry be mandated in the Shoup-Adams bill. It is obvious that fundamental structural changes are needed in the railroad industry for without basic management and operating reforms we cannot expect maximum returns on any funding that is infused into the new rail system. Public and private funding will just go down the drain—necessitating further drains on the public trust—unless outdated management and operating techniques are replaced by total systems economic analysis, adequate marketing and operating planning, advanced industrial engineering techniques, sound financial analysis for sound pricing patterns, new accounting procedures, and effective marketing programs that can return adequate profits.

We can give our railroads all the money in the world but until management and operating reform is achieved, our railroads will be unable to meet the needs of shippers in competitive climate and all our efforts at revitalizing our railroads will go to naught. In fact, it is not inconceivable that the board of directors of FNRA should include an expert on transortation management as a means of insuring that the necessary reforms are realized.

In conclusion, let me state my belief that the Shoup-Adams bill is a step in the direction of responsible legislation to meet our rail crisis. I stress the urgency of enactment of this legislation, particularly in light of our energy crisis, to meet the critical freight and passenger service needs not only of the Northeast but of the entire Nation.

Mr. MOAKLEY. Mr. Speaker, I join my distinguished colleague, Mr. DRINAN, in expressing deep concern over the Northeast rail crisis and its implications for my State, my region, and the country.

The bankruptcy of the six Northeastern railroads and the threatened termination of service will have a disastrous effect on the economy of New England, the Northeast, and indeed, on the entire Nation. The ICC has recently stated that a shutdown of rail service would have a severe impact on the economic well-being of the Northeast, an area which is already saddled with an impending fuel shortage and pockets of high unemployment. In another projection, the ICC predicted

that an 8-week shutdown of the Penn Central alone would lead to a staggering 2.7-percent decrease in the growth rate of the entire national economy, a decrease which our faltering economy can ill afford.

Obviously, the fate of these six Northeastern railroads is of grave national as well as regional concern. As Mr. DRINAN concluded in his September 25 congressional insert, the collapse of the six railroads would inevitably lead to a national recession.

The statistics for the Penn Central alone are awesome. This line moves 24 percent of the freight transportation of all new automobiles from the factory to the dealer; and serves 55 percent of America's manufacturing plants and 60 percent of its employees. Northeastern dealers receive some 1,300 carloads of General Motors automobiles weekly from Ohio. In Massachusetts, GM utilizes 406 carloads per week, while in New York, GM facilities employ 1,673 carloads per week.

At a time when unemployment is plaguing a large segment of our work force, one can hardly allow the dissolution of these railroads. In my own State of Massachusetts, where the closing of Army bases promises to inflate an unemployment rate already ranking among the Nation's highest, a termination of rail service would be a crippling blow.

The repercussions of a cessation of rail transport in the Northeast would reach far beyond Massachusetts and the Northeast. Each year, the State of California transports 7,941,000 tons to the Northeast by rail. Trains carry some 5,177,100 tons yearly from Florida, and the Northeast also receives 46,047,100 tons of freight from Minnesota.

Northeastern rail shipments to other regions of the country are likewise significant. Last year's rail shipments to North Carolina were recorded at 11,333,110 tons, transports to Wisconsin were 7,223,300 annual tons, and Tennessee received 10,522,300 annual tons.

Congressman DRINAN, as well as other distinguished members of the New England congressional caucus, have noted that the maintenance of branch line operations is crucial to the continuing prosperity of their jurisdictions.

On another front, the rail crisis will have a serious effect on the energy crisis. Railroads require less fuel than any other mode of transportation and they burn it more efficiently. According to Richard A. Rice, professor of transportation at Carnegie-Mellon University, railroads have a gross efficiency of 200-ton miles per gallon, as compared to the 58-ton-mile per gallon for trucks and the 3.7-ton-mile per gallon for airplanes. To illustrate this point further, I call your attention to the Harbridge House study of the Boston & Maine, one of the six affected railroads. In 1972 the B. & M. carried 14.1 million revenue tons of freight. If this freight were carried by truck, it would have taken more than a million truck trips, requiring an additional 26.1 million gallons of fuel. At a time when service stations have tight gas supplies and the apprehension of a cold winter raises alarm, the savings in fuel consumption by trains is of crucial importance.

During the last several years, the Nation has made a commitment to improve our environment, and certainly transportation activities are a major factor in the fight against pollution. In the northeast corridor, transportation accounts for 90 percent of the carbon monoxide, 50 percent of the nitrogen pollutants, and almost 50 percent of the hydrocarbons. Rail service contributes less pollution per passenger than any other mode of transportation. As was stated earlier, trains use less fuel than trucks and equally important, they burn it much more efficiently. Analyses of rail emissions show that trains give off ⅓ as much pollutants as aircraft, one-twenty-fourth as much as buses, and one-thirtieth as much as automobiles. In short, trains meet the demand for transportation without further deteriorating the environment. Insuring the continuation of rail service would be an ecologically sound move.

Trains also contribute very little to noise pollution. Their impact is extended over a small area and only for a limited time. A rail system does not plague urban home owners as do low-flying aircraft.

Effective rail systems lessen the increasing demand for roads and highways at the same time as they help alleviate the congestion of innercity traffic. Continued and extended use of railroads also helps curtail the massive expansion of airports which have customarily bought up privately-owned residential areas for the construction of runways and other airport needs.

Railroads use a minimal amount of land and are able to transport a maximum amount of tonnage, all at reasonable expense. They neither pollute our environment nor disturb our urban dwellers. In short, their continued use is a necessity for the United States of the 1970's and 1980's.

The plight of the six bankrupt railroads will soon be before us. The continued operation of Penn Central and the other lines is a must for all those who are concerned about the economy of New England, the Northeast, and the Nation; it is a must for all those who are concerned about the energy crisis; it is a must for all those who are interested in saving our environment; it is a must for those who seek solutions to innercity traffic problems; it is a must for all those cities, such as Boston, where there is an acute shortage of land; and it is a must for those who are concerned about the high rate of unemployment in this country.

The Shoup-Adams bill, H.R. 9142 is presently being marked up by the Interstate and Foreign Commerce Committee and will be voted on shortly. It calls for a restructuring of the Northeast rail system with Federal financial assistance, in the form of direct grants and Government guaranteed bonds. I consider this to be a strong, viable solution; and I call upon my colleagues to actively support this crucial legislation.

GENERAL LEAVE

Mr. DRINAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

SOUTH TEXAS TO PAY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, it is absolutely incredible that the Railroad Commission has not looked to Coastal for the dollars needed to obtain gas to fulfill its contracts. After all, it is Coastal that stole the gas from its own contracts, in the first place. The fact that LoVaca cannot meet its contracts, stems from the actions of Coastal in stealing LoVaca's assets and from nothing else. In light of that, it is incredible and unconscionable that the Railroad Commission expects the citizens of San Antonio, and Austin, and south Texas to pay for the theft. I always thought that the object of law was to make the thieves pay and not the victims.

The Railroad Commission instead of granting an increase, ought to demand that Coastal put up the money to find the gas for LoVaca and, in addition, put up the money to pay for the hundreds of millions of dollars in damages that their criminal actions have caused to the people of San Antonio, and other communities affected by the ruthless tactics of the robber barons in control of Coastal.

I applaud the dissenting vote of Commissioner Wallace, and I can find no words adequate to express my dismay and utter contempt for the votes of the majority who have delivered us into the hands of these thieves.

U.S. BUSINESS INVOLVEMENT IN SOUTHERN AFRICA

The SPEAKER pro tempore. Under a previous order the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, in connection with U.S. business involvement in southern Africa, I would like to submit for the thoughtful attention of my colleagues the text of my statement before the Subcommittee on Civil Rights and Constitutional Rights of the Committee on the Judiciary, on September 20, 1973, on House Joint Resolution 269*—to influence U.S. companies doing business in South Africa to be equal opportunity employers by so conditioning eligibility for U.S. Government contracts. The statement follows:

STATEMENT OF REPRESENTATIVE CHARLES C. DIGGS, JR.

PART I—INTRODUCTION

Mr. Chairman, I wish to express my deep appreciation for the opportunity to appear before you today to testify on H. J. Res. 269 and for the awareness of the urgency of the problem which you and Chairman Rodino have demonstrated both by these hearings and by your co-sponsorship of this measure.

The shots at the gold mine in South Afri-

*(Also House Joint Resolution 522, 683, 699, 703, and 726.)

ca last week felling scores of people and killing 12 miners—a tragedy recalling the Sharpeville massacre of more than a decade ago—is the culmination of the waves of strikes this year in South Africa at Durban, and at Richards Bay. This disaster (and I would like to include an editorial from the Christian Science Monitor) brings home to us that the U.S. government cannot sit by with more exhortations and suggestions for fair play to their employees by the more than 30 U.S. companies with a billion dollars direct investment alone in South Africa. The unfair, unequal employment practices in that country, the abominably low wages for the armies of black workers appear to be bringing ever closer the holocaust that looms in that country. U.S. companies cannot, and must not, be a part of or a catalyst for such slaughter of labor. The irony of it is that the same companies, which are in the forefront of equal employment practices in the United States, in South Africa remain in the mainstream of discriminatory and, yes, exploitation practices.

Our government must act to protect U.S. interests—both foreign policy and domestic interests are directly involved here—and use its legitimate leverage with respect to U.S. companies doing business in South Africa and Namibia, the international territory which South Africa continues to administer in defiance of the international community. We must use that leverage to influence U.S. companies to adhere at least to certain basic standards of equal opportunity.

Mr. Chairman, this measure was introduced after direct, on the ground observation of U.S. businesses in South Africa and after almost two years of hearings before the Subcommittee on Africa on U.S. business involvement in southern Africa. I would like to append my findings on the study mission to South Africa, pp. 163–172, of the Faces of Africa, for inclusion in the record.

These investigations demonstrated that: (1) In South Africa there is a governmentally prescribed and enforced system of non-free labor imposed by the South African government by legislative, administrative and other measures on the basis of race and color and as a part of the inhuman policy of apartheid, (2) Businesses do not respond, other than in a superficial cosmetic fashion, to voluntary efforts. The sporadic response to the questionnaire made this clear.

The response of the Executive Department to the recommendations made in my Action Manifesto of December 14, 1971 made it clear that it is the Congress that must put teeth in this effort. (Mr. Chairman, here I would like to introduce as an appendix to my statement, to be included in the record, the relevant recommendations [recommendations 26–32] from the Action Manifesto—a recommendation that the President establish an honor roll of U.S. firms doing business in South Africa as equal opportunity employers,—a recommendation that the President amend E.O. 11246 to make fair employment practices in their South African enterprises a condition of eligibility for government contracts.

It is the Congress that, at a minimum, must require that, where U.S. companies—notwithstanding the utter repugnance of the apartheid system, and their inevitable involvement in the all-pervasive unconscionable discrimination of that system—decide to continue doing business in South Africa, the U.S. employer must not engage in racially discriminatory practices with respect to the key areas of: wages; fringe benefits; hiring; training opportunities; opportunity for advancement to supervisory, and higher positions.

Thus, the proposed legislation provides:

"Section 1. No United States person (a) having a major investment in an enterprise in South Africa, or (b) affiliated with an entity doing business in South Africa, shall be eligible to enter into any contract with any agency of the United States Government unless such United States person is doing business in South Africa in accordance with fair employment practices and is listed on the roster to be established under section 4 of this joint resolution."

I do not believe there is time today to review the conditions of the workers in South Africa. For reference purposes, I am appending pp. 110–126 of *The Faces of Africa* on "The Economy" and "The Labor System of South Africa" to my statement, for inclusion in the record.

The thrust of my testimony today, Mr. Chairman, will be to build the legislative history by clarifying what we as initiators of this legislation conceive as its purpose, its scope and its application. Given the inherently discriminatory nature of that society, given the fact that any participant in that society must in itself be a part of the whole discriminatory pattern which permeates every aspect of life in that country given these facts, I believe it to be of crucial importance to spell out here the contemplated objectives of this legislation, immediately following a brief description of the main features of the Joint Resolution.

PART II—A REVIEW OF THE KEY PROVISIONS OF THE BILL

A basic concept written into this measure is flexibility. The Joint Resolution does not incorporate Title VII by reference. Rather, the bill provides for certain flexibility with respect to the term "doing business in South Africa in accordance with fair employment practices", except that the term "fair employment practices" is to include:

"the concepts of equal pay for equal or comparable work, equal fringe benefits, equal hiring and training opportunities, and equal opportunity for advancement to supervisory and higher positions, all without regard to race or color."

The designated administrator, the department of the government that administers government contracts—currently, the Department of Labor—is to have a Presidentially appointed advisory board for the purpose of recommending policy to him. The members of such board shall be drawn from the fields of: education; labor; civil rights organizations; business; concerned departments of government: Commerce, State and the Equal Employment Opportunity Commission; finally, there are to be two members representing the public interest.

The Administrator is (1) to review the employment practices of each U.S. person, having a major investment enterprise in South Africa or affiliated with an entity doing business in South Africa, and (2) to establish a roster of all such persons doing business in accordance with fair employment practices.

There is provision, for Presidential waiver of this requirement for reasons of national security, for a specified period. Judicial review is provided for any aggrieved person in accordance with the Administrative Procedure Act.

The provisions of the Joint Resolution would take effect one year after enactment.

PART III—WHAT THE BILL REQUIRES OF U.S. PERSONS DOING BUSINESS IN SOUTH AFRICA: AND QUESTIONS OF CONSONANCE WITH SOUTH AFRICAN LAW

Before we take a hard look at each fair employment standard which this measure would require of U.S. persons with major investments in South Africa, I believe it is desirable to state certain hypotheses basic to the implementation of the legislation and central to an understanding of the problem which is inevitably raised here as to whether this legislation would require U.S. companies to take actions which are prohibited by South African law.

Premise 1

The legislation is directed at preventing discrimination by the employer himself. This means that: (a) in the hiring situation, the U.S. employer must not discriminate, on the basis of race or color with respect to legitimate work seekers; (b) in the employer/employee relationship, the U.S. employer must not discriminate with respect to wages, fringe benefits, training, and advancement.

That is, we are concerned with that area where the employer has control.

Premise 2

In prescribing standards for U.S. businesses, the concern is what South African law requires. By virtue of custom, practices, and policies permissible under the law, discrimination is a way of life in that society. But the U.S. employer is not by statute obliged to discriminate in the specified areas of wages, fringe benefits, hiring, training, and advancement. Neither Custom nor discretionary implementation can be an excuse for non-compliance. To answer the question, what will the South African reaction be, we must be mindful that U.S. investment is eminently desirable to South Africa for a number of reasons:

(1) South Africa wishes to be identified with the West and particularly with the United States; (2) South Africa needs Western capital; (3) South Africa and South Africans are very practical people and the fact that many discriminatory measures are economically costly or the fact that they would be harmful to South Africa politically on the international scene would mean that the real concern here must be whether the law in any of the relevant areas mandates discrimination. For otherwise, the adoption, by the U.S. companies of the requisite standards is feasible. It may require hard-thinking. It may require ingenuity as to alternatives. It may require diplomacy, negotiations and tact. It may require determination and skill. But these are, we like to believe, attributes of American business. The standards set in this legislation are allowable under South African law and business must be called upon to adhere to them.

Premise 3

The concern here is primarily with the practices of the employer rather than his procedures. Thus, for example, the issues would not be whether discriminatory procedures or facilities were used by a U.S. employer for determining the wages of his white employees or whether such procedures differed from the measures used to determine those of the African employees.

Indeed under the laws providing for collective bargaining for the whites and denying it for the blacks, such procedures would probably be different. The pivotal issue would be the wage practices of the employer, whether he in fact is paying equal wages for equal or comparable work without regard to race or color.

Before considering each requirement, one at a time, let me address an old shibboleth. that it is a world-wide custom for U.S. firms to differentiate between wages for locals and expatriates. That is not the concern here. For in South Africa, we are concerned with systematic differentiation between locals on the basis of race and color.

(1) Wages

The Joint Resolution would require first, that the U.S. employer pay equal wages for equal work without regard to race or color. I am aware of no South African law which prohibits an employer from paying equal wages for equal work. Let me say here that the references which are cited in the State Department memorandum on differences in wage schedules refer to minimum wages. There is no law of which I am aware that puts a ceiling on maximum wages for private employers.

The Joint Resolution would require equal wages for comparable work without regard to race or color. I know of no South African law which prohibits an employer from paying equal wages for comparable work.

(2) Fringe Benefits

The Joint Resolution would require equal fringe benefits without regard to race or color. I am aware of no law which prohibits an employer from offering equal fringe benefits to all employees. Regrettably, U.S. employers have been very slow in providing sick pay, retirement and leave on a non-discriminatory basis for all their employees.

(3) Equal Hiring and Training Opportunities

a. Hiring

The Joint Resolution would require equal hiring opportunities without regard to race or color. The first premise, stated above, makes it clear that under this proposed legislation, a U.S. employer would be required to deal on an equal basis with all work seekers who present themselves to him legitimately as applicants for work.

Thus, the employer would not be held responsible for the vast discrimination in South Africa resulting from, say, the homelands policy, influx control, pass law regulations, the Group Areas Act, or the unequal educational opportunities provided by the government under the Bantu Education Act. I know of no law in South Africa which explicitly prohibits equal hiring and training. There is the possibility of potential conflict through implementation by the Minister of closed shop agreements, or through policies under the Apprenticeship Act, the Physical Planning and Utilization of Resources Act, the Bantu Law Amendment Act, Bantu Urban Areas Act, and Bantu Building Workers Act. Again, these are discretionary; and the power to exercise that discretion is vested in the central government which has an interest in cooperating with United States business for political reasons, international public relations reasons as well as economic reasons. Further, the Joint Resolution is only intended insofar as hiring is concerned to require the U.S. employer to give racially non-discriminatory treatment to legitimate work seekers.

Note, job reservation is applicable to less than three percent of the jobs in South Africa. It, in fact, affects an even smaller percentage because of the exemptions that have been granted. With respect to this small area, job reservation does not present a conflict insofar as new applicants for employment are concerned, because under the test set out above, the U.S. employer is not required to hire persons who, under the law, are not eligible for such employment.

b. Equal training opportunities

In any effort to make a significant difference in the employment opportunities of all South African employees in U.S. plants, training is crucial. To see what is required of the U.S. employer with respect to training opportunities under the Joint Resolution, let us look first at off-the-job training and then at on-the-job training.

Off-the-job training—The Joint Resolution would require equal treatment, regardless of race or color, by the employer with respect to opportunities for off-the-job training. The employer is not responsible for the fact that different training schools are available for whites, and that such training opportunities may not in many cases be available for blacks in South Africa.

But, if the employer funds training for whites, he must fund it for blacks. If the employer does not fund it for blacks, whatever the reason—because there are no opportunities, there are no opportunities, there are no schools, or whatever—he cannot fund it for whites without violating the injunction against his participating in unequal training opportunities. Thus, the employer, if he is to fund training, or assist training for his white employees, must seek and find alternatives for offering equal opportunity, facilitation, and assistance to the black employee, either by sending him out of the country for training, or by setting up other centers for training in South Africa or other alternatives.

On-the-job training—This is a difficult area because of the pattern of discriminatory practices permissible under the various statutes, particularly the Apprenticeship Act. But again, the standard is that the employer provide equal training opportunities for his black and white employees. Notice, we are not saying identical, but we are saying equal. This might entail his bringing in personnel for this purpose from the United States, or elsewhere, to provide the training, if the South African workers refuse. It might involve his proceeding under the Artisans Act to get around the difficulties that he might find with respect to the Apprenticeship Act, in a particular case.

Since this area of training and the requirement of equal opportunity for advancement to supervisory or higher positions are perhaps the most delicate areas and require special thought, I wish to return to discussion of the training problem after looking at the requirement for equal opportunity or advancement.

(4) Advancement to Supervisory and Higher Positions

The Joint Resolution would require equal opportunity for advancement to supervisory and higher positions without regard to race or color. I am aware of no law which prohibits an employer from providing equal opportunity to all employees without regard to race or color for advancement to supervisory and higher positions. But, policies permissible under such laws as the Industrial Conciliation Act and Factories Act are such that special consideration must be given here. It is South African custom that whites are not to be supervised by blacks. It is not law. But the Minister has the discretion if he finds it desirable to use the job reservation mechanism of the Industrial Conciliation Act to cut off certain areas for advancement.

With respect to these two areas of equal training opportunities and equal opportunities for supervisory and higher positions—and with respect to these only, the standards must reasonably be:

(1) The U.S. employer must be required to take all possible means to provide training opportunities and equal opportunity for advancement to supervisory positions for all of his employees.

(2) Where he cannot provide such opportunities, the operative provision of the Joint Resolution disqualifying such U.S. person from eligibility for government contracts will be triggered unless he can show—with the burden of proof on him to show by clear and convincing evidence:

(a) that the South African government itself has taken action to prevent him from providing the particular opportunity in question, and (b) that he has taken, and is taking, every possible step to provide such training and advancement opportunities, including efforts to have the Minister of Labor exercise his discretion to remove the barrier to such training or advancement, as the case may be.

To sum up, on the point of consonance with South African law, I believe that force majeure, or South African law, should not be an excuse for non-compliance by U.S. businesses with equal opportunity standards as set forth in this legislation for two reasons:

First, South African law does not compel discrimination in any of these specified areas. Even in the areas of training and advancement, where the law can be implemented by the administrator to provide for such discrimination, the administrator, that is the South African government, has wide discretion to implement it the other way.

Second, where the employer meets the burden of proof in this area, that a specific law, such as a job reservation determination has been implemented to prevent him from providing an equal training or advancement opportunity, a Hickenlooper-type "appropriate steps" test may apply. That is, in each case, there is a continuing obligation on the employer to continue to take every appropriate step to remove such impediment. For example, if a job reservation was made in April to prevent his advancing a particular employee into a certain job, he must show that he has sought and is seeking each month an exemption from such determination and that he will continue to do this.

One other area, that of the closed shop contract, should be singled out for comment. For in South Africa, agreements between an employer and a union can have the force of law with criminal sanctions applicable. (Note, that under the Bantu Labour (Settlement of Disputes) Act, No. 48 of 1953 the term "employee" is defined to exclude Africans, to prevent registered trade unions from having African members, and to prohibit strikes by African employees.) A closed shop contract might require the employer to hire only persons who are members of the union and this would effectively exclude blacks who were not members. Or, in other more frequent cases, the closed shop agreement would require that all employers become members of the union within a specified period. Again, this would exclude blacks. Under the Joint Resolution, U.S. companies may not be parties to such contracts and continue their eligibility for U.S. government contracts. Where such contracts are in existence, and their normal period runs for three years, the U.S. employer cannot enter into another such contract.

PART IV—CONCLUSION

I've tried to cover some of the issues posed by the Joint Resolution. I will be happy to take questions. Let me say here that this explanation shows that the so-called conflicts with South African law, touted by those who basically, I am afraid, oppose the law on other grounds, are mostly imaginary. At this point, Mr. Chairman, I would like to enter for the record an editorial from a South African newspaper, The Johannesburg Star, entitled "Those Imaginary Race Laws". The editorial concludes:

"In fact, our laws governing pay—like the wage act and industrial agreements—are devoid of either color bars or ceilings. Stripped of imaginary trimmings, they are a perfectly valid foundation for the industrial revolution now underway."

What will the bill accomplish?

It will begin to put us, as a government, on the right side.

It will signal an end to U.S. complicity with apartheid and give substance to U.S. oral policy of abhorrence of apartheid.

It will enable U.S. companies to stand up against patterns of discrimination, and to become equal opportunity employers.

It will improve the living standards of employees of U.S. firms, relatively few they may be.

It will improve the chances for education and for a better life for the children of U.S. employees.

And, thus it holds some hope for being an element in moving that country out of the tragic situation in which it is today—a situation which threatens not only the peace of southern Africa, but is a scourge to the world.

Mr. Chairman, 55 Congressmen have joined us in co-sponsoring this measure. For this reason, I urge not only favorable consideration of this bill by your subcommittee, but I urge that it be reported to the floor by the full committee.

Let not the Congress of the United States, through inaction or misinformation, be in any way responsible for continuing the conditions which led to the mining massacre. Let not the myopia, which prevents us from seeing that U.S. vital interests include policy towards Africa, prevent us from seeing the compelling domestic interests requiring that the U.S. Government act towards ending U.S. business exploitation of black workers in South Africa.

FLAGLER COUNTY BICENTENNIAL PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. CHAPPELL) is recognized for 10 minutes.

Mr. CHAPPELL. Mr. Speaker, it is inspirational to get letters from all over my Fourth District of Florida, suggesting ways the people plan to participate in our bicentennial celebration.

One of the most encouraging proposals in the form of an editorial in the Flagler Tribune has come from the fine county of Flagler, a small coastal county that celebrated its 50th anniversary as a county in 1967.

The editorial written by John A. Clegg, publisher, reads in part:

We believe that the people of Flagler County would be proud to celebrate the part we played in the history of this nation. We would like to see a committee appointed that would begin now to lay the groundwork for an even greater celebration than we had in 1967. We believe the committee would best be appointed by the Board of County Commissioners so as to have some official status; but, we would like to see the push for the grand event to come from such organizations as Flagler Chamber of Commerce, Jaycees and Jaycettes.

It would take some money to stage such a celebration. We understand that Congress and the Legislature are pouring money into the nationwide Bicentennial; but, we believe there are enough public spirited individuals, business firms and civic organizations who would support our local celebration without having to call for tax monies.

By 1976 there will be a lot of new residents in Flagler County who would enjoy learning more about the heritage of their newly adopted county. And, it would do the rest of us good to have a renewed acquaintance with our history.

We hear so much of what is wrong with our country today that it would just do us a lot of good to learn more about the history and heritage of our nation. We are the oldest free nation in the world to have lived under one continuous form of government. We should be proud of it and we should proudly celebrate it.

Now is the time to begin making our plans. All we need is some designated leadership and we will furnish the Bicentennial Spirit. While the rest of the nation is celebrating, let's celebrate in Flagler, too.

Mr. Speaker, the remarkable aspect of this editorial is that the people are so public spirited they are not making all their plans around Federal funds. Their plans spring from a deep-rooted patriotism and sense of heritage. We highly commend this county for projecting the true meaning of the bicentennial celebration.

TOM VAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, at the age of 45 a person begins to look back over his life at what he has accomplished and look forward to what he may yet still hope to accomplish. Tom Vail really never had a chance to do either when the Good Lord called him before his time.

A driving, energetic personality, Tom continually strove to live life to its fullest and enrich the lives of all those with whom he worked or came in contact.

As chief counsel of the Senate Committee on Finance, Tom brought to his job a sense for human feelings and values, as well as an ability to get the job done.

An alumnus of the Joint Internal Revenue Taxation Committee staff—one of the best training grounds for leadership in one of the most demanding fields of public service—those who had worked with him over the years on this committee were glad they would continue working with him in conferences with the Senate Finance Committee. Tom was not only a good administrator, not only a man with in-depth knowledge of the complex subject matters within the purview of these committees, but a skilled diplomat who worked well with the strong personalities often found in congressional committees.

We often hear people praised in this Chamber for being an outstanding public servant—so frequently that the impression may well be encouraged that hard-working, self-effacing, professional, and nonpartisan aides and administrators are a dime a dozen—easy to find and easy to replace. Nothing could be further from the truth. Men like Tom Vail are rare among men, and Tom was the rarest of them all. Knowing full well the extent of his illness, Tom's order of priorities remained unchanged. His sense of obligation to his committee remained uppermost in his mind, and striving against the inevitable, he continued to follow committee developments up to the very end.

Yes, he will be sorely missed by all of us who had the opportunity to know and work with him. The late President John F. Kennedy once said while addressing this Nation:

Ask not what your country can do for you, but rather what can you do for your country.

Tom was the living embodiment of this noble ideal.

I join with my colleagues in the House in extending sincerest condolences to Mrs. Vail and her family and hope she takes comfort in her hour of great personal loss in the knowledge that her loss is shared by so many others.

ANNUNZIO PROPOSES EXEMPTION OF PORTION OF RETIREMENT INCOME FROM FEDERAL INCOME TAX

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, the Senate has passed and sent to the House landmark legislation for reform of the private pension system. The thrust of this bill is to protect the rights of the workers who now participate in private pension plans and to permit individuals who are either not presently covered or are inadequately covered by employer pension plans a tax deduction for amounts they set aside toward their own retirement. This legislation would provide minimum vesting standards minimum funding standards, plan termination insurance, portability rights and fiduciary standards.

I strongly support pension reform and look forward with interest to the final version of this bill which will emerge when the Senate bill is combined with those currently under consideration by the House. However, the protections provided by reform legislation will be of little value if, when retirement benefits are received, they are taxed so heavily there is not enough left to live on.

Accordingly, I am introducing today a bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from Federal income tax for amounts received as annuities, pensions, or other retirement benefits, in the case of an individual or a married couple.

Under present tax law, retirement benefits may be partially or totally excluded from income for purposes of the Federal income tax depending on the nature of the benefits. Social security and railroad retirement benefits are excluded from income. If a retiree did not contribute to the cost of his pension or annuity, and it was fully paid by his employer, usually he is taxed on the full amount received each year. If a retiree contributed all or part of the cost of his pension or annuity, only part of each payment he receives will be taxed, whether he obtained his pension from a commercial organization or in connection with his employment.

If both the retiree and his employer contributed to the cost of the pension or annuity, and the retiree will recover his contribution within 3 years, no part of the payments he receives is taxable until his cost is recovered. After his cost has been recovered, all amounts he receives will be included in income and subject to tax. If the retiree will not recover his cost within 3 years, generally the payments are partially taxable and partially nontaxable.

Since most private pension plans are employer financed, most retirees are fully taxable on their retirement income. My bill will ameliorate the impact of this discriminatory treatment of retirement income by assuring that all retirees can receive up to $5,000 of tax-free income.

This amount of exempt income can hardly be termed lavish in terms of today's cost of living. The U.S. Department of Labor has updated to autumn 1972 its hypothetical budgets for a retired couple. The retired couple is defined as a husband, age 65 or over, and his wife. They are assumed to be self-supporting and living in their own home in an urban area; they are in reasonably good health and able to take care of themselves.

The budgets illustrate three different levels of living and provide for different specified types of amounts of goods and services. They represent estimates of total costs and are not based on actual expenditures. For this couple, the U.S. average cost of the lower budget amounted to $3,442, while budgets at an intermediate and higher level of living averaged $4,967 and $7,689, respectively.

These year-old estimates are already dramatically outdated. Not only has the overall cost of living—as measured by the Consumer Price Index—increased at an annual rate in excess of 6 percent since that time, but the bulk of acceleration has been in that crucial segment of the retiree's budget food which has in-

creased at an annual rate of over 16.3 percent.

This appalling pace of inflation is difficult for all of us. But the chief burden is on those with fixed income. My proposal would greatly lessen this burden. We have an obligation to help those who have worked hard all their lives. Obviously, they do not want a handout. But they deserve protection from the cruel inroads of inflation. My proposal will accomplish this objective in a dignified manner. I urge my colleagues to enact this legislation.

DO NOT LET SCHONAU CLOSE

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, I was heartened to hear that last week, the House Ways and Means Committee voted to include most of the provisions of the Mills-Vanik Freedom of Emigration Act in the trade bill which they are considering. We have worked long and hard on this measure, and I am sure that we will be fully victorious when it comes up for a vote on the floor in the near future.

But, just as victory is within our reach in the Vanik amendment, we see it literally snatched away by the actions of political terrorists and cowardly Government officials.

When the Palestinian terrorists last week took three Jewish hostages in Austria, we were once again treated to a display of what happens when the world refuses to deal with the dangers of terrorism. I do not know how many times I have spoken on this, and how many countless times others have warned us of what would happen if we did not act to stem the terrorist onslaught. At first, it was airlines which capitulated to the demands of the terrorists. Now we are treated to the spectacle of an entire nation reversing a long-standing humanitarian policy because of the depraved actions of two amoral fanatics.

Chancellor Kreisky of Austria tells us that he made the decision to close the emigration center at Schonau because it was the only way to save the lives of the three Jewish hostages taken by the Palestinians. He says that he does not want Austria to become a center of conflict in the confrontation between Israel and the Arab States and their terrorist minions. He tries to reassure us that Austria will still be open to those who want to travel through it to some other country.

But how much of his words can we believe when we see that the center at Schonau Castle will be closed. I was at Schonau myself earlier this year, for the Passover holiday. I was deeply moved by the sight of hundreds of Jews, men, women, children, one of them a 3-month-old infant, who were stopping there on their way from Russia to Israel. At Schonau, these people were getting their first taste of freedom in their lives. They were given some information about what would be waiting for them in Israel. They were given a brief respite to collect and compose themselves, to rest between the oppression which they had suffered in Russia and the culture shock which they would undergo in Israel.

Closing Schonau Castle, and ending the immigration of groups into Austria, will undoubtedly strike a serious blow to Jewish immigration from the Soviet Union. Frankly, Mr. Speaker, the coincidence between the adoption of the Vanik amendment in the Ways and Means Committee and this newest terrorist attack is a little too close.

I would fervently hope that the Austrian Government will rethink its decision. Giving in to the terrorists, especially such as these who took two women as hostages, is craven cowardice. It appears from news reports that the decision to close Schonau was made on a suggestion originated by Prime Minister Kreisky. If this is indeed true, I am doubly angered. For when a nation extends its hospitality to those who are modern-day religious refugees, and then withdraws that hospitality when terrorism raises its head, is to display nothing less than an absolute lack of any morality and strength of character.

I appeal to Prime Minister Kreisky to abandon his decision to close Schonau. Promises extorted by such means as were used here are not promises worth keeping. In the court of world opinion, the Prime Minister will not be found of any crime if he breaks his word to the Palestinian terrorists. But if he keeps it, and if Jews from the Soviet Union are no longer able to travel through Austria on their way to Israel, then the Prime Minister will certainly be guilty of a sell-out. He will have sold out the integrity of his entire nation, and he will have sold out the hopes of thousands of Soviet Jews who had hoped to use the Schonau Castle way-station on their trip to Israel.

I cannot reiterate strongly enough that we must deal with the problem of terrorism. We will always have a gun pointed at our heads until we eradicate not only these bands of political outlaws but the conditions under which they thrive. We should not look at these as isolated incidents of sabotage and terror, but as a well-organized, and unfortunately, successful campaign against the very existence of Israel. We do not work in a complete vacuum here in Congress, but everything that we do has a profound impact on millions of people.

Our work will not be done simply with the adoption of the Mills-Vanik Freedom of Emigration Act. Rather, I believe that this event will mark the beginning of even greater demands being placed on the United States. We will have made it possible for Jews to leave the Soviet Union if they so desire. But simply having the right to leave will do them no good if they have no way of getting to Israel, or if the existence of Israel continues to be threatened by Palestinian terrorists and Arab leaders out for Jewish blood.

In the story of Exodus, Moses led his people to the Red Sea, where the waters were parted for them, so that they could escape from Pharoah and his armies. Moses did not stop with lifting his hands aloft, but led his people across the sea bed into safety. It may be a rather unusual analogy, but we have in a way parted a modern-day Red Sea for the Jews living in Russia. I do not think we can simply stop with opening the doors to emigration. We must make sure that a right to emigrate is a right that can be used by anyone who so desires. For unless a right can be used freely, it is meaningless and may as well not exist.

Schonau Castle is vital to the effort to save Soviet Jewry. I call on Prime Minister Kreisky, and I urge my colleagues to join me, to reverse his decision so that Jewish emigration from the Soviet Union will not be disrupted for even one day.

PROPOSED ESTABLISHMENT OF JOINT COMMITTEE ON NATIONAL GROWTH AND LAND USE POLICY

Mr. ASHLEY. Mr. Speaker, I rise to propose the establishment of a Joint Committee on National Growth and Land Use Policy to provide guidance and to oversee and monitor Federal and federally sponsored activities and programs that collectively shape our patterns of national land use and development. Presently, this is a matter of vital interest to many standing committees but the single responsibility of none.

I am pleased to advise that this proposal has the support, among others, of the Advisory Commission on Intergovernmental Relations, the American Institute of Architects, the American Institute of Planners, the Urban Land Institute, the Governors Conference, the National League of Cities, the Conference of Mayors and the National Association of Counties.

The decision to propose this joint committee, either by a separate resolution or as an amendment to the land use bill soon to be reported by the Committee on Interior, was not taken lightly. We are all well aware of the unusual demands on every Member's time. Just keeping up with our work within the standing committees is difficult enough. But it has grown increasingly apparent during the last several years that there is many a slip between the cup and the lip when it comes to what Congress intends when it enacts major legislation and the actual results we get when the act is implemented. This is not solely the fault of the executive agencies. All too often the Congress itself has acted without full awareness of the possible connections between a bill brought to the floor by one committee to achieve a special purpose and a bill brought before us for a separate purpose by still another committee. Yet it is the overall impact of such legislation that shapes the way the country develops.

If we are to maintain the balance of powers so essential to the successful functioning of this Government, Congress is going to have to have the instruments it needs to evaluate the consequences that flow from the legislation it enacts. We are at the mercy of the specialized agencies of the executive branch in the information we receive about these special programs and the effects they are having on the country. The standing committees are excellently equipped to evaluate the activities of the agencies over which they preside.

But many Members are coming to

realize that the actions and programs of the agencies when all taken together are what really shape the way this country has grown. Sometimes what we have authorized in good conscience for a special purpose conflicts with something else we have also authorized. The total result is often less than we hoped for, but we do not hear about it because each of the agencies, reporting to its own standing committee, looks at the problem from its own narrow point of view. We do not get all the facts because no one knows the facts. And Congress must have facts to legislate. We cannot blame the executive branch entirely for this state of affairs. The fault is in ourselves and the way we are organized to deal with these questions when they involve the interests of more than one or two of the standing committees.

No better example of the need to have the facts is likely to come before us than this bill to establish a national land use policy. Its subject and concerns touch the interests of the majority of standing committees.

Nearly every legislative committee has responsibilities which affect the nation's future development and land use.

The Committee on Interior and Insular Affairs has brought this vital legislation before us at the same time that it is deeply concerned with closely related questions involving our future sources of energy and supplies of materiel.

The Committee on Banking and Currency is urgently concerned with assuring that land is available in the right places and the right times for the future housing and development needs of the country. The committee has urged for several years the development of national policies on urban growth—policies very much related to the matters at issue in the land use legislation presently before us. It was because of this that the House approved the Urban Growth and New Community Development Act (42 U.S.C. 4501) in the 1970 housing bill calling upon the President to submit recommendations that would lead to the development of a national urban growth policy.

The Committee on Agriculture and Forestry has been much concerned for many years with the problems created in our rural areas as the population has drifted away to the metropolitan areas. On the recommendation of that committee we approved a Rural Development Act in 1972 that has as its purpose the achievement of balanced national growth. Over in the other body, the Committee of Agriculture and Forestry has before it legislation concerning this same matter.

Just recently, the Committee on Merchant Marine and Fisheries issued the results of its extensive hearings into the overarching problems of National Growth.

The Committees on Public Works in both the House and Senate, given their concerns with regional development, the development of our highway system, the management and quality of our air and water, and the construction of major public projects have a profound interest in these same matters and have considered over the last several years the need for a national development policy to harmonize the many activities of the National Government in this field.

The Committee on Interstate and Foreign Commerce has had equally great interest in connection with the impact of the transportation and communication activities of the Federal Government.

The responsibilities of nearly all other standing committees have an equally important bearing on the problem. As a matter of fact, last year the Committee on Interior and Insular Affairs in the other body inventoried the committees of the House and Senate with direct interests in land use policies and practices and found 11 in each House, plus 1 joint committee, which have continuing responsibilities in issues relating to national land use policies and practices. I include the list of jurisdictional responsibilities of the committees in each House related to this matter of land use at this point in the RECORD:

STANDING COMMITTEES IN THE SENATE AND HOUSE: JURISDICTION AND SUBCOMMITTEES INVOLVED WITH LAND USE POLICY

HOUSE

Agriculture Committee

Crop insurance and soil conservation.
Forestry in general, and forest reserves other than those created from the public domain.
Plant industry, soils, and agricultural engineering.
Rural electrification.
Subcommittee on Forests.
Special Subcommittees on Conservation and credit, family farms, and rural development.

Appropriations Committee

Subcommittees on:
Agriculture.
Independent Offices and Department of Housing and Urban Development.
Interior and Related Agencies.
Military Construction.
Public Works.
State, Justice, Commerce, and the Judiciary.
Transportation.

Armed Services Committee

Ammunition depots: forts: arsenals; Army, Navy, and Air Force reservations and establishments.
Conservation, development, and use of naval petroleum and oil shale reserves.
Special Subcommittee on Real Estate.

Banking and Currency

Public and private housing.
Subcommittee on Housing.

Interior and Insular Affairs

Forest reserves and national parks created from the public domain.
Forfeiture of land grants and alien ownerships, including alien ownership of mineral lands.
Geological survey.
Interstate compacts relating to apportionment of waters for irrigation purposes.
Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects.
Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and specific measures relating to claims which are paid out of Indian funds.
Measures relating to insular possessions of the U.S., except matters affecting the revenue and appropriations.
Military parks and battlefields.
Mineral land laws and claims and entries thereunder.
Mineral resources of the public lands.
Mining interests generally.
Mining schools and experimental stations.
Petroleum conservation on the public lands and conservation of the radium supply in the United States.
Preservation of prehistoric rivers and objects of interest on the public domain.
Public lands generally, including entry, easements, and grazing thereon.
Relations of the United States with Indians and the Indian tribes.
Subcommittees on:
Indian Affairs.
Irrigation and Reclamation.
Mines and Mining.
National Parks and Recreation.
Public Lands.
Territorial and Insular Affairs.

Interstate and Foreign Commerce

Regulation of interstate and foreign transportation, except transportation by water not subject to the jurisdiction of the Interstate Commerce Commission.
Interstate oil compacts, and petroleum and natural gas, except on the public lands.
Regulation of interstate transmission of power, except the installation of connections between government water projects.
Inland waterways.
Subcommittees on:
Communications and Power.
Transportation and Aeronautics.

Judiciary

State and Territorial boundary lines.
Special Subcommittee on Submerged Lands.

Merchant Marine and Fisheries

Navigation and the laws relating thereto, including pilotage.
Coast and geodetic surveys.
The Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.
Fisheries and wildlife, including research, restoration refuges, and conservation.
Subcommittees on:
Coast Guard, Coast and Geodetic Survey and Navigation.
Fisheries and Wildlife Conservation.
Panama Canal.

Public Works

Flood control and improvement of rivers and harbors.
Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).
Water power.
Oil and other pollution of navigable waters.
Public buildings and occupied or improved grounds of the United States generally.
Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and government buildings within the District of Columbia.
Construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic gardens, the Library of Congress, and the Smithsonian Institution.
Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.
Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor.
Subcommittees on:
Flood Control.
Public Buildings and Grounds.
Rivers and Harbors.
Roads.
Watershed Development.
Special Subcommittee on the Federal-Aid Highway Program.

Ways and Means

Transportation of dutiable goods.
Revenue measures relating to the insular possessions.

Veterans' Affairs

Subcommittee on:

Hospitals.
Housing.

SENATE

Agricultural and Forestry

Agriculture colleges and experimental stations.
Forestry in general and forest reserves; other than those created from the public domain.
Plant industry, soils, and agricultural engineering.
Rural electrification.
Crop insurance and soil conservation.
Subcommittees on:
Agricultural Credit and Rural Electrification.
Soil Conservation and Forestry.
Special Subcommittee on Watershed Projects.

Appropriations

Subcommittees on:
Agriculture and related agencies.
Department of Interior and related agencies.
Military construction.
Public Works.
Department of State, Justice, Commerce, and Judiciary and related agencies.
Transportation.

Armed Services

Forts, arsenals, military reservations, and navy yards.
Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.
Conservation, development, and use of naval petroleum and oil shale reserves.
Subcommittees on:
Military construction.
National stockpile and Naval Petroleum Reserves.

Banking, Housing and Urban Affairs: Public and private housing Subcommittee on Housing and Urban Affairs.

Commerce

Regulation of interstate railroads, buses, trucks, and pipelines.
Communication by telephone, telegraph, radio, and television.
Navigation and the laws relating thereto.
Coast and geodetic survey.
Except as provided in paragraph (c) [Armed Services Committee Jurisdiction], the Panama Canal and interoceanic canals generally.
Inland waterways.
Fisheries and wildlife, including research, restoration, refuges, and conservation.
Subcommittee on:
Aviation.
Communication.
Energy, National Resources, and the Environment.
Subcommittee on Surface transportation.

Finance

Transportation of dutiable goods.
Revenue measures relating to the insular possessions.

Interior and Insular Affairs

Public lands generally, including entry, easements, and grazing thereon.
Mineral resources of the public lands.
Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.
Forest reserves and national parks created from the public domain.
Military parks and battlefields, and national cemeteries.
Preservation of prehistoric rivers and objects of interest on the public domain.
Measures relating generally to the insular possessions of the United States except those affecting their revenue and appropriations.
Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.
Interstate compacts relating to apportionment of waters for irrigation purposes.
Mining interests general.
Mineral land laws and claims and entries thereunder.
Geological survey.
Mining schools and experimental stations.
Petroleum conservation and conservation of the radium supply in the United States.
Relations of the United States with the Indian and the Indian tribes.
Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.
Subcommittees on:
Indian Affairs.
Minerals, materials, and fuels.
Parks and Recreation.
Public Lands.
Territories and Insular Affairs.
Water and power resources.
Special Subcommittees on:
Outer Continental Shelf.
Legislative Oversight.

Judiciary

State and Territorial boundary lines.
Interstate and compacts generally.
Labor and Public Welfare: Measures relating to education, labor or public welfare generally.

Public Works

Flood control and improvement of rivers and harbors.
Public works for the benefit of navigation and bridges and dams (other than international bridges and dams).
Water power.
Oil and other pollution of navigable waters.
Public buildings and occupied or improved grounds of the United States generally.
Measures relating to the purchases of sites and construction of post offices, customhouses, Federal courthouses, and government buildings within the District of Columbia.
Measures relating to the construction or reconstruction, maintenance, and care of the buildings, and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.
Public reservations and parks within D.C. including Rock Creek Park and the Zoological Park.
Measures relating to construction or maintenance of roads and post roads, air pollution control measures; disaster relief; economics development; environmental pollution control measures.
Subcommittees on:
Air and water pollution.
Flood control—rivers and harbors.
Public buildings and grounds.
Public roads.

Special Committee on Aging

Subcommittee on Housing for the Elderly (does not report legislation).

JOINT COMMITTEES

Atomic Energy: ". . . shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy."

That same study found that 23 Federal departments and Federal agencies have programs related to land use policy and planning. There were 112 Federal land oriented programs. I include a table showing these programs at this point in the RECORD:

A. NATURAL RESOURCES

[Dollars in thousands]

	Agency	Nature of program	Fiscal year— 1971	1972	1973	1973 budget appendix page No.
A. LAND						
1. Council on Environmental Quality	Executive office of the president, CEQ	FP	$1,459	$2,154	$2,550	57
2. Agricultural research	USDA, Agricultural Research Service	FP	274,379	238,590	185,654	116
3. Cooperative State research	USDA, Cooperative State Research Service	FP	69,507	82,894	87,841	125
4. Agricultural stabilization and conservation	USDA, Agricultural Stabilization and Conservation Service	M	243,374	250,890	249,280	143
5. Commodity Credit Corporation	USDA, CCC	M, PP	8,824,567	10,047,456	9,398,378	154
6. Loans to farmers and ranchers	USDA, FHA	PP	368,565	333,225	351,038	171
7. Soil conservation	USDA, Soil Conservation Service	FP, PP	138,874	149,702	149,702	182
8. Great Plains conservation program	do	PP	16,243	17,907	17,907	189
9. Resource conservation and development	do	FP, PP	13,565	21,231	21,225	190
10. Forest protection and utilization	USDA, Forest Service	M, FP, PP	365,233	314,878	321,531	216
11. Forestland management, construction and land acquisition.	do	PP	13,450	37,675	32,290	218
12. Forest roads and trails	do	PP	166,568	170,763	169,563	210
13. Acquisition of lands for national forests	do	PP	12	80	80	211
14. Assistance to States for tree planting	do	PP	980	1,118	1,015	212
15. Forest Service permanent appropriations	do	PP	115,900	97,942	138,910	213
16. Management of public lands and resources	Interior Department, Bureau of Land Management	M	81,707	70,708	81,187	539
17. Construction and maintenance on public lands	do	M, PP	3,189	4,627	7,900	541
18. Public lands development roads and trails	do	PP	4,067	4,000	3,915	541
19. Range improvements	do	PP	1,931	2,523	3,073	544
20. Resources management of Indian-owned lands	Interior Department, Bureau of Indian Affairs	M, PP	73,507	70,132	81,159	549
21. Construction of buildings, utilities, and irrigation systems on Indian-owned lands.	do	PP	37,940	59,601	47,635	589
22. Road construction on Indian-owned lands	do	PP	20,385	40,327	53,941	532
23. Geological surveys, investigation and research	Interior Department, Geological Survey	FP	114,080	128,927	145,840	554
24. Legal matters relating to land	Justice Department, Land and Natural Resources Division	PP	4,736	4,902	5,334	632
25. Environmental Protection Agency operations, research and facilities.	Environmental Protection Agency	FP, PP	283,390	417,764	490,028	779
26. Franklin Delano Roosevelt Memorial Commission	F.D.R. Memorial Commission	PP	12	40	38	902
27. National Parks Centennial Commission	National Parks Centennial Commission	PP	----	250	----	902

A. NATURAL RESOURCES—Continued

[Dollars in thousands]

	Agency	Nature of program	Fiscal year— 1971	1972	1973	1973 budget appendix page No.
B. WATER AND WATER POWER						
28. River basin surveys and investigation	USDA, Soil Conservation Service	FP	$9,520	$10,333	$11,083	153
29. Watershed planning	do	FP	6,310	6,805	6,799	155
30. Watershed and flood prevention operations	do	PP	102,834	127,638	127,591	133
31. General investigations, river, harbor, flood control, shore protection and others.	Defense Department, Army Corps of Engineers	FP	39,909	51,079	57,649	358
32. Construction of water related projects	do	PP	947,425	1,076,361	1,301,663	357
33. Operation and maintenance of water related projects.	do	M	301,579	384,668	423,500	366
34. Emergency flood control and hurricane and shore protection.	do	PP	13,173	11,657	7,000	366
35. Flood control, Mississippi River and tributaries	do	PP	91,869	90,967	96,000	341
36. Loan program for small irrigation oriented projects	Interior Department, Bureau of Reclamation	PP	4,918	15,895	19,170	689
37. Emergency fund for continuous operation of irrigation and power systems.	do	PP	1,331	1,229	1,000	689
38. General investigations and conservation planning	do	FP	19,744	22,999	21,600	561
39. Construction and rehabilitation of reclamation and power projects.	do	PP	188,443	235,554	275,306	532
40. Operation and maintenance of reclamation projects	do	M	69,115	83,856	89,889	594
41. Colorado River Basin project	do	M, PP	17,991	32,101	11,000	598
42. Upper Colorado River storage project	do	M, PP	43,725	53,526	68,325	598
43. Alaska power investigations	Interior Department, Alaska Power Administration	FP	614	604	584	644
44. Operation and maintenance of power projects in Alaska.	do	M	399	440	627	644
45. Construction of facilities, Bonnevillle Power Administration.	Interior Department, Bonneville Power Administration	PP	93,145	93,131	94,899	605
46. Operation and maintenance, Bonneville Power Administration.	do	M	39,306	66,384	96,450	605
47. Operation and maintenance, Bonneville Power Administration.	do	M	5,441	6,130	6,154	646
48. Construction of facilities, Southwestern Power Administration.		M	15,600	17,343	17,765	617
49. Operation and maintenance, Southwestern Power Administration.	do	M	15,600	17,343	17,765	617
50. Water resources research	Interior Department, Office of Water Resources Research	FP	13,225	14,258	14,257	912
51. Federal Power Commission	FPC	M	19,820	21,583	22,795	914
52. Delaware River Basin development, U.S. share	Delaware River Basin Commission	FP	175	179	215	914
53. Potomac River pollution control, U.S. share	Interstate Commission on the Potomac River Basin	FP	5	20	34	914
54. Susquehanna River development, U.S. share	Susquehanna River Basin Commission	FP	----------	75	150	916
55. Water resource planning	Water Resources Council	FP, PP	5,411	6,143	6,375	—
C. MINERALS						
56. Conservation and development of mineral resources	Interior Department, Bureau of Mines	FP	48,298	48,432	53,351	567
D. FISH AND WILDLIFE						
57. Management and investigations of fish and wildlife resources.	Interior Department, Bureau of Sport Fisheries and Wildlife	M, FP	59,708	64,753	70,441	575
58. Construction of facilities necessary to conservation and management of fish and wildlife.	do	PP	4,613	9,153	6,961	576
59. Migratory bird conservation	do	M, PP	15,434	14,591	14,412	577
60. Anadromous and Great Lakes fisheries conservation	do	PP	2,280	2,368	2,330	578
E. RECREATION						
61. Planning and research and Federal coordination for outdoor recreation.	Interior Department, Bureau of Outdoor Recreation	FP	4,164	3,807	4,011	553
62. Land and water conservation for recreation	do	FP, PP	203,103	381,483	323,373	559
63. Parks and recreation areas management and research.	Interior Department, National Park Service	M, FP	65,823	79,642	84,755	581
64. Maintenance and rehabilitition of park roads, trails, and facilities.	do	M	50,517	56,444	72,556	582
65. Construction of park facilities	do	PP	17,502	46,838	42,025	583
66. Parkways, roads, and trails construction	do	PP	23,165	23,297	22,000	584
67. Preservation of historic properties	do	FP, PP	6,625	8,653	10,600	553
68. Recreational and fish and wildlife facilities	Interior Department, Bureau of Reclamation	M, PP	1,505	2,030	959	590
B. PHYSICAL DEVELOPMENT						
A. HOUSING						
69. Rural housing for domestic farm labor	USDA, Farmers Home Administration	PP	$737	$3,767	$5,463	169
70. Mutual and self-help housing	do	FP	1,721	2,450	3,729	170
71. Family housing, defense	Defense Department	PP	668,235	802,417	958,829	316
72. Interstate land sales full disclosure	Department of Housing and Urban Development, Federal Housing Administration.	M	----------	700	500	487
73. Nonprofit sponsor assistance	do	PP	2,770	6,340	8,690	487
74. Housing payments	Department of Housing and Urban Development, Housing Management.	PP	808,176	1,310,400	1,882,000	510
75. Rehabilitation loan fund	Department of Housing and Urban Development	PP	50,872	51,485	51,700	524
76. Research and technology	do	FP	43,441	50,784	62,900	531
Operation Breakthrough	do	FP	26,715	16,284	4,560	531
B. URBAN DEVELOPMENT						
77. Comprehensive planning grants	Department of Housing and Urban Development	CP	45,794	66,389	100,000	514
78. New community assistance grants	do	PP	357	12,143	10,000	515
79. Model cities programs	do	CP, PP	520,625	620,500	620,000	517
80. Neighborhood facilities	do	PP	38,441	40,002	65,000	518
81. Open space land programs	do	PP	84,867	105,268	100,000	519
82. Urban renewal:						
Capital grants	do	FP, PP	1,239,331	2,321,091	1,300,000	521
Loans and planning advances	do	FP, PP	626,802	825,134	627,661	521
83. National Capital Planning Commission	National Capital Planning Commission	CP	1,092	1,527	1,365	911
C. RURAL DEVELOPMENT						
84. Extension Service	USDA	PP	159,607	172,269	181,631	125
85. Economic Research Service	do	FP	15,934	16,048	17,248	152
86. Rural Development Service	do	FP	----------	240	490	164
87. Public facility loans	Department of Housing and Urban Development	PP	48,980	61,988	62,241	526

	Agency	Nature of program	Fiscal year— 1971	1972	1973	1973 budget appendix page No.
D. REGIONAL ECONOMIC DEVELOPMENT						
88. Appalachian regional development	Appalachian Regiona Commission	CP, PP	$262,888	$374,211	$300,000	71
89. Economic development facilities	Commerce Department, Economic Development Administration	PP	159,998	190,000	160,000	231
90. Industrial development loans and guarantees	do	PP	49,983	50,000	40,000	231
91. Planning, technical assistance and research	do	FP	20,778	20,855	22,368	213
92. Regional development programs	do	CP, PP	36,505	39,408	41,141	297
93. Tennessee Valley Authority	TVA	CP, PP, M	1,245,612	1,130,522	1,555,744	964
E. SANITATION						
94. Waste disposal planning and development	USDA, Farmers Home Administration	FP,PP	43,998	42,000	42,000	165
95. Basic water and sewer facilities	Department of Housing and Urban Development	PP	119,660	241,211	235,000	511
96. Construction grants for municipal waste treatment works.	Environmental Protection Agency	PP	1,228,364	2,080,500	2,000,000	751
F. TRANSPORTATION						
97. Transportation planning	Department of Transportation	FP	15,250	32,859	49,000	681
98. Transportation systems center	do	FP	24,098	34,257	50,618	618
99. Grants-in-aid for airports	DOT, Federal Aviation Administration	FP, PP	305,713	295,000	295,000	711
100. Highway beautification	do	PP	11,910	38,033	61,300	710
101. Forest highways	do	PP	30,933	22,878	22,040	711
102. Public lands highways	do	PP	12,936	10,000	12,000	718
103. Inter-American Highway, Alaska Assistance Program, Chamizal Memorial Highway.	do	PP	4,620	3,577	359	719
104. Federal aid highways	do	PP	4,621,365	4,997,297	4,417,000	700
105. Right-of-way revolving fund	do	PP	50,000	50,000	50,000	700
106. High-speed ground transportation research and development.	do	PP	24,113	25,540	60,862	731
107. Urban mass transportation fund	DOT, Urban Mass Transportation Administration	FP, PP	334,077	696,175	1,000,000	735
108. Washington Metropolitan Area Transit Authority, U.S. contribution.	WMAIA	PP	180,028	188,011	174,321	919
G. OTHER						
109. Alteration of bridges	DOT, Coast Guard	PP	----------	8,750	13,900	892
110. Atomic Energy Commission plant and capital equipment.	AEC	PP	409,600	478,970	411,300	714
111. Sites and expenses, public building projects	General Services Administration	PP	22,704	28,750	34,500	703
112. Construction of hospital and domiciliary facilities	Veterans' Administration	PP	102,834	109,897	155,923	860

Each of us has a good idea of what should be accomplished under the separate bills with which we are concerned, but Congress has no way of knowing what the cumulative consequences of all these separate actions on the future growth and development of the country might be. There is little doubt that most of us are disappointed with the results we have sometimes achieved in the past and we are frustrated when the executive branch is unable to fully apprise us about what the overall impact of Federal programs is on the way the country is growing.

Some of the European nations are trying to sort out these problems. They are trying to put together policies that are harmonized so they do not have some of the accidental results of the kind that we have had within this country.

Most Members are concerned over the unbalanced development of the Nation which has occurred during the past five or six decades. Most of us recognize that much of rural America has been decimated as the country has become more metropolitan. Most of us are concerned with the enormous economic and social costs of central city decay. Most of us worry over the mismatch between where people who need jobs the most can live and where most of the new jobs are located. Most of us are well aware that we are in an environmental and resource crisis because of our unbalanced approach to national development. Most of us know that a policy on land use and a policy on national growth are closely linked. And most of us readily acknowledge that Federal policy has a heavy influence over all this.

But the fact is, Mr. Speaker, that we are not adequately equipped to do very much about making collective sense out of these policies. It is little wonder then that some of these programs have results we did not and could not anticipate.

Back in 1970, the Office of Management and Budget and the Economic Development Administration in the Department of Commerce tried to identify how the expenditure of Federal dollars was affecting the Nation's patterns of growth. They measured the proportion of the country's population living in the poorest and richest counties, the slowest-growing and fastest-growing counties, the metropolitan areas of more than 1 million and those less than 1 million. They measured those living in rural counties and those living in central cities and those living in suburban versus those living in depressed counties.

They then measured the proportion of Federal dollars flowing into each of those categories. They found twice as much proportionately flowing into the rich, fast-growing areas as into the poorest. The largest proportion by far is flowing into the most congested, fastest developing areas. The flow of Federal dollars in most cases reinforces the existing trends of development and land use in the country.

I place a table entitled "Locational Impact of Federal Expenditures—Fiscal Year 1969" at this point in the RECORD:

LOCATIONAL IMPACT OF FEDERAL EXPENDITURES, FISCAL YEAR 1969

	Population (percent of United States)	Program (percent of United States)	Concentration ratio
Poorest counties	10.0	6.1	0.61
Richest counties	10.1	13.2	1.31
Slowest growing counties	10.2	11.7	1.15
Fastest growing counties	10.0	12.4	1.24
SMSA's>1,000,000 in 1966	37.3	42.7	1.14
SMSA's<1,000,000 in 1966	29.6	30.5	1.03
Non-SMSA urban counties	11.0	9.9	.90
Rural counties	22.1	16.9	.76

	Population (percent of United States)	Program (percent of United States)	Concentration ratio
Central cities	12.5	18.7	1.50
Suburbs	8.4	8.2	.98
EDA counties	38.3	39.4	1.03

Note: Report of the joint locational analysis project, Office of Management and Budget/Economic Development Administration, Sept. 1, 1970.

A few other studies have tried to identify which of the Federal programs have the heaviest influence on the location of population and economic growth.

It would surprise none of us that these studies discovered that of all programs involving direct Federal expenditures, the national highway program, under the jurisdiction of the Committee on Public Works, has the most profound effects on land use and patterns of growth.

The sewer and water programs, which are scattered among several Federal agencies and among the jurisdictions of several standing committees, rank next in impact among Federal direct grant programs.

Several other programs, all under the jurisdiction of the Committee on Banking and Currency, have important influence as well, particularly the housing guarantees of the Federal Housing Administration, urban renewal—and, looking into the future, new community assistance. One of the most important influences on the use of land for housing, however, falls under the jurisdiction of the Ways and Means Committee—housing interest deductions under the Internal Revenue Code.

I include a table entitled "Assistance Programs Having Moderate or Heavy Impact on National Development" at this point in the RECORD.

ASSISTANCE PROGRAMS HAVING MODERATE OR HEAVY IMPACT ON NATIONAL DEVELOPMENT[1]—FROM SURVEY OF 42 FEDERAL ASSISTANCE PROGRAMS

Program	Regional impact	Metropolitan impact		Nonmetropolitan areas
		Central city	Suburb satellite	
National highway program	Heavy	Heavy	Heavy	
Sewer and water programs		Moderate	Moderate-heavy	Moderate.
Urban renewal		do		
Housing guarantees (FHA)	Moderate	do	Moderate	Do.
Housing interest deductions	do	do	do	Do.
New community assistance		do		

[1] Adapted from Federal activities affecting location of economic development prepared for Economic Development Administration by Center for Political Research (Donald D. Kummerfeld, Donald W. Lief and others).

The most disturbing thing about these studies carried out for the Economic Development Administration by the Center for Political Research is that of the 42 direct Federal assistance programs surveyed, only these few programs seemed to have had or will potentially have moderate or heavy influence on national land use and settlement patterns. Most others, although they might have great local significance, appear to have only a light or negligible effect nationally. Yet Congress has enacted a great many programs in the past decade and a half specifically intended to ameliorate some of the lack of balance in our national growth patterns.

We have passed rural development programs. We have created special urban and regional development programs. We have launched special programs in housing. We have approved special planning assistance and environmental programs. But few of these, if we can believe the studies, seem to have had any major national impact on the way the country is growing and the way our land is being used.

An analysis of the budget provides one of the principal explanations for our disappointment. Until recently, one-third of our Federal outlays have gone for space, and defense, and international relations, a little more than an additional one-third has gone for the general functions of government. Most of these expenditures—nearly 70 percent of our total outlays go to the richest, fastest growing, most intensively developed sections of the country. There is a direct correlation between these expenditures and where the fastest growth has been.

The remaining one-third of our outlays have been allocated to resource and environmental programs—about 7 percent—social development programs, a little over 10 percent, and urban and regional development programs—just under 15 percent. Responsibilities for this vast array of separate programs are spread throughout the executive branch and among many of the standing committees of Congress. Analysis of their separate objectives finds them in conflict or redundant in many cases; one program giveth while another taketh away. The fact is that Congress is not equipped at the moment to look at all these Federal programs as a coherent whole and to assure that they make collective sense.

Even if they did add up to a whole, however, under our present approach we are expecting programs financed with less than a third of Federal outlays to dampen or ameliorate the effects achieved with expenditures made under the other two-thirds of the budget. I submit that therein lies one of the key sources of disappointment in many of these domestic programs and their seemingly inability to achieve the results we wish.

But this does not necessarily mean that our only recourse is to drastically increase our expenditures for domestic programs and cut way back on our international and military obligations. These same studies seem to indicate that the most powerful tools at the disposal of Congress for restoring some balance to national growth and land use are not those we achieve through appropriations for assistance to State and local government, but the direct actions of the Federal Government itself.

Much of our evidence about the success or failure of Federal policy in terms of its influence on achieving more orderly national growth is uncertain and fragmentary. We lack the mechanisms we need to make such an evaluation.

This bill, which would establish a whole new thrust in our continuing attempt to bring some order out of our patterns of national growth and land use should provide for the establishment of a new instrument to strengthen the hand of Congress in these matters. This is why this amendment authorizing the establishment of a Joint Committee on National Growth and Land Use Policy is proposed.

Twenty-seven years ago, at the conclusion of World War II, Congress faced the need to devise instruments of economic policy that would help us get through the transition from a war-time to a peace-time economy. That led to the Employment Act of 1946. Congress recognized then that economic policy was a pervasive subject involving many of the committees of Congress and many of the executive departments and agencies. In recognition of that fact, Congress established the Joint Economic Committee to provide advice and direct studies that would benefit all of the standing committees in carrying out their legislative responsibilities.

We are now at another watershed in national policy. We are concerned not just with the fiscal and monetary aspects of economic policy, but with its implications for the distribution of economic activity across the face of the lands as well.

We are concerned with the interactions between economic policy and environmental and resource development policy. We need to assure the adequate provision of land for housing and urban development while at the same time minimizing disruptions of the national environment and the waste of national resources. We want to measure the best ways to meet our continuing commitment to the improvement of social conditions and the quality of national life while protecting our natural wealth. We want to restore some balance, urban and rural, to our national system.

And we cannot do that unless we have the means to determine what problems we wish to correct, what cause and effect linkages exist between Federal policies and these problems, what decision levers we have at our disposal, and the possible consequences likely to flow from alternative actions that Congress might take.

Congress has already directed the executive to prepare or have prepared environmental impact statements in connection with major public or publicly-related projects as one step in this direction. We have authorized the establishment within Congress of a new office to help us assess the future consequences likely to flow from the introduction of specific technologies. The President is required, under the Housing and Urban Development Act to submit a report on urban growth every 2 years and the present bill requires regular reports from the and these problems, what decision levers

But Congress must have a means for scanning the broad landscape of Federal actions and responsibilities and the means for informing itself of the probable consequences of actions we have taken or are about to take for national growth and development. We also need a means for overseeing the relevant Federal activities and providing reports to the relevant standing committees. In these years of rapid social and economic change we have no alternative but to move toward an "anticipatory democracy" that tries to clearly see where it is going.

Without such mechanisms in such an era Congress cannot maintain the legislative initiatives and the effective checks and balances required to make our form of government work.

It is proposed that the Joint Committee on National Growth and Land Use Policy have three principal functions:

First. To file with the House of Representatives and the Senate, beginning with the second year of its existence, an annual report containing its findings and recommendations with respect to the actions of executive agencies, States, and local governments that will have a significant impact on national development and land use.

Second. Provide broad oversight for all major Federal and federally financed

programs having a significant impact on national growth and development. To assist in this oversight, the Council on Environmental Quality shall report to the joint committee each year on the extent to which executive policies and actions have been harmonized toward the development of policies for future national growth. The joint committee could call such other witnesses from executive agencies and the general public as it deems appropriate to obtain the information it requires in its report to Congress.

Third. Conduct special studies to assist the standing committees of Congress in determining means for improving and harmonizing national policies and programs to achieve more desirable patterns of national growth and development so as to conserve our national environment and resources, promote balanced development of the country, and assist in achieving the Nation's economic and social objectives.

It is essential that the provision for establishing such a mechanism be included in this bill.

The legislation is designed to provide major incentives to State and local governments to develop policies and processes for more effective land use planning. It will require substantial professional skills in the executive branch to assure that the objectives of the legislation will be achieved successfully.

The bill requires consultations among the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Housing and Urban Development, Transportation as well as the Atomic Energy Commission, the Federal Power Commission, and the Environmental Protection Agency. Past experience with such interagency consultations offers little hope for successful coordination and policy. For the most part, such committees have functioned as committees of peers more interested in accommodating their separate agency interests than in obtaining the innovative objectives of the legislation. Conflict is steadily distilled out of their deliberations until the lowest common denominator of agreement is reached. Too often our hopes for past legislation have foundered on the rocks of these interagency committees, particularly when they are chaired by a cabinet officer who can attain authority only by negotiation over activities in another agency.

If the executive is not to be property structured to meet the comprehensive responsibilities envisioned under this bill, then Congress must have a greatly strengthened hand to oversee execution of the programs authorized under the bill and to assure effective orchestration of these programs with those authorized under other closely related, but separate legislation.

A highly competent oversight of Federal, State, and local activities assisted under this bill can help assure Congress that the objectives it has in mind will be achieved.

No existing committee in Congress, with all deference to the splendid staff of both Committees on Interior and Insular Affairs, has the resources, time, or staff to monitor the Land Use Policy and Planning Act on a continuing basis on behalf of all the standing committees of Congress that have a legislative concern for the manner in which the program is administered and the impact it is having on programs within their own jurisdictions.

The precedent of the Joint Economic Committee clearly serves us well.

The membership of the joint committee should be appointed by the Speaker of the House and President of the Senate from among the Members of each of the relevant standing committees much in the same manner as the Joint Economic Committee.

Chairmanship of the committee should be rotated between the two Houses following the procedure with the Joint Economic Committee.

The committee should be assigned competent professional staff and funds as necessary.

By establishing such a mechanism Congress will be better equipped to assess its past and future potential for promoting the balanced and orderly growth of the country.

With this kind of information and support we should be far better able to achieve the outcomes we desire in both urban and rural America.

COMPUTER DATA BANKS MUST BE REGULATED

(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, with today's unregulated amassment of information that probes deeper and deeper into the personal lives of our citizens, we are courting permanent erosion of privacy in this country. Most individuals do not know what Government agencies maintain files on them, or whether these files contain erroneous and unfairly damaging material. The Congress has been most remiss in this area since we have yet to develop a policy governing the collection, evaluation, dissemination and use of such material.

In 1969 I introduced the Federal Privacy Act which is currently pending before the House Government Operations Committee. This bill would initiate safeguards against the abuses of privacy by Federal data collecting systems by permitting a person to inspect the records maintained on him/her by a Federal agency, supplement them, and remove erroneous or misleading information contained in his file. The bill, H.R. 667 in the 93d Congress, would establish a Federal Privacy Board to monitor the operation of the Federal Government's data banks.

To extend the central premise of this legislation to all computerized data banks, not just Federal data banks, I introduced with the gentleman from California (Mr. ALPHONZO BELL) on August 1, H.R. 9786 to regulate the use of all computer data banks in the country. This bill will not prevent the collection of valid data either by private or governmental agencies, but will impose reasonable controls on what can be collected, or how it can be dispersed so as to protect the privacy of our citizens.

The proliferation of data collection systems has been the subject of study by commissions in Canada, Great Britain, and Sweden, the latter being the first country to recently enact the first nationwide law to protect its citizens from computer abuses. The legislation we have introduced is in great part modeled after the Swedish legislation.

It is about time that the Federal Government establish a national policy regarding computers and computer abuses in the interests of protecting the privacy of our citizens. Computers are becoming a hydra-headed monster. No amount of State legislation will insure that residents of another State will be protected. We must have Federal oversight in this matter.

On August 1, the HEW Secretary's Advisory committee on automated personal data systems released its report, "Records, Computers, and the Rights of Citizens." The committee, initiated by Elliot Richardson, then Secretary of HEW, made certain recommendations concerning the collection of personal information by data banks.

The basic provisions of the bill would implement those recommendations of the HEW report which are as follows:

First. There must be no personal data recordkeeping systems whose very existence is secret.

Second. There must be a way for an individual to find out what information about him is in a record and how it is used.

Third. There must be a way for an individual to prevent information about him that was obtained for one purpose from being used or made available for other purposes without his consent.

Fourth. There must be a way for an individual to correct or amend a record of identifiable information about him.

Fifth. Any organizations creating, maintaining, using, or disseminating records of identifiable personal data must insure the reliability of these data for their intended use and must take precautions to prevent misuse.

The following Members are sponsoring this measure: Mr. ASHLEY, Mr. BADILLO, Mr. BELL, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CONTE, Mr. CONYERS, Mr. DANIELSON, Mr. DRINAN, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. LEGGETT, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOSS, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. SARBANES, Mr. SEIBERLING, Mr. WARE, and Mr. WON PAT.

A copy of the bill, H.R. 9786, follows:

H.R. 9786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act—

(1) the term "data bank" means any register or any other notes kept for any person (but not for any local, State, or Federal governmental authority), and made by automatic data processing and containing name, personal number, or other particular whereby information can be assigned to an individual;

(2) the term "personal information" means information concerning an individual;

(3) the term "individual registered" means an individual in respect of whom an entry has been made in a data bank; and

(4) the term "keeper of the data bank" means anyone for whose activity automatic data processing is being carried out.

SEC. 2. Except as provided in section 5, a data bank may not be kept except in accordance with the provisions of this Act. Permission to keep a data bank shall be obtained in the case of each such data bank from the Federal Privacy Board created under section 14.

SEC. 3. (a) Permission shall be granted by the Federal Privacy Board if it determines that there is no reason to assume that, with due observance of the regulations prescribed under section 6, undue encroachment on the privacy of individuals registered will arise.

(b) The Federal Privacy Board shall prescribe rules to assure that automatic data processing carried out for any local or general governmental authority of each State, the District of Columbia, and the Commonwealth of Puerto Rico is conducted so as to protect the privacy of individuals. Such rules shall insofar as feasible apply to standards established for protecting privacy in automatic data processing which are established for the agencies of the Federal Government.

SEC. 4. (a) Permission to record in a data bank information concerning a suspicion of or penalty for crime may not be granted to a person other than an authority which by law is responsible for keeping a record of such information, unless there are extraordinary reasons, therefor, as determined by the Federal Privacy Board.

(b) Permission to record, in a data bank, information that a person has received medical attendance, welfare, treatment for alcoholism or the like may not be granted to a person other than an authority which by law is responsible for keeping a record of such information, unless there are special reasons therefor, as determined by the Federal Privacy Board.

(c) Permission to record, in a data bank, information concerning political or religious views may be granted only where there are special reasons as determined by the Federal Privacy Board.

SEC. 5. (a) The Federal Privacy Board may determine that data banks of members, employees, tenants, insured persons, or other customers and similar kinds of data banks may be kept without permission otherwise required under section 2.

(b) No data bank may be kept under subsection (a) unless—

(1) with respect to a data bank other than a data bank of employees, the date of birth is not entered in the data bank;

(2) no personal information is entered in the data bank other than information given by the individual registered for the purpose for which the data bank is kept or by an authority according to law, or which has arisen within the activity of the keeper of the data bank or which concerns a change of address;

(3) no information referred to in section 4 is entered in the data bank;

(4) an individual registered is suitably informed that the data bank is kept by automatic data processing and concerning the kind of personal information entered in it;

(5) information from the data bank is not issued in such a manner that information is given concerning an individual except—

(A) when he has consented thereto;

(B) when information is issued to a person who, by permission granted according to section 2, is entitled to enter the information in a data bank;

(C) when information is issued to an authority according to law; or

(D) when the information issued is needed in order that the keeper of the data bank may be able to safeguard his rights against the individual registered.

(c) In order to prevent the risk of undue encroachment on privacy, the Federal Privacy Board may, by regulation, provide that no data bank may be kept under subsection (a) unless such data bank complies with other conditions in addition to those stated in subsection (b).

(d) Before a data bank referred to in this section is established, a notification thereof shall be made to the Federal Privacy Board.

SEC. 6. (a) If permission to keep a data bank is granted by the Federal Privacy Board under section 2, regulations shall be issued by the Federal Privacy Board as to—

(1) the purpose of the data bank,

(2) the personal information which may be entered in the automatic data processing equipment,

(3) the adaptation of personal information that may be made through automatic data processing equipment, and

(4) what particulars may be made accessible in such manner that information on individuals is provided.

(b) In other respects regulations may, insofar as needed, be issued concerning the obtaining of information for the data bank, the carrying out of the automatic data processing, the technical equipment, information to persons affected, the keeping and selection of information, the issuance of personal information to others and the use of such information in other respects, as well as regulations concerning control and security.

SEC. 7. At the request of the person who intends to carry out automatic data processing the Federal Privacy Board shall issue a binding statement as to whether permission or notification is required.

SEC. 8. (a) If there is reason to suspect that personal information in a data bank is incorrect, the keeper of the data bank shall, without delay, take the necessary steps to ascertain the correctness of the information and, if needed, to correct it. If the information cannot be verified, it shall be excluded from the data bank at the request of the individual registered.

(b) If a piece of incorrect information, which shall be corrected, or of unverified information, which shall be excluded, has been handed to a person other than the individual registered, the keeper of the data bank shall, at the request of the individual registered, notify the receiver concerning the correct information or concerning the exclusion of the information.

SEC. 9. If in a data bank there is personal information which with regard to the purpose of the data bank must be regarded as incomplete, or if a data bank which constitutes a record of persons contains no information on a person who with regard to the purpose of the register would be reasonably expected to be included in it, and if this may cause undue encroachment on privacy or risk of loss of rights, the keeper of the data bank shall enter the information which is missing.

SEC. 10. (a) At the request of an individual registered, the keeper of the data bank shall, for such minimal fees as the Federal Privacy Board shall prescribe, and as soon as possible, inform him of the personal information concerning him in the data bank. When an individual registered has been so informed, new information regarding such personal information need not be given to him until twelve months later.

(b) Subsection (a) does not apply to information which, pursuant to law may not be delivered to the individual registered.

SEC. 11. Personal information in a data bank may not be issued if there is reason to assume that the information will be used for automatic data processing not in accordance with this Act or abroad. If the issuance will not cause undue encroachment on privacy, the Federal Privacy Board may permit the issuance after opportunity for a hearing and notice to all persons concerned.

SEC. 12. (a) The keeper of a data bank or any person who has dealt with the data bank may not without authorization reveal what he has learned from it about the personal circumstances of an individual.

(b) If personal information has been issued in accordance with regulations prescribed under this Act that limit the right of the receiver to pass it on, the receiver or any person who in his activity has dealt with the information shall not reveal what he has learned about the personal circumstances of an individual.

SEC. 13. Information from an automatic data processing recording which is provided for the purpose of judicial or administrative proceedings shall be added to the relevant file in readable form. The Federal Privacy Board may permit specific exceptions from this rule, after opportunity for a hearing and notice to all persons concerned, where special reasons so warrant.

SEC. 14. (a) There is established the Federal Privacy Board (hereinafter in this section referred to as the "Board").

(b) The Board shall establish published rules to implement the provisions of this Act.

(c) The Board shall consist of seven members, each serving for a term of two years, four of whom shall constitute a quorum. The members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. No more than four of the members appointed to serve at the same time shall be of the same political party, and all members shall be from the public at large and not officers or employees of the United States.

(d) Members of the Board shall be entitled to receive $100 each day during which they are engaged in the performance of the business of the Board, including traveltime.

(c) The Chairman of the Board shall be elected by the Board every year, and the Board shall meet not less frequently than bimonthly.

(f) The Board shall appoint and fix the compensation of such personnel as are necessary to the carrying out of its duties.

SEC. 15. For the purpose of its supervision the Federal Privacy Board shall be granted admission at reasonable hours to premises where automatic data processing is carried out or where computers or equipment or recordings for automatic data processing are kept, and may by subpena compel the production of documents relating to such processing. Enforcement of any subpena issued under this section shall be had in the United States district court for the district in which such documents shall be located.

SEC. 16. With respect to each data bank, the keeper of the data bank shall deliver to the Federal Privacy Board the information and particulars concerning the automatic data processing which that Board requires for its supervision.

SEC. 17. If undue encroachment on privacy arises through a data bank or its use, the Federal Privacy Board shall issue regulations concerning the collection of information for automatic data processing, the carrying out of automatic data processing, the information which may be included, the technical equipment, the adaptation through automatic data processing, notification of persons concerned, issuance or other use of personal information, the keeping or selection of information, control or security measures needed for protection against such encroachment. In conjunction therewith the Federal Privacy Board may amend regulations given in the decision granting permission to keep a data bank. If protection against undue encroachment on privacy cannot be attained by other means, the Board may cancel the permit or prohibit the keeping of a data bank kept under section 5.

SEC. 18. Any person who has dealt with a matter relating to a permission or with notification or supervision under this Act shall not reveal what he has learned about the personal circumstances of an individual or about professional or business secrets.

SEC. 19. Any person who willfully or through criminal negligence—

(1) keeps a data bank without permission under this Act, when such permission is required, or in contravention of a prohibition order issued pursuant to section 17;

(2) keeps a data bank referred to in section 5 without having notified the Data Inspection Board;

(3) violates rules or regulations issued under this Act;

(4) issues personal information in violation of section 11;

(5) violates the provisions of section 12 or 18; or

(6) gives incorrect information when fulfilling an obligation to provide information as stated in section 10 or 16;

shall be fined not more than $5,000 or imprisoned not more than one year.

SEC. 20. (a) A keeper of a data bank shall pay compensation to an individual registered for damage caused to him through incorrect information concerning him in the data bank. When assessing the damages, the suffering caused and other circumstances of other than a purely pecuniary significance shall be taken into consideration. The keeper of the data bank shall be liable even if the error or the damage has not arisen through any act or omission of his own.

(b) In the case of a class action to enforce liability under subsection (a), damages shall not exceed the greater of $50,000 or 2 per centum of the net worth of the defendant, as of the end of the fiscal year of the defendant immediately preceding the fiscal year in which the cause of action of such class action rose.

(c) In the case of any successful action to enforce liability under this section, the costs of an action, together with a reasonable attorney's fee, as determined by the court, shall be awarded to any prevailing party plaintiff.

SEC. 21. If the keeper of a data bank fails to grant access to premises or documents pursuant to section 15 or fails to give information pursuant to section 16 or to fulfill his obligations pursuant to section 8, 9, or 10, the Federal Privacy Board may assess a penalty of not more than $5,000 which may be recovered by the United States through an action in the appropriate United States district court.

SEC. 22. This section and section 14 of this Act shall take effect on the date of its enactment, and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, and 21 shall take effect one year after the date of the enactment of this Act.

CHARLES HARMON: AN AMERICAN MISSING IN CHILE

(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, I want to call to the attention of the House a serious situation involving a young American, Charles Edmund Harmon. It is my understanding that he is the only American citizen not yet accounted for in Chile. I have spoken with a young woman, Terry Simon, also an American citizen, who was visiting with Charles Harmon and his wife, Joyce, at the time of the Chilean Army coup d'etat. She reports to me that Charles Harmon was seen by neighbors to have been physically taken into custody by members of the Chilean Army on Monday, September 17 in the late afternoon. The following morning, neighbors received calls from the Chilean Army Intelligence Service asking questions concerning Harmon's political background.

I have been advised by friends of the Harmons that they were in Chile for the purpose of producing an animated children's film. Charles is 31 and his wife, Joyce, is 28. They are both American citizens. I have contacted our State Department and have been advised that they have no information available on the young man and his whereabouts.

Since he is the only American still unaccounted for, I believe that it is critical that our Government at the highest level intercede with the Chilean Government to make a special effort to locate and release this young man so that he and his wife can return to the United States.

I have written to Secretary of State, Henry Kissinger, requesting his intercession. In my judgment, it would be helpful if other Members would indicate their concern for this young American by letters to our State Department.

ARMY POLICY: UP OR OUT?

(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, I would like to raise a question concerning the enlistment procedure of the Army. It involves the case of one of my constituents, an honorably discharged Air Force veteran, who was denied reenlistment into the Army. After making an inquiry into the case, the Army stated to me its reason for refusal of reenlistment privileges was that the veteran held the rank of E–3 at the time of discharge and should have been an E–4 after his period of service, which was 3 years, 8 months, and 15 days. For reenlistment into another service, the present regulations require that a man with prior service be able to meet reenlistment requirements into his own service, or be waived from such requirements by that service, or be the possessor of at least the Silver Star for combat heroism. It seems to me that with the Army unable to presently fill its quota of monthly enlistments—though it claims it will achieve its target goals by the end of this fiscal year—it is undermining the concept of a volunteer Army by promulgating overly strict norms in accordance with its qualitative management program. This program has taken as its policy "up or out." If certain designated milestones are not attained, the serviceman may be discharged even before his term of service is completed. The Army has cited this fact as one reason to deny reenlistment to a prior service veteran as being inequitable to a present Army serviceman subject to the same regulations and involuntarily and prematurely discharged.

That the Army should not be a dumping ground for incompetents—the GI term was even more descriptive—cannot be gainsaid. It was particularly distressing to me that a colonel in charge of recruitment policy in the Pentagon told a member of my staff that servicemen who could not rise in rank according to military expectations were "the dregs of the earth—thieves, addicts, and misfits". This attitude is philosophically unacceptable to me and surely administratively counterproductive. We certainly do not want an Army which lacks effectiveness and quality, especially at the salaries now being paid. The Army should not be considered a refuge for those men unable or unwilling to make it in civilian life. But there should be room for competent, if uninspired, soldiers. Suppose a man lacks the ambition to become a master sergeant, but is a capable and discplined rifleman, why should he be expelled from the Army or denied reenlistment, especially with the Army falling short of its manpower goals? It seems to be a policy designed to thwart the goal of a fully manned volunteer Army, as well as likely to cause unnecessary embitterment. Certainly we want quality, but unrealistic standards of achieval are damaging. I hope those in charge of policy in the Armed Forces will reconsider their policy as it applies to enlistees in general and to my constituent in particular.

INDEPENDENT GAS RETAILERS NEED PROTECTION

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, when the resolution to make continuing appropriations was before the House last Wednesday, I offered the following amendment to prohibit the Cost of Living Council from continuing to discriminate unjustifiably against small independent petroleum dealers and in favor of the major oil companies:

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.

The amendment passed the House by a vote of 371 to 7.

This afternoon the Senate Appropriations Committee will mark up the House-passed continuing resolution. I strongly urge that my amendment be retained.

It is a wise insurance policy against renewed discrimination against small independent gasoline retailers by the Cost of Living Council. I make this earnest recommendation despite two important developments which have occurred since the House vote:

First. The announcement by COLC Friday which seems to respond thoroughly to the House demand that discrimination end. COLC issued new price regulations under phase IV which permit passthrough of costs to all but gasoline retailers, and bases pricing for independent retailers on the same May 15 date as earlier accorded the major oil companies, which are both retailers and refiners.

The principal complaints which led to the amendment were that the independent retailer was required to stick with a profitless January 10 price base and denied passthrough of cost increases, while

the majors were given a more profitable May 15 base and permitted passthrough.

The failure of COLC to allow passthrough for gasoline dealers will still cause serious problems. After COLC announced its decision, several major oil refiners announced price increases which will now have to be eaten by the independent service stations. For example, this weekend, Shell increased its prices 0.2 cent, Union hiked its price 0.3 cent, and Arco raised its price a whopping 1.5 cents. None of these costs can be passed through even under the amended regulations.

Second. The publication of the letter dated Thursday, September 26, from COLC Chairman John T. Dunlop to Senator JOHN L. MCCLELLAN, chairman of the Senate Committee on Appropriations. This letter curiously denounces the price-base changes my amendment requires. I say curiously because it must have been prepared at the same time and in the same office as the price-base changes which were yesterday announced by COLC.

In effect, the letter to the Senate committee argues against the price changes COLC was then in the process of ordering.

Several possible explanations come to mind: First, faced with the overwhelming vote of the House for a policy of nondiscrimination against the independent retailer, COLC quickly made changes to accommodate the expressed mandate; or alternatively, the left hand in COLC did not know what the right hand was doing. Considering the curious things that have happened in COLC in recent months, this is not surprising, but neither is it reassuring to a marketplace so dependent on COLC decisions.

A third possibility is that Mr. Dunlop is a shrewd politician. While bowing substantially to the will of the people, as expressed in the House vote, at the same time he protests against the intrusion upon what he considesr his own private domain.

In any exent, prudence dictates that the amendment prohibiting discrimination against the little fellow be retained. It is good insurance against price changes in the future that may be just as harmful to marketplace competition as those in the past.

The amendment is regarded as in good order and properly constructed by the Comptroller General, the Library of Congress, and the Federal Trade Commission—notwithstanding Mr. Dunlop's objection.

Finally, it is outrageous for Mr. Dunlop to argue that the amendment ill serves the interests of the consumer. Just the opposite is true. Under Mr. Dunlop's earlier price order, independent retailing of gasoline—so vital to the interest of consumers—would have been destroyed. Under his new price order—motivated, I believe, in great measure by the strong voice of the House of Representatives—competition can once more flourish to the great advantage of the consumer.

Mr. Speaker, at this point, I insert in the RECORD the text of a letter I sent to each member of the Senate Appropriations Committee, a letter from the Comptroller General of the United States, a memorandum prepared by the Library of Congress, a memorandum I prepared responding to several issues raised during floor consideration of my amendment, and Mr. Dunlop's letter to the chairman of the Senate Appropriations Committee:

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 28, 1973.

DEAR SENATOR: When H.J. Res. 727 making continuing appropriation was before the House this week, I offered the following amendment, which was adopted by a vote of 371–7:

"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."

When this resolution is considered by your committee Monday morning, some question may be raised as to whether the prohibition of discrimination might require the identical percentage of markup for all levels of petroleum marketing. This was not my intention, nor would it be the amendment's effect.

In offering the amendment, my intention was two-fold: first, to prohibit the Cost of Living Council from basing prices for one segment of the petroleum marketers on January 10 margins and another segment on May 15 prices; and second, to prohibit the Cost of Living Council from discriminating against levels of marketing by allowing some to pass through cost increases and some not.

In the attached letter from the Acting Comptroller General, he makes clear that identical percentages of markup for all levels of marketing would not be required.

The Assistant General Counsel to the Federal Trade Commission, Robert Montgomery, has also assured me that the amendment is "well drafted and on the point" and that he would expect the Cost of Living Council to be "fair-minded in applying it."

The American Law Division of the Library of Congress adds a memorandum which shows that the Supreme Court would look to the legislative history on the floor of the House and Senate in interpreting the amendment and would adopt the interpretation of the author and not that of its opponents, who "in their zeal to defeat a bill . . . understandably tend to overstate its reach."

I hope the Appropriations Committee will see fit to retain this amendment.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., September 27, 1973.

Hon. PAUL FINDLEY,
House of Representatives,

DEAR MR. FINDLEY: You informally requested our interpretation of the following amendment offered by you to the joint resolution (H.J. Res. 727) making continuing appropriations for the fiscal year 1974, which amendment was adopted by the House of Representatives on September 25:

"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."

The amendment prohibits the Cost of Living Council from using funds made available by the joint resolution for the purpose of formulating or carrying out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products. The amendment is thus stated in fairly broad terms and it is difficult to state specifically what problems may arise which would be affected by the amendment or just how the amendment would be applied except on a case-by-case basis. It is clear, however, from your statements on the floor of the House (Congressional Record, September 25, 1973, pp. 31353–31356) that the House of Representatives intended that the amendment would preclude the Cost of Living Council from basing prices for one segment of petroleum marketers on January 10 prices and basing prices for another segment of petroleum marketers on May 15 prices; and that the amendment would prevent discrimination at each level of marketing, that is, the producer, refiner, reseller, or retailer level and would not require the identical percentage of markup for all levels of marketing.

In the absence of anything to the contrary in the complete legislative history of the amendment as finally enacted by the Congress, we would construe the amendment in accordance with the foregoing intent of the House of Representatives.

Sincerely yours,

PAUL G. DEMBLING,
Acting Comptroller General of the United States.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., September 27, 1973.

To Honorable Paul Findley. Attention: Mr. Wixer.

From American Law Division.

Subject The Sponsor's Intent In Constructing the Meaning of a Statute.

This memorandum is submitted in response to your request for an analysis of the meaning of the following amendment to H.J. Res. 727 (Further Continuing Appropriations, 1974) which you offered and was agreed to by a yea-and-nay vote of the House of Representatives on September 25, 1973.

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."

Aimed at preventing a future repetition of the type of double standard established by the Cost of Living Council in setting up Phase IV retail prices for gasoline, one for the independent retailer and one for the refiner which also markets its own products at retail, you stated the amendment's purpose as: "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." (119 Cong. Rec. p. 31353, daily ed. Sept. 25, 1973). In response to Rep. Moss' assertion that the amendment is ambiguous since "marketer" is not defined therein, and therefore would affect all marketing levels within the industry thereby disallowing historic markup standards, you replied, in part:

"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."

119 Cong. Rec. page 31354 (daily ed. Sept. 25, 1973).

In construing a statute, a court of law "must consider the purpose of its enactment, the evil to be eradicated, the object to be obtained and recognize the construction that would best effectuate those standards." *Gartner* v. *Soloner*, 384 F. 2d 248, 355 (3rd Cir. 1967), cert. den. 390 U.S. 1040 (1968):

"A court faced with this problem of interpretation, or another problem like it, can well begin with an inquiry into the purpose of the provision that requires interpretation. The language of the provision that is to be interpreted is, of course, highly relevant to this inquiry but it should never become a "verbal prison." [citation omitted] Other considerations, such as the court's sense of the conditions that existed when the language of the provision was adopted, its awareness of the mischief the provision was meant to remedy, and the legislative history available to it, are also relevant as the court attempts to discern and articulate the provision's purpose." *Eck* v. *United Arab Airlines, Inc.*, 360 F. 2d 804, 812 (2d Cir. 1966).

The Supreme Court has held that when the issue is simply the interpretation of legislation, it will look to the statements by legislators for guidance as to the purpose of the legislature. *United States* v. *O'Brien*, 391 U.S. 367 (1968):

"But we have often cautioned against the danger, when interpreting a statute, of reliance upon the views of its legislative opponents. In their zeal to defeat a bill, they understandably tend to overstate its reach. "The fears and doubts of the opposition are no authoritative guide to the construction of legislation. It is the sponsors that we look to when the meaning of the statutory words is in doubt." *National Labor Relations Board* v. *Fruit & Vegetable Packers & Warehousemen, Local 760*, 377 U.S. 58, 66 (1964).

In fact, in a recent case the Supreme Court stated that an interpretation placed by the sponsor of a bill on the very language subsequently enacted by Congress was appropriately part of the legislative history of the bill enacted, though the interpretation was given two years prior to the enactment with respect to a previous bill, the operative language of which was substantially carried forward into the Act. *United States* v. *Enmons*, 410 U.S. 396 (1973).

DANIEL HILL ZAFREN,
Legislative Attorney.

MEMORANDUM PREPARED BY REPRESENTATIVE PAUL FINDLEY ON THE EFFECT OF HIS AMENDMENT REGARDING OIL PRICING POLICY

Several distinguished members of the Congress have suggested that my amendment to H.J. Res. 727 is not sufficiently precise. The amendment forbids use of COLC funds in formulating or carrying out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products. It is suggested that this general statement alone is inadequate because (1) it could be construed to forbid the preservation of traditionally different margins earned at different levels of the industry or (2) the Cost of Living Council can contend that its regulations, in fact, provide equal treatment by subjecting different marketers to different rules. I believe that both of these objections can be adequately met.

Traditionally, crude producers, refiners, jobbers, dealers and jobber-dealers, as separate classes, have all earned different normal markups. Yet, because they all market petroleum products, some believe this amendment would forbid the Cost of Living Council to preserve these differences. It would not. The petroleum industry has for years been noted for the stable prices and markups which exist at each level and within each class of marketer. It is this very stability which has given rise to the term "normal" markup. Moreover, the scheme is so well understood as to be implicitly recognized in the "Prices" section of the Administration's proposed mandatory allocation regulations which refer to "normal and reasonable relationship(s)". As a result, it should be apparent that forbidding discrimination by COLC's new regulations is an attempt to preserve this established structure of different margins. The amendment makes this clear in that it does nothing more than expressly require a uniform "method of establishing prices; it does not require identical prices or identical markups. Thus, if prices are to be determined by means of a particular day, COLC must use the same day. If prices are to include a pass-through, there must be a pass-through at all levels.

Notice, too, that forbidding discrimination has not historically required uniformity where there was a reasonable basis for differences. The word "discrimination" may be new to the economic stabilization program, but it is a highly refined term of art in the broader spectrum of economic and pricing regulations. For example, the Robinson-Patman Act permits different prices to different customers where the differences are cost justifiable quantity discounts. This difference is not "discrimination" because the term is construed to allow reasonable differences. Similarly, "discrimination" by granting functional discounts resulting in different prices or margins is permitted where the underlying function is actually performed. *Mueller Co.*, 60 FTC 120 (1962), *aff'd* 353 F. 2d 44 (7th Cir., 1963), *cert denied*, 377 U.S. 923 (1964). Because existing statutory proscriptions on "discrimination" have not forbidden such reasonable functional differentiation, the present use of the word can be expected to permit the Cost of Living Council to allow crude producers, refiners, jobbers, dealers, jobber-dealers, and all other different marketers in the petroleum industry to have different markups to the extent that these markups reflect real function differences. At the same time, functionally identical transactions, e.g., sales of gasoline by refiner-retailers and dealers, must be governed by the same method of establishing price.

Should the courts or the Cost of Living Council find these precedents inadequate, they must look to the legislative history to clarify any ambiguity. There I made it clear that discrimination meant different dates for markup calculation and failure to provide a pass-through of all increased product costs at all levels of distribution.

The flexibility just outlined has led others to object that COLC will be able to justify its present rules as reasonable and therefore permissible discrimination. This also is not the case. The use of different dates for refiner-owned marketing operations and independent jobbers and dealers is clearly indefensible because there is no difference in the functions performed. In fact, markups reflecting functional differences are most likely to be preserved by taking all markups from a single day rather than by using different days when conditions and functions may be different.

Much the same logic would apply to a rule which does not permit a pass-through of increased product costs at all levels of the industry. Reducing one businessman's markup to increase another's could only be justified if the second man assumes a function which the first marketer stops. Without this rationale, the absence of a pass-through would not fall into any traditional concept of reasonable discrimination and it certainly could not be supported by simple logic or by an examination of my comments in the legislative record.

Given the specific language about "method of establishing prices", the traditional gloss on "discrimination", and my own comments in support of the amendment, it seems reasonable to expect that this amendment will be sufficiently clear to our courts and the Cost of Living Council to insure reform of the present blatant inequities in Phase IV.

ECONOMIC STABILIZATION PROGRAM,
COST OF LIVING COUNCIL,
Washington, D.C., September 26, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Senate Committee on Appropriations, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express serious concern over the amendment to H.J. Res. 727, adopted by the House September 25, 1973, and now before your Commitee, which would have the effect of dismantling the ceiling price system for gasoline, home heating oil and diesel fuel established by the Cost of Living Council. The amendment reflects a serious lack of understanding of the Council's petroleum regulations, ignores fundamental differences between the pricing structures of refiner-retailers and other retailers, and fails to recognize the need to protect American consumers from inflationary increases in the prices they must pay for petroleum products.

The amendment is ill-advised and I want to express in this letter my reasons for opposing it.

First, the Committee should be aware of the magnitude of the increases which have been experienced in petroleum prices this year. From January through August 1973, the fuel oil component of the wholesale price index increased at an annualized rate of 72.5%. For gasoline, the annualized rate of increase has been 63.6%. For all refined petroleum products, it has been 56.6%. These figures contrast sharply with the figure for all industrial commodities, which increases at a rate of 10.8%, and are significantly higher than the figures for the processed foods and feed component—about which there has been so much public concern—which has increased at a rate of 47.7% over the same period.

The same picture appears in the consumer price index. Gasoline at retail has increased at an annualized rate of 12.7%, fuel oil has increased at a rate of 22%, while the overall CPI has increased at an annualized rate of 9.3%. So the first point to be made is that petroleum products have contributed disproportionately to inflation. It is for this reason that the Cost of Living Council designed specialized regulations for the petroleum industry in Phase IV.

The Council gathered extensive dealer markup data as the basis for its decision to establish ceiling prices at retail for the sale of gasoline. It is important to emphasize, in this connection, that while the markups themselves deal in pennies per gallon, their aggregate impact upon the economy is substantial. Approximately 100 billion gallons of gasoline will be sold at retail in 1973. Thus, an increase in markup which is reflected in a price increase of a penny per gallon represents, in the aggregate, a price increase of $1 billion per year which must be paid by American motorists.

Information derived from industry and other sources collected by the Council in plannig Phase IV showed that during the period of the feared gasoline shortage this Spring, retail gasoline dealers substantially hiked their prices and obtained significantly increased markups. These markups were, on the average, far above what dealers had previously obtained and were, in the Council's view, inflationary. Dealer markups on retail sales of gasoline during 1972 averaged 6.74 cents per gallon. However, by July 1973, the average markup increased to 7.60 cents per gallon, an increase of 13%. The Council determined to reduce these markups to the levels which they occupied on January 10, 1973, the last day of Phase II, and which are more consistent with historic markup levels. At the same time, the Council took note of the fact that in some areas price wars were being waged in January, with the result that

dealer markups were depressed on January 10. Consequently, it established a *minimum* markup of 7 cents per gallon which is above the *average* markup retailers were able to apply to all of 1972.

Under the Council's rules, dealers may add this markup (the January 10, 1973 markup of 7 cents, whichever is higher) to the actual cost of their products on August 1, 1973. Thus, the ceiling price is not the January 10, 1973, price. It is the actual cost of the product on August 1 plus the January 10 or 7 cents markup. This rule applies to the approximately 90% of the Nation's retail gasoline outlets which are not directly owned and operated by refiners.

Different ceiling price rules apply to retail sales made directly by refiners because products sold through these outlets reach the retail market through a series of intracorporate transfers, rather than arms-length transactions establishing costs and markups. The structure of these refiner-retailers and their pricing mechanisms simply do not lend themselves to price control on the same basis as other retailers and artificial symmetry cannot produce an effective or equitable price control mechanism.

Most refiners are vertically integrated firms which engage in the production, manufacture and distribution of an array of petroleum products. Phase IV rules respond to this reality by estabilshing a comprehensive system of different rules applicable to the particular characteristics of the petroleum industry at all levels—from the oil that is pumped out of the ground to the gasoline sold to motorists and the heating oil sold to home owners. The benchmark date for control of refiners prices is May 15, 1973. That is the date for establishing ceiling prices on domestic crude oil; it is the date for estabilshing base prices of the array of petroleum products manufactured and sold by refiners; and it is the date for establishing ceiling prices for retail sales of gasoline, home heating oil and diesel fuel by refiners.

Specifically, the ceiling price for retail sales of these three products by refiner-retailers is the May 15, 1973, selling price plus the increased costs of imports incurred between May 15 and August 1,. 1973. It is important to note that this ceiling price is based upon refiner-retailers *May 15 selling price* adjusted for increased costs of imports incurred *before* August 1, as distinct from the rule for other retailers which establishes a ceiling price base upon the *August 1* cost of the produce *plus* its *January 10 markup or 7 cents whichever is higher.*

Moreover, the May 15 selling price for refiner-retailers is generally no higher than the prices they were charging in August 1971 which were frozen in the first freeze of the Economic Stabilization Program and remained unchanged during all of Phase II unlike the prices of other retailers, which in most cases, were not controlled during most of Phase II because of the small business exemption. In both cases, however, the ceiling prices for refiner-retailers as well as other retailers are fixed and may not be increased until authorized by the Council.

It should also be pointed out that the Council regulates only the sale of petroleum products by most independent retail dealers. The remainder, and more profitable part of their sales (tires, batteries, accessories and repairs), are exempt from controls under the small business exemption. Such sales by refiner-retailers, however, are controlled by the Phase IV rules since they do not qualify for the small firm exemption. Sales of non-petroleum items generally account for larger profits to independent dealers than the sale of gasoline. Markups on non-petroleum products range from 33% to 50%.

The point I would make, therefore, is that while there are differences in the ceiling price rules that apply to refiner-retailers on the one hand and to other retailers on the other hand, these differences are premised upon vital differences in the particular economic characteristics of the firms being regulated and fairly reflect the different price behavior which the firms have experienced under the stabilization program. The charge that the differences in treatment were motivated by a desire to favor refiner-retailers or to discriminate against other retailers—or that the differences have this effect—is wholly without foundation and does not consider the practical economic need to treat different customary operating practices differently in a comprehensive price controls system.

The thrust of the House amendment is to require the Cost of Living Council to ignore economic conditions as they exist in the marketplace and to tie the Council's hands in implementing a system to control rapidly escalating prices in the petroleum sector. As the Committee knows, the Council is now conducting its first periodic review of the ceiling prices established under the regulations, and I am committed publicly to increasing those ceilings in the next few days to reflect the increased costs which the rules permit to be passed through the distribution system on a a dollar-for-dollar basis. This is in fulfillment of a commitment which the Council made in August when the regulations were originally issued.

To require the Council now, in addition, to perform major surgery on the regulatory framework is to invite serious inflationary consequences. It would also add greatly to public confusion. That is particularly true in the case of gasoline where the Council has required the posting of ceiling prices and minimum octane ratings by all gasoline retailers, to enable members of the public to assist in the enforcement and administration of these price ceilings.

It may well be that changes are warranted in the Council's regulations. The petroleum industry is complex and requires complicated regulations if it is to be effectively controlled. My colleagues and I are, of course, prepared to meet with appropriate Committees of the Congress to discuss the desirability of suggested changes and to do so in an orderly and responsible manner. But I am unalterably opposed to hasty and ill-conceived action which has not been thoughtfully examined, which is clearly premised upon misconceptions and which threatens to unravel the existing controls program in a highly inflationary sector of the economy.

I, therefore, strongly urge the Committee to eliminate the House amendment from the Bill which it reports to the floor.

Sincerely,

JOHN T. DUNLOP,
Director.

THE SAD PLIGHT OF OUR RUNAWAY YOUTH

(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 have joined with many of my colleagues in sponsoring the Runaway Youth Act in the hope that we can in some way help resolve this tragic problem. The shocking disclosure recently that 27 young men missing from their homes had been murdered in Houston, Tex., has brought to light the startling fact that nearly 1 million young people a year are missing in this country. We must try to do something to keep them from getting lost and try to get them reunited with their families and back in their homes. We must encourage them to live normal lives in the years ahead. I intend to fight for this kind of program in the Congress and welcome the support of my colleagues.

In this connection, I commend to all my colleagues an excellent article appearing in the Miami News of September 25, 1973, by Jack Kassewitz, entitled "It's Not Always Easy for a Runaway To Return Home." I thought my colleagues would be interested in this article which reads as follows:

IT'S NOT ALWAYS EASY FOR A RUNAWAY TO RETURN HOME

(By Jack Kassewitz)

One of the toughest problems for the law enforcement-juvenile justice system is how to deal with runaway youths. More than a million kids are missing this year from their homes and the number is increasing. Unfortunately, national statistics have never been compiled and the exact number and causes therefor go undefined.

The tragedy of Houston, where 27 boys were victims of a sex murder ring preying on runaways, has moved the Congress to action. Rep. William Keating (R-Ohio) proposed two years ago that federal government help local and state police forces in establishment of a new communication system to report on runaways.

But the House was reluctant to do anything about Rep. Keating's legislation until recent months. The Senate, on the other hand, held quick hearings in June on a bill introduced by Sen. Birch Bayh (D-Ind.) and passed the federally-funded Runaway Youth Act which is very much like Keating's. Two other bills also were offered in the House and at long last Rep. Augustus Hawkins (D-Calif.) has called hearings for a week from today. The Keating bill suddenly has 45 cosponsors.

A strong point in the Keating bill gets similar attention in the Bayh bill. It would establish "halfway" houses, or quiet havens, where children could find food, medical care and most important of all, counseling by professional social workers.

For the runaway, returning almost seems more difficult and traumatic than the decision to leave home. He may fear punishment, or merely fear that he or she won't be able to explain the emotions that caused the flight from parental guidance. Halfway houses could help the youngsters get themselves together, and in turn, get together in a less demeaning manner with their families.

Government generally has paid little attention to the runaway problem. There is one federally funded home in Los Angeles which houses runaways and has proven a successful alternative, says Congressman Keating, to treating the child and keeping him out of the court system. The Los Angeles program has sent 85 per cent of 600 children back to their homes in the first year of operation, while 13 per cent of the children were sent to relatives or foster homes. The L.A. authorities found only two per cent of the children beyond their reach.

Metro Dade County initiated a program to help runaway young people last June. Arthur Foehrenbach, director of Youth Services, remembers when Dade County operated Youth Hall and half of its prisonsers actually were runaways who had no business being behind bars in the first instance.

"We want to get the child back home and have our social counselors work with him there," said Foehrenbach. "We've advised local police department of our program. They too, recognize the runaway generally has a social problem rather han a criminal one."

Foehrenbach says Youth Hall averaged 120 runaway custodial cases a month prior to the time that the state of Florida took over from Dade County. Now that the state operates the Hall, he isn't sure what the population count runs these days.

"We knew from experience about 40 per

cent of the population at Youth Hall should not be locked up," says Foehrenbach. "We're trying to find housing to serve as a temporary shelter for two or three days while the child is reunited with his family." (Average stay for a youngster in the Los Angeles haven is 2.9 days.)

Currently the Dade runaway intervention program (RIP) serves 88 children and their families. Foehrenbach is getting about 25 new charges every two weeks: "Our service is available to police 24 hours a day. They have been urged to telephone us when they pick up a runaway and we'll send out a social worker to take over the case."

Congress might do well to include in its program what many European countries already have—a system of youth hostels to provide basic food and shelter at low cost to wandering young people. The idea would not be to foster runaways but to decently accommodate the wayfarers who are increasing in number and in part to separate legitimate young travelers from the runaways, so the latter could be more easily spotted and offered aid. This idea has also been advanced by a private individual in Dade County, but never got off the ground with government.

LAW ENFORCEMENT AND STUDY OF CRIME IN AMERICA

(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, on Tuesday, August 7, I had the honor to address the National District Attorneys Association at Snowmass, Colo. The distinguished president of the National District Attorneys Association, Hon. Carroll Vance, district attorney in Houston, Tex., and his distinguished colleagues, Joe Busch, district attorney of Los Angeles; Bob Leonard, district attorney in Grand Rapids, Mich.; Milt Allen of Baltimore; and Allen Spector of Philadelphia, had testified earlier this year before the House Select Committee on Crime of which I was then chairman. In view of the contribution—the dedicated contribution—of the district attorneys of this country, of both the Federal and State system, to law enforcement and the protection of the lives, the persons, and the property of the people of this country, it was a privilege for me to have this opportunity to appear before this eminent group. I discussed with the group some of the problems of law enforcement in America and some of the results of the study of the crime problem of the United States over the last 4 years by the House Select Committee on Crime.

I ask, Mr. Speaker, that my remarks on this occasion appear in the RECORD following the introduction by Hon. Carrol Vance, president of the association.

The material follows:

ADDRESS OF HON. CLAUDE PEPPER TO THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION, SNOWMASS, COLO., AUGUST 7, 1973

CARROLL VANCE, President. The Congressman has made a long trip and you might wonder how did we settle on Congressman Claude Pepper to be here and deliver this address today. Well, before I get into that just a little bit let me just say a little something about his background so you'll know how many years he's given to government service and the wealth of experience that he brings to this podium.

He, after attending the University of Alabama graduated from Harvard Law School (I've always wanted to know a Harvard lawyer). I finally got one and had dinner with one last night. At any rate, one thing that is very interesting I think about any Congressman is if they've previously served in the U.S. Senate and we won't say what year that was in, but at any rate, not only has he done so many things but we won't go into these.

He has had an outstanding government service through the years and you are still wondering why Congressman Pepper has come all this way—why is he our main kick-off speaker of this entire convention? Well it so happens that the Congressman was Chairman of the Select Committee on Crime that heard testimony from throughout the U.S. to try to come up with ideas and recommendations of what can be done to curb the crime problem (whether it is organized crime or crime in the streets). And I had the privilege of appearing before this particular Committee. And I know that others in our association appeared before this Committee. Milt Allen from Baltimore appeared before this Committee. Joe Busch and I were on the program. Joe is (not clear) attorney in Los Angeles as you know perhaps to go forward and read some comments into the minutes and spend perhaps 15 or 20 minutes in giving the testimony but Joe and I spent 3 hours before that Committee that day and this was one of the most knowlegeable Committees that I had ever seen. The Congressmen on this Committee had done their homework and asked very explicit and articulate questions and they knew what it was all about and you could tell that they had taken a very keen interest with very fine minds for over a 2 year period in trying to come up with some of these determinations.

So we felt like in that we were trying to go in that same direction to try to reduce crime on the streets that we could bring the very distinguished Chairman of this Committee to the prosecutors of the country that could share some of this information. And the only problem I have in introducing this wonderful person is that I just, just don't know what to call him. He says, "Well call me Claude or call me anything," and I finally got the nerve to ask him should I call you Congressman or call you Senator—he said well it really doesn't matter but he said, "most of the friends in the House call me Senator because they said once you're a Senator—always a Senator." So you might want to refer to him as Senator Claude Pepper and I know he has an exciting message for us today.

Senator Claude Pepper.

Let us give him a warm welcome (applause).

Mr. PEPPER. Thank you.

President Vance, Mrs. Vance, Mr. Robert Russell, Mr. Attorney General Moore, President-elect Mr. O'Hara and Mrs. O'Hara, Mr. and Mrs. Hallet, members of the National Association of District Attorneys, ladies and gentlemen.

I'm very profoundly grateful to your distinguished president for those generous and kind words of introduction. I've often said that anyone who'd been in politics as long as I have is grateful if the introducer is just kind—he doesn't have to be as complimentary as Carroll so kindly was today.

It is a great honor to be here because I consider this probably the premier organization in this country of those rendering distinguished and significant and dedicated public service. And I'm also very happy to be here for the second time in the vicinity of Aspen, Colorado, to have enjoyed, Mr. Russell, the most significant and gracious hospitality that you have extended to all of us who are fortunate enough to be here on this occasion.

Thirty-five years ago my wife and I were invited by Mr. Walter Paepcke who had a home near Denver to come by and spend a weekend there enroute to Seattle where I was to address a National Convention. Mr. Paepcke told us of his dreams for Aspen. On that visit we met a very wonderful young couple whose friendship we enjoyed for many, many years thereafter, Mr. and Mrs. Adlai Stevenson. And so I am glad to be here in the Aspen area which I understand Mr. Paepcke and an associate built. This beautiful part of Colorado is greatly famous throughout the world.

When we think of the formal court system, which we know so much about and of which you are so important a part, we sometimes tend to forget that there is another very important court in this country and that is the Court of Self Help. I heard an example of that a little bit ago about a truck driver who stopped early one morning at a roadside restaurant for breakfast. He went in, sat down, ordered bacon and eggs, buttered toast and coffee. His breakfast had been served and he was about ready to begin to eat when 3 of these motorcycle toughs roared up in front of the door. Clad in their black, leather jackets and in their characteristic uniform they strolled arrogantly into the little restaurant. They walked up behind this fellow who was sitting behind this counter about to eat his breakfast. One of them looked over his shoulder, reached down and picked up his coffee and started drinking it as he walked away. The truck driver followed him with his eyes but he didn't say anything.

Another fellow reached down, picked up a handful of his bacon and walked away. The truck driver's gaze followed him but he didn't say anything. The other fellow reached down, picked up his toast, and walked over to a table with it. The truck driver's look followed him but he didn't say anything.

The motorcycle toughs sat down to the table and had coffee. The truck driver got up quietly and walked over to the cashier and paid his check and walked out. After the motorcycle toughs finished their coffee, one of them walked over to the lady cashier. He said, "Lady, did you see what happened there a while ago?" She said, "Yes sir." "Well," he said, "that fellow wasn't much of a man was he? The lady replied: No, sir, he wasn't much of a truck driver either. He just ran over and flattened 3 motocycles as he drove off a while ago." [Laughter].

Before speaking of the areas in which you are concerned and to which you have contributed so much, I'd just like to mention three matters of considerable, national importance in the nature of constitutional confrontations which are under consideration in Washington today.

One of them of course with which you are very familiar from the media is the controversy about whether the President should release to the Watergate Committee and the Special Prosecutor and possibly to the courts the tapes of the conversations which he has had made and are in the President's custody. I heard Saturday evening at a dinner of the National Association of Women Lawyers in Washington former Justice of the Supreme Court, the honorable Arthur Goldberg, speak on that subject, on the release of the tapes. He finds in the decisions of the U.S. Supreme Court of the last year, assurance that the tapes will eventually, by the courts, be ordered to be turned over to the Committee and to the prosecutors and to the courts if called for.

The unhappy episode of Watergate has had a chilling influence upon the moral climate of this country. It has been one of the most unhappy episodes in our nation's history, tragic as it is and will be in its consequence international as well as national. We all hope that it will lay a path for the future that will be followed by those who tread that path more circumspectly than those who have trodden it in the past and that all of us will be able to walk on higher ground even when we are walking thru the thicket of politics.

The other two confrontations have to do

first, with the authority of the President to enter into and to wage war. Twice in recent times since I've been in the Congress, American troops to the extent of some ½ million have been sent by our Chief Executive to the other side of the world. And casualties have been in excess of 50,000 in one of those wars and comparable to that in the other. Expenditures in the Vietnam war now exceed $125 billion when we have many needs unmet in our own country.

While a war is in progress it is very difficult for Congress to suspend the operation of the Commander-in-Chief. The President said, very well, I have the right to send the troops over there. If you don't want to supply them with ammunition, if you don't want to pay them, if you don't want to give them supplies that are necessary—that's up to you of the Congress. So now that the war is over, as far as we are concerned we hope, Congress has been trying to define the respective roles of the President and the Congres in taking this country into the agony of war. We have legislation that's passed both bodies that is now in process of being reconciled between the two which will of course preserve the right of the President to respond to attack or the threat of attack and to engage in short-term military operations but with the understanding that he makes an immediate report to the Congress observable of course by a free people, and then the Congress will determine whether they give extended authority for those hostilities to be carried on.

A third confrontation relates to the impounding of funds authorized and appropriated by the Congress by the President. This Administration has been generally regarded as having impounded somewhat in excess of the funds impounded by previous administrations and for a longer period of time. The Constitution says that the President shall "take care that the laws be faithfully executed." The Constitution might have said "The President shall execute the laws" but the forefathers felt it necessary to put emphasis upon the President's obligation by adding, "The President shall take care that the laws be faithfully executed." So when the President doesn't carry out an Appropriation Act of the Congress, which in most instances he's signed into law, when he terminates legislative authority without the concurrence of the Congress, many of the Members of Congress and I suspect many of our fellow citizens feel that the President is exceeding his Constitutional authority.

And now we are trying to work out a system by which that controversy also will be reconciled. The Erwin Bill that was passed by the Senate provided that the President would not have authority to impound funds unless within 60 days the Congress by concurrent resolution should hold that the impoundment was legal. That took affirmative action on the part of the Congress for it to be legal.

The Mahon Bill which first was introduced in the House provided that the President's impoundment of funds should be valid unless the House and Senate disapproved it later within 60 days. We've reached a compromise in the House now providing that if the President impounds funds he shall within 10 days advise the Congress of his action and then if one House of the Congress within 60 days disapproves the impoundment, then the impoundment will not be legal and the authorized and appropriated funds must be expended as required by law.

But these are things in the larger forum of national interest and debate. You are concerned on the front line to try to preserve the right of the people of this country to be secure in their persons, in their homes, their businesses, their recreation and their property against those who would deprive them of what is rightfully theirs. And you have waged a gallant and meaningful fight to try to curb crime, to try to take the most effective measures to reduce the amount and volume and seriousness of it and try to protect the people of this country. You are the symbol primarily in every community in which you live of the community effort to try to protect and preserve the safety of the citizens round about you.

Carroll Vance was kind enough to refer to the actions of our House Select Committee on Crime. After a 4 year study of crime in the country we in the last hearings that we conducted tried to take up the various aspects of street crime and the system which is to us the administrator of the criminal law or criminal justice to see what could be done to better the system and to reduce crime.

First, we had 13 outstanding police departments of the country to come and tell about the innovative programs that they have initiated in their respective jurisdictions and how they have been able to reduce crime by the initiative they have taken in those innovative programs. And then we have, as Carroll has said, outstanding prosecuting attorneys of the country—four of whom are here: Carroll Vance, Joe Busch, Bob Leonard back here who participated on the panel discussion before the American Bar Association with me last Friday, and Milt Allen of Baltimore. Allen Spector of Philadelphia was also one of our witnesses, I haven't seen him here since I've been here. They gave us most interesting counsel and advice as to how the prosecuting attorneys screen out the cases that should not be put into the court system; about the diversionary programs under which they are withholding certain young people not previously guilty of the commission of serious crime from the criminal system giving them an opportunity for rehabilitation in their respective communities. They told us also in some instances, they have developed the equivalent of what we call in civil law the pretrial conference, cutting down the delay involved in the filing of many delaying motions which are often filed by a defense counsel. An excellent example of what can be done by court and counsel working together is the omnibus system initiated by Judge Albert Spear in the Western District of Texas in the Federal Court system. Other prosecuting attorneys have developed different techniques to improve the quality of the administration of justice. And I want to say that there is no officer in the whole system of the administration of the criminal law, more important, whose voice is more effectively heard, whose influence can be more gainfully employed than the prosecuting attorney.

The prosecutor is the symbol of the community's hope for the protection of its life and property against the criminal. The prosecuting attorney not only occupies a prime role in the administration of justice but he must also be a leader in the improvement of the system itself. All of us recognize whether we be in the White House or in the Congress or in the position of prosecuting attorney or occupy some other position of trust and confidence—we're all answerable to the people. We're all obligated to render the maximum of public service. Nobody should be immune to a good suggestion or above one.

The court system, too, is beginning to be more introspective and to be willing to accept change as we have learned from Federal and State judges. Yet the pace of change in the courts is still too slow.

I recall very well one innovative judge from the Fourth Circuit Court of Appeals who testified "I must tell you with regret and some embarrassment, I haven't been able to persuade many of my colleagues and my brethren of the bench to go along with me." Well the judges themselves must remember their obligation to make the judicial system function in the best possible way. You have a perfect right and I believe a duty to let your fellow citizens in your community know how the judges discharge their solemn responsibility.

Some of the judges, who have testified before our Committee, have come up with the proposal that we must use more modern techniques in trials—video tape for example—to reduce the length of time consumed on an appeal. Some judges have pointed out that maybe we don't need always to send up the usual transcript of record after a case has been tried in the Lower Court. We might use video tape or we might dispense with the total transcript. We don't need always to file lengthy briefs in all the cases that are pending on appeal. The presiding judge of my own Circuit, the Fifth Circuit Court of Appeals, Judge Brown, told me that his court has reduced the length of time for disposing of cases by eliminating a lot of oral argument which had previously been allowed. So the courts too are looking, we hope, with a more open eye and ear to find ways by which the system itself can be made to function more efficiently.

How frustrating it must be to you as prosecuting attorneys to have to wait a year or more to get your cases tried. In 1971, 30% of the cases on the Federal Court dockets of this country were over a year old. You can see the opportunity of repeated crime by the man out on bail while he's waiting for a trial. Many of the courts, as in my state of Florida, have said you must try a defendant in 60 days. If you don't, if exceptional circumstances do not exist, that case will have to be dismissed. While a good many were dismissed in the beginning, generally the prosecuting attorneys of the state have met the challenge of this requirement and much more speedy trial is assured today in Florida. Each jurisdiction will of course have to work these matters out in its own way.

And now may I mention just two other areas. They are the ones of the greatest hope and the greatest challenge in trying to curb crime according to the disclosures that we have discovered.

The first is the correctional system. That's the end of the line. That's where you're trying to put the defendant who's been convicted of serious crime. Well, what's going to be the effect of putting him there? What do we do with people who are convicted of serious crime? What should we do with them? What's in the public interest?

I attended recently in England at Ditchley Park a British-American Conference on correctional institutions. And the figures that we used there were that of the long-term people serving in our penal institutions almost all of them have served an average of three sentences before. Well that means that some prosecuting attorney convicted one of those men the first time and he went to prison and then he got out. Then he or some other prosecuting attorney had to prosecute him a second time—maybe after he committed, as usually is the case, more than one crime. He goes back a second time. Then he comes out. Ninety-seven percent of the inmates come out some time or another. Another prosecuting attorney has to prosecute and convict him a third time. There he is back in prison a fourth time with three previous convictions ahead of him. Well, we all wish that we could somehow or another divine the possibility of stopping the commission of the first crime. But we would make considerable progress if we could stop the third, let alone the second.

So what do we do? Well, in the old days as you know we had great institutions like Attica and like my state institution, Raiford in Florida, built out in a rural area for the function of simply warehousing dangerous people. In Attica, we went up there—my Committee did—on Friday of the tragic week and we found it was in a rural area. There

were 55% of the inmates that were black and there wasn't a black guard because no black people lived in that area. Five percent of the inmates were Puerto Rican and there was one Puerto Rican guard—no Puerto Ricans lived in that area.

Well on the way up we stopped and had an interview with Governor Rockefeller. He said, "Gentlemen, nobody knows better than I that our penal system in New York is obsolete and archaic. But do you know how much it would cost to modernize our state institutions of penal character? There was a chairman of the Crime Committee of the State legislature there with us. The Governor turned to him and said, "How much do you think?" And they agreed on probably $200 million. The Governor said, "We haven't got the money. We're already in a deficit state of finances." There we are.

When we talked to the head of the prison, Mr. Oswald, he said, "I know how to run a modern prison but I don't have the money." He didn't have any vocational education program to give skills to those men. He didn't have any educational program for them to improve their education. He didn't have a single man in charge of a recreational program for the inmates. They spent 62% of their time in cells. He said, "I didn't have the money."

Same way in Florida, at Raiford, and many other institutions of similar character over the country. Well what do we do? Mr. Vance was just saying here a while ago and I'm sure it's true with most of you, you begin to recognize these inmates as they come back a second and a third or a fourth time. What do we do with those people? It's generally considered—the Chief Justice of the United States used the figure—that about 75% of the people who are in these institutions and get out later on commit crime and go back again. So the prison today is a revolving door.

Well, I don't know the answer and apparently our penologists haven't found the answer either. But probably public opinion contains the key to the problem. At least allow experimentation with the establishment of small institutions having no more than 3 or 4 hundred in custody, based in the communities primarily from which the inmates come where they can have access to community facilities, when they are trustworthy enough to enjoy them, and have an opportunity to get a job. How many jobs are around Raiford in Florida and Attica in New York and in other rural communities where so many of these old institutions built in the last century exist? If in urban areas near where they lived they could be visited by their families—now in most instances they are too far away for the families ordinarily to visit them.

I don't know whether it will work or not. But our Committee has recommended and we have introduced legislation that the Federal Government in order to encourage the states to try out these local, community-based programs would put up 50% of the cost and the local, state or community would put up the other 50% of the small urban centers operation, the local authorities—state or local—would be able to carry them on and the Federal Government will not have to participate in the cost of continued operation.

And so one of the most challenging problems we have today is to do something effective about the correctional systems of this country.

Now why do I speak to you about it? Well, I'll tell you why. If I get out and say too much about it, somebody can say, "Yes, Claude Pepper is soft on crime. Oh, he wants to coddle the criminal. He wants to make a luxury hotel out of a penal institution. He forgets about the tragedy that these culprits have inflicted on the people." And that is effective against a man in politics. But if you stand up, say, "Look here, nobody can charge me with being soft on crime. I've sent thousands to the institutions of penal character. All I'm trying to do my fellow citizens is to save you from being a future victim of these men's crime. I'm the fellow that has to prosecute them a second and a third and a fourth time. I want us to try something that may be more effective than what we've been doing in the past." What voice could be as persuasive as yours among your fellow citizens or before your state legislature, or before your local Bar Association or the National Bar Association, or before the Congress?

Now, I mention just one other area. Repeaters of crime are one of the largest segments of people who participate in crime but the largest segment is the youth of the country.

Consequently, we had outstanding witnesses before our Committee to tell about the problem of juvenile crime and delinquency and juvenile courts and corrections.

Mr. Vance and I were just comparing some figures here a while ago. They're generally known to you. Roughly speaking, half of the serious crimes are committed by people under 18 years of age, mostly boys. Two thirds of all the serious crime is committed by people under 28 years of age. It is that young group of criminals coming into the criminal law system which provides the principal imput into the penal institutions. If we could stop the young men and some women coming into the crime population we would have gained some substantial success in reducing and curbing crime in this country.

Well there again, what do you do with these boys and girls who get into trouble? Well a lot of these boys and girls could be saved in high school and in grammar school. Our Committee held hearings in six cities on drugs in the schools and we found out that a great deal can be done in the schools to curb drugs and crime but they don't have the money again. So we've introduced a bill to provide 500 million dollars federal aid to the schools to get a teacher that knows something about drugs or some other person in the faculty or on the schools grounds who help develop programs which will discourage the use of drugs and the commission of crime. They will also try to teach the parents themselves to recognize the evils of the drug problem. We've had mothers, with tears streaming down their cheeks, testify before our Committee, "Why didn't somebody tell we what was wrong with my son?"

I remember the case of a mother who told about her young son coming home one day acting strangely. He went into the bedroom where a little five year old daughter was asleep. In a few minutes time she heard a muffled scream coming out of that bedroom. Before the mother could get through a locked door that boy under the influence of drugs had strangled to death a beautiful little five year old girl. The sobbing mother said to us, "Why didn't somebody help me to recognize the drug problem—maybe to do something about it."

And so you know all the things you have tried to do. I'll not take the time to delineate them. Under the diversion program which many of you use, if a boy comes up before you who has not been guilty of a serious crime before, with the permission of the judge rather than putting him into the judicial system, you give him an opportunity in the community to redeem himself—to save himself from a criminal career. If he can't read or write, you put him in school. If he's unskilled, you put him through vocational training procedure. If his health needs care, attention is paid to that at the community level; you generally can as prosecuting attorney enlist the support of outstanding civil leaders and citizens, mothers and fathers to help with those boys.

Speaking to the Florida Bar Association in Florida a little bit ago, I said, "Listen gentlemen. When you're taking your sons on your next fishing or hunting trip, how about asking your sons if they have a boyfriend who has been having trouble in school—maybe he had dropped out, had begun to get in trouble in the community. Ask your sons if they would like to invite him to go along with you on your fishing and hunting trip or some other recreation that such a boy would find delightful and stimulating."

We had evidence of one man, a former distinguished opera singer now a great producer of records who took six months, paid his own expenses, carried only a photographer along besides the boys and took six boys, who had been in serious trouble in the juvenile courts, on a canoe trip from the Pacific Ocean to the Atlantic Ocean. I don't imagine those six boys had much time on that exciting canoe trip to think about crime or to get involved in crime. And what a lesson that is to us all as to what we may do.

These matters are all commonplace to you. You and I know that public opinion is going to have to be satisfied if we modernize the correctional institutions, if we show some consideration for these boys and girls who have gotten into trouble in the local community. And you are the voice to speak to the people. They will listen to you because you will be telling them you are their protector and you are trying to get them to help you to save them from more grievous crime that these young people may commit in the years ahead if they are not diverted from crime in their youth.

I close with this. Not long ago my wife and I visited in northern England a famous old house which had been for a long time the home of a famous English family. As we went through this house, we came to a place where there was a plaque on the wall and then we learned that in World War II the two children of this home had gone forth to war, a boy and a girl—one of them to North Africa and one to the Mediterranean and neither one ever came back. And here is what this plaque said coming as it were from that absent, never-to-return boy and girl of that home:

"When you go home, remember us and say for your tomorrow: We gave ours today."

And so, if we are going to have a better tomorrow, it behooves all of us to do all we can so to spend our today that that better tomorrow will someday happily arrive.

Thank you very much.

STUDY OF THE DESERT TRAIL AS A NATIONAL SCENIC TRAIL

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, in 1968, the National Trails Act designated two well-known hiking trails as national scenic trails and provided for the study of 14 others for possible designation. Today, I am introducing legislation to authorize a study of the Desert Trail for inclusion as a national scenic trail.

The Desert Trail concept is a most unique one, and I feel it should be carefully considered as a potential addition to the national system. Unlike most trails under study or in the system, this trail will cross primarily desert lands rather than mountain ridge crests. The fact that proposed routes cross very little private land increases the feasibility for this project. This Desert Trail will help meet the outdoor recreation needs of the average person with limited fl-

nancial resources. And it will help to preserve the unique geological, biological, historical, and scenic attributes of the Western desert region.

The idea for a Desert Trail originated with one of my constituents, Russell Pengelly, a high school biology teacher at Burns Union High School in Burns, Oreg. Mr. Pengelly recognized the tremendous recreation potential of such a trail and has been generating public support for his idea for over 8 years. A Desert Trail Association was formed last year to help stimulate interest, and they are now meeting monthly to work out the details of the project.

Without any formal Government support or funding, a tentative trail has been plotted through Idaho, Oregon, Nevada, California, and Arizona. Some study has also been made of a possible route through portions of Washington. However, the trail has developed primarily as a point-to-point route through a particular area rather than as a step-by-step specified trail. The Bureau of Land Management, the Fish and Wildlife Service, the Forest Service, several State agencies and local conservation groups have helped put together a tentative trail, with special precautions taken to avoid crossing private land wherever possible. The route would begin at the Canadian border in northwest Idaho, pass through northern Idaho, eastern Oregon, northern and eastern Nevada to Hoover Dam, along the Colorado River in southern California, and into Arizona to the Mexican border.

Some development has already occurred in Oregon. One section, beginning near Diamond Craters, passes through the Malheur National Wilderness Refuge, to Page Springs, then to the summit of Steens Mountain.

In Idaho, the proposed route goes south from the Canadian border to Priest River, then southeast near the Idaho-Montana border through Lolo Pass, then southwest toward Homestead, Oreg.

In Oregon, it goes from Homestead to the lower edge of the Malheur National Forest near Drewsy, then down the Malheur River to Malheur Cave, across Diamond Craters and through the Malheur National Wildlife Refuge to Page Springs. It crosses Steens Mountain, drops to the Alvord Desert, and then proceeds south to Denio, Nev.

In Nevada, the BLM suggests a route across Black Rock Desert, paralleling U.S. 80 to Halleck, turning southward along the eastern edge of the Ruby Mountains. Below Ruby Lake, it swings east, then southward passing east of Las Vegas. An alternative route passing southwesterly from Ruby Lake enters California near Death Valley National Monument.

Californians propose a route through the Mojave and Colorado Deserts and along the Colorado River into Arizona near Yuma. In Arizona, it would proceed southeasterly to the Mexican border.

An additional advantage of this desert trail will be access, since it will be open almost year round. Only travel by foot or horse will be permitted in order to preserve the true recreational experience of hiking in and exploring the desert for others. This trail will eventually be a most significant addition to our national trails system, and I am pleased to introduce this study measure, which is as follows:

H.R. 10624

A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct a study with respect to the feasibility of establishing the Desert Trail as a national scenic trail.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That subsection (c) of section 5 of the National Trails System Act is amended by adding at the end thereof the following:

"(15) The Desert Trail, which extends from the Canadian border of Idaho, through parts of Oregon, Washington, Nevada, California, and Arizona, to the Mexican border."

MUSEUM SERVICES ACT

(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, I am introducing today the Museum Services Act which would provide assistance for a variety of supportive programs of essential value to museums in this country.

For many years, the museums in our Nation have been primarily dependent upon local and State support to provide the basic services many of our citizens enjoy each year, but now, for a variety of reasons, that support is insufficient to enable them to maintain their services.

Every museum in this country offers something unique, and each deserves the chance to continue to serve its community. Federal support for the arts and humanities has been increasing rapidly over the past several years, and it is entirely appropriate that it expand into this important area. There is no greater reward to the thousands of dedicated professionals staffing our museums than the awed look on a child's face while viewing the exhibits at a museum. My bill seeks to insure the ability of our museums to provide our citizens, young and old, with cultural riches only a museum can give.

A brief description of the bill's major provisions follows:

First. The purpose of the bill is to encourage and assist museums in their educational role, and to assist them in modernizing their methods and facilities.

Second. An Institute for the Improvement of Museum Services would be created within the Department of Health, Education, and Welfare to oversee the disposition of funds appropriated under the bill.

Third. The Institute would be authorized to make grants to museums to increase and improve museum services through: First, construction or installation of displays, interpretations, and exhibitions in order to improve services to the public; second, development and maintenance of professionally trained or otherwise experienced staff; third, contributions to administrative costs for preserving and maintaining their collection, exhibiting them to the public and providing educational programs to the public through the use of their collections; fourth, development of cooperative traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan; fifth, conservation of artifacts and art objects; and, sixth, development and carrying out of specialized programs for specific segments of the public—such as programs for urban neighborhoods, rural areas, Indian reservations, penal and other State institutions.

Fourth. The Federal grants made under this program could not exceed 75 percent of the total project cost for which the grant was made.

Fifth. The Institute would be authorized to accept private donations, bequests, and gifts for use as described above.

Sixth. The bill would authorize $25 million in fiscal year 1974 and $30 million in each of the three succeeding years.

Seventh. For the purposes of this act the term "museum" is defined as a public or private nonprofit agency or institution which is organized on a permanent basis for essentially educational or esthetic purposes, employs a professional staff, owns and maintains tangible objects, and exhibits them to the public on a regular basis.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. ADDABBO (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BURKE of Florida (at the request of Mr. ARENDS), on account of official business.

Mr. HEINZ (at the request of Mr. ARENDS), for today, on account of official business.

Mr. JONES of North Carolina (at the request of Mr. O'NEILL), for today and October 2, on account of official business.

Mr. MINSHALL of Ohio (at the request of Mr. ARENDS), for today, on account of official business.

Mr. TAYLOR of North Carolina (at the request of Mr. HENDERSON), for today, on account of attending a funeral.

Mr. YOUNG of Florida (at the request of Mr. ARENDS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KEATING) and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 20 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. CRONIN, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. McCLOSKEY, for 1 hour, on October 2.

Mr. FINDLEY, for 10 minutes, today.

(The following Member (at the request of Mr. REGULA) and to revise and extend his remarks and include extraneous matter:)

Mr. HOGAN, for 5 minutes, today.

(The following Members (at the request of Mr. GUNTER) and to revise and extend their remarks and include extraneous matter:)

Mr. DRINAN, for 60 minutes, today.

Mr. GONZALEZ, for 5 minutes, today

Mr. DIGGS, for 10 minutes, today.

Mr. CHAPPELL, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. SATTERFIELD, for 60 minutes, on October 4.

Mr. GAYDOS (at the request of Mr. BRECKINRIDGE) for 30 minutes on October 2 and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ASHLEY, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $940.50.

(The following Members (at the request of Mr. KEATING) and to include extraneous matter:)

Mr. TOWELL of Nevada.

Mr. ROBISON of New York.

Mr. FINDLEY in five instances.

Mr. SCHNEEBELI.

Mr. KEMP in two instances.

Mr. BELL.

Mr. HOSMER in three instances.

Mr. HUBER.

Mr. WIDNALL.

Mr. BROOMFIELD.

Mr. RONCALLO of New York.

Mr. GERALD R. FORD.

Mr. BROYHILL of Virginia in two instances.

Mr. BAUMAN in two instances.

Mr. GOODLING.

Mr. CHAMBERLAIN in two instances.

Mr. ZWACH.

Mr. SHOUP.

Mr. HUNT in two instances.

Mr. YOUNG of Florida in five instances.

Mr. WYMAN in two instances.

Mr. DERWINSKI in three instances.

(The following Member (at the request of Mr. REGULA) and to include extraneous matter:)

Mr. HOGAN in two instances.

(The following Members (at the request of Mr. GUNTER) and to include extraneous matter:)

Mr. NATCHER.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. DINGELL in three instances.

Mrs. HANSEN of Washington in 10 instances.

Mr. CONYERS in 10 instances.

Mr. KYROS.

Mr. DE LA GARZA in 10 instances.

Mr. HELSTOSKI in 10 instances.

Mr. REUSS in six instances.

Mr. GUNTER in three instances.

Mr. JONES of Tennessee in six instances.

Mrs. SCHROEDER in 10 instances.

Mr. CHARLES H. WILSON of California in two instances.

Mr. WALDIE in two instances.

Mrs. GRASSO in 10 instances.

Mr. FRASER in five instances.

Mrs. GRIFFITHS.

Mr. BURKE of Massachusetts.

Mr. HARRINGTON in five instances.

Mr. SISK.

Mr. FLOOD.

Mr. DELANEY.

Mr. KOCH in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1116. An act to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Algona, Iowa, for airport purposes; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 2, 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:

1396. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to improve and simplify laws relating to housing and housing assistance; to the Committee on Banking and Currency.

1397. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of the Presidential Determination No. 74–4, finding that the extension of credit to the Government of Peru, in connection with the sale of F–5 military aircraft, is important to the national security of the United States, pursuant to section 4 of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

1398. A letter from the Chairman, Indian Claims Commission, transmitting the final determinations of the Commission in docket Nos. 30 and 48, *the Fort Sill Apache Tribe of Oklahoma, the Chiricahua Apache Tribe, et al.*, plaintiffs, v. *The United States of America*, defendant, and docket Nos. 30–A and 48–A, *The Fort Sill Apache Tribe of Oklahoma, The Chiricahua Apache Tribe, et al.*, plaintiffs, v. *The United States of America*, defendant, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1399. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 283. *The Mohave Indians Who are Members of the Colorado River Indian Tribes, and others*, plaintiffs, v. *The United States of America*, defendant, and docket No. 295, (*Consolidated*) *Mohave Tribe of Indians of Arizona, California, and Nevada, and Others*, plaintiffs, v. *The United States of America*, defendant, pursuant to 25 USC 70t; to the Committee on Interior and Insular Affairs.

1400. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report of negotiated sales contracts, made under Public Law 87–689 (79 Stat. 587) for disposal of materials during the period January 1 through June 30, 1973; to the Committee on Interior and Insular Affairs.

1401. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the administrative processes under which the National Heart and Lung Institute will operate in carrying out the national heart, blood vessel, lung, and blood program, pursuant to section 8 of Public Law 92–423; to the Committee on Interstate and Foreign Commerce.

1402. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of the proposed transfer of the Lexington (Ky.) Clinical Research Center from the National Institute of Mental Health to the Bureau of Prisons, Department of Justice, pursuant to Public Law 92–585; to the Committee on Interstate and Foreign Commerce.

1403. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of August 31, 1973, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1404. A letter from the Attorney General, transmitting a draft of proposed legislation to amend sections 656, 657, and 2112 of title 18, United States Code; to the Committee on the Judiciary.

1405. A letter from the Acting Secretary of Commerce and the Assistant Attorney General (Antitrust Division), transmitting a draft of proposed legislation for the general reform and modernization of the Patent Laws, title 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

1406. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

1407. A letter from the Director, Administrative Office of the U.S. Courts; transmitting a draft of proposed legislation to amend title 28, Judiciary and Judicial Procedure, of the United States Code to provide for membership of Courts of Appeal sitting *en banc;* to the Committee on the Judiciary.

1408. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated September 27, 1972, submitting a report, together with accompanying papers and illustrations, on Kansas River navigation, Lawrence to Mouth, Kans., requested by a resolution of the Committee on Public Works, House of Representatives, adopted September 26, 1963 (H. Doc. No. 93–160); to the Committee on Public Works and ordered to be printed with illustrations.

1409. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report covering fiscal year 1973 on grants by NASA in which title to equipment was vested under 42 U.S.C. 1892, pursuant to 42 U.S.C. 1893; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

1410. A letter from the Deputy Comptroller General of the United States, transmitting a preliminary report on the special supplemental food program administered by the Food and Nutrition Service of the Department of Agriculture, pursuant to Public Law 92–433 (86 Stat. 724); to the Committee on Education and Labor.

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:

[*Omitted from the Record of Sept. 26, 1973*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9681. A bill to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes; with amendment (Rept. No. 93–531). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Oct. 1, 1973*]

Mr. HAYS: Committee of conference. Conference report on S. 1317 (Rept. No. 93–532). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 10594. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. BREAUX (for himself, Mr. JONES of Alabama, Mr. ROBERTS, Mr. DON H. CLAUSEN, and Mr. HOWARD):

H.R. 10595. A bill to amend the act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities; to the Committee on Public Works.

By Mr. BINGHAM:

H.R. 10596. A bill to improve museum services; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 10597. A bill to reorganize the governmental structure within the District of Columbia by providing for two municipal entites: the Federal city of Washington, and the city of Washington; to provide a charter for local government in the city of Washington subject to acceptance by a majority of the registered qualified electors in the city of Washington to delegate certain legislative powers to the local government; to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia; and for other purposes; to the Committee on the District of Columbia.

By Mr. CARTER (for himself and Mr. WINN):

H.R. 10598. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE:

H.R. 10599. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economics of recycling waste paper; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. WALSH, Mr. YATRON, Mr. DENHOLM, Mr. ROUSH, Mr. THONE, Mr. HOSMER, Mr. EVINS of Tennessee, Mr. KETCHUM, Mr. MINSHALL of Ohio, Mr. STEIGER of Wisconsin, Mr. ROSENTHAL, Mr. GRAY, Mr. WON PAT, Mr. WARE, Mr. MOSS, Mr. FISH, Mr. GUNTER, Mr. BERGLAND, Mr. LEGGETT, Mr. SCHERLE, Mr. FAUNTROY, Mr. HELSTOSKI, Mr. TIERNAN, and Mr. MAZZOLI):

H.R. 10600. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. CONTE (for himself, Mr. SMITH of New York, Mr. NICHOLS, Mr. FASCELL, Mr. HOWARD, Mr. BAFALIS, Mr. POWELL of Ohio, Mr. FLOWERS, Mr. QUIE, Mr. WILLIAMS, Mr. PREYER, Mr. FULTON, Mr. ARCHER, Mr. CULVER, Mr. RIEGLE, Mr. MORGAN, Mr. BUCHANAN, Mr. STUDDS, Mr. McDADE, Mr. DICKINSON, Mr. CHARLES WILSON of Texas, and Mr. RONCALLO of New York):

H.R. 10601. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and copensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. CONYERS (for himself, Mr. FISH, Mr. RAILSBACK, Mr. BINGHAM, Mr. STARK, Mr. BADILLO, Mr. CLAY, Mr. HAWKINS, Mr. BROWN of California, Mr. MOAKLEY, Mr. RIEGLE, Mr. BLACKBURN, and Mr. HARRINGTON):

H.R. 10602. A bill to provide Federal assistance to cities, combinations of cities, public agencies, and nonprofit private organizations for the purpose of improving police-community relations, encouraging citizen involvement in crime prevention programs, volunteer service programs, and in other cooperative efforts in the criminal justice system; to the Committee on the Judiciary.

By Mr. CRONIN:

H.R. 10603. A bill to amend the Consumer Credit Protection Act to prohibit discrimination on the basis of sex or marital status in the granting of credit, and to make certain changes with respect to the civil liability provisions of such act; to the Committee on Banking and Currency.

By Mr. FULTON:

H.R. 10604. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUNTER:

H.R. 10605. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion; to the Committee on Agriculture.

By Mr. HARRINGTON (for himself and Ms. HOLTZMAN):

H.R. 10606. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Commttee on Post Office and Civil Service.

By Mr. HASTINGS:

H.R. 10607. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER:

H.R. 10608. A bill to amend title 10, United States Code, to realine naval districts, and for other purposes; to the Committee on Armed Services.

By Mr. KASTENMEIER (for himself, Mr. STEIGER of Wisconsin, and Mr. ZABLOCKI):

H.R. 10609. A bill to provide for the establishment of an "open cities" program between the United States and the Soviet Union; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Mr. BELL, Mr. ASHLEY, Mr. BADILLO, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CONTE, Mr. CONYERS, Mr. DANIELSON, Mr. DRINAN, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. HARRINGTON, and Mr. HELSTOSKI):

H.R. 10610. A bill to assure the constitutional right of privacy by regulating automatically processed files identifiable to individuals; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. BELL, Mr. LEGGETT, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOSS, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. SARBANES, Mr. SEIBERLING, Mr. WARE, and Mr. WON PAT):

H.R. 10611. A bill to assure the constitutional right of privacy by regulating automatically processed files identifiable to individuals; to the Committee on the Judiciary.

By Mr. KYROS (for himself, Mr. FUQUA, Mr. SHRIVER, and Mr. SEBELIUS):

H.R. 10612. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTON (for himself Mr. ASHBROOK, Mrs. BOGGS, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MCCLOSKEY, Mr. RIEGLE, and Mr. ROBINSON of Virginia):

H.R. 10613. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of income tax returns by, and the disclosure of information therein to, Federal agencies; to the Committee on Ways and Means.

By Mr. PIKE (for himself and Mr. KING):

H.R. 10614. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 10615. A bill 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.

H.R. 10616. A bill 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.

By Mr. ROGERS:

H.R. 10617. 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. ROGERS (for himself, Mr. STAGGERS, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 10618. A bill, Emergency Medical Services Systems Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York:

H.R. 10619. A bill to amend the Communications Act of 1934 with respect to presentation of controversial issues of public importance on comedy shows; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 10620. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELMAN (for himself, Mr. WYLIE, Mr. LEHMAN, Mr. BREAUX, and Mr. STOKES):

H.R. 10621. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. STEPHENS:

H.R. 10622. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

Mr. TEAGUE of California:

H.R. 10623. A bill to amend title 38, United States Code, to permit payment of the annual reporting fee to certain joint apprenticeship training committees; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 10624. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct a study with respect to the feasibility of establishing the Desert Trail as a national scenic trail; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska:

H.R. 10625. A bill to amend the act prohibiting certain fishing in U.S. waters in order to revise the penalty for violating the provisions of such act; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER (for himself, Mr. HARRINGTON, Ms. ABZUG, and Mr. EDWARDS of California):

H. Con. Res. 319. Concurrent resolution expressing the sense of the Congress with respect to the observance of human rights in Chile; to the Committee on Foreign Affairs.

By Mr. HUBER (for himself, Mr. BROWN of California, Mr. GILMAN, Mr. GUNTER, Mr. HECHLER of West Virginia, Mr. PODELL, Mr. RONCALLO of New York, Mr. SYMMS, Mr. WALDIE, and Mr. WINN):

H. Con. Res. 320. Concurrent resolution offering honorary citizenship of the United States to Alexander Solzhenitsyn and Andrey Sakharov; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. Res. 571. Resolution that it is the sense of the House that the U.S. Ambassador to Austria be withdrawn until the Austrian Government reinstates its policy permitting transit for Soviet Jews; to the Committee on Foreign Affairs.

By Mr. FINDLEY:

H. Res. 572. Resolution directing the Attorney General to inform the House of certain facts; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

308. By the SPEAKER: A memorial of the Legislature of the State of California, relative to providing assistance to Nicaraguan earthquake victims; to the Committee on Foreign Affairs.

309. Also, memorial of the Legislature of the State of California, relative to commemorative postage stamps in recognition of the contributions of the Nation's hunters and fishermen; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALEY:

H.R. 10626. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to John Carter and Martha B. Carter; to the Committee on Interior and Insular Affairs.

By Mr. SISK:

H.R. 10627. A bill for the relief of Benjamin Baxter; 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:

296. By the SPEAKER: Petition of the Fourth Mariana Islands District Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Services Corp., to the Micronesian Legal Islands, relative to the Committee on Education and Labor.

297. Also, petition of Simeon Mongcopa and Guillermo Alcoran, Dumaguete City, Philippines, relative to compensation for U.S. guerrillas in the Philippines during World War II; to the Committee on Foreign Affairs.

298. Also, petition of the Ohio Young Democrats, Yellow Springs, Ohio, relative to the Hatch Act; to the Committee on House Administration.

299. Also, petition of E. D. Guess, Fowler, Colo., relative to the broadcast license of radio station WXUR; to the Committee on Interstate and Foreign Commerce.

300. Also, petition of Ronald Del Raine, Marion, Ill., relative to redress of grievances; to the Committee on the Judiciary.

301. Also, petition of the Municipal Council, Irvington, N.J., relative to the death penalty; to the Committee on the Judiciary.

302. Also, petition of Stephen L. Suffet, Kew Gardens, N.Y., and others, relative to impeachment of the President; to the Committee on the Judiciary.

SENATE—*Monday, October 1, 1973*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Heavenly Father, who has brought us safely to the beginning of a new week, rule over us in this Chamber that first we may love Thee with our heart and mind and soul and strength and then serve this Nation and its people in the spirit of the Master. Transfigure every duty, great and small, that we may work with constancy and joy. Keep us from failing or falling. Keep our goals high, our vision clear, our minds keen. In the end grant us thankful hearts for having labored here to advance Thy kingdom.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 28, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR HUGHES OF IOWA

Mr. MANSFIELD. Mr. President, the Louisville Courier-Journal on September 10, 1973, published an editorial entitled "Senator HUGHES Will Be Missed."

I read in part as follows:

Current wisdom holds that next year will be a fruitful one for the Democrats in Congressional races, so the announcement that a liberal Democrat will not seek re-election could be dismissed as a minor flaw in an otherwise rosy picture. But when the loss is someone as energetic, hard-working and decent as Iowa's Harold Hughes, observers of all political persuasions who care about an effective Senate cannot but be saddened.

Further on it states:

His political triumphs were particularly noteworthy because of his background as a largely self-educated former truck driver and a reformed alcoholic. In the Senate he has pressed vigorously for reform of the nation's drug laws and for more sympathy and attention for victims of alcoholism.

We wish the Senator success in his new endeavors, but we can't help feeling he will be sorely missed in the Senate.

Mr. President, I agree.

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR HUGHES WILL BE MISSED

Current wisdom holds that next year will be a fruitful one for the Democrats in Congressional races, so the announcement that a liberal Democrat will not seek re-election could be dismissed as a minor flaw in an otherwise rosy picture. But when the loss is someone as energetic, hard-working and decent as Iowa's Harold Hughes, observers of all political persuasions who care about an effective Senate cannot but be saddened.

Senator Hughes says he will give up his seat and devote his time as a lay worker to two religious foundations. The foundations' gain is the Senate's loss. After serving three terms as governor of the usually Republican state of Iowa, he was elected to the Senate