Brig. Gen. Guy E. Hairston, Jr., xxx-xx-xx... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ralph T. Holland, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Eugene B. Sterling, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Alden G. Glauch, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Edwin H. Robertson II, xxx-xx-x... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Brent Scowcroft, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John W. Burkhart, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William F. Georgi, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Herbert J. Gavin xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles F. Minter, Sr., xxx-xx-xx... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Arnold W. Braswell, xxx-xx-xxxx xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Otis C. Moore, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William Y. Smith, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert C. Mathis, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. James R. Allen xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Andrew B. Anderson, Jr., xxx-... xxx-xx-x... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William R. Hayes, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force

Brig. Gen. Eugene F. Tighe, Jr., xxx-xx-xxxx xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George E. Schafer, xxx-xx-xxxx FR (colonel, Regular Air Force, Medical), U.S. Air Force.

IN THE AIR FORCE

Air Force nominations beginning Thomas G. Abbey, to be first lieutenant and ending Charles W. Couch, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 16, 1973.

Air Force nominations beginning John C. Aasen, to be colonel, and ending Frank A. Grasso, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 1973.

Air Force nominations beginning Thomas J. Abeln, to be colonel and ending William L. Williams, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 26, 1973.

Air Force nominations beginning Kenneth J. Bays, to be colonel and ending Bobby M. Via, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 12, 1973.

IN THE NAVY

Navy nominations beginning Benjamin L. Aaron, to be captain, and ending Darold L. Johnson, to be lieutenant (j.g), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 12, 1973.

HOUSE OF REPRESENTATIVES—*Monday, April 2, 1973*

The House met at 12 o'clock noon.

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

Enter into His gates with thanksgiving and into His courts with praise; be thankful unto Him and bless His name.—Psalms 100:4.

Eternal God, our Father, whose love is from everlasting to everlasting and whose truth endureth forever, at the beginning of another week we stand still in Thy presence, lifting our spirits unto Thee in prayer; seeking strength and wisdom as we face the duties of this day.

Lay Thy hand in blessing upon the Members of this House of Representatives and all who work for them and with them. Help them to walk in the light, to live with love in their hearts, and to share their strength that they may be made better than they are, stronger than they seem, and wiser than they realize.

We pray that in our Nation and in our world the spirit of good will may increase, the conditions that make for justice may improve, and the fruits of freedom may be enjoyed everywhere; to the glory of Thy holy name and the good of all mankind. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on March 30, 1973, the President approved and signed a bill of the House of the following title:

H.R. 4278. An act to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3577) entitled "An act to provide an extension of the interest equalization tax, and for other purposes."

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

S. 13. An act to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes;

S. 15. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the surviving dependents of public safety officers;

S. 33. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group life insurance programs for public safety officers and to assist State and local governments to provide such insurance; and

S. 300. An act to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, D.C.,
March 30, 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 2:35 p.m. on Friday, March 30, 1973, and said to contain a message from the President transmitting the Report of the Secretary of the Interior on administration of the Federal Coal Mine Health and Safety Act in 1971.

With kindest regards, I am

Sincerely,

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

ANNUAL REPORT ON FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with section 511(a) of the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173, the Secretary of the Interior annually prepares a report to the Congress and to the Office of Science and Technology on progress made in administering the law.

It is my pleasure to transmit to you the report for Calendar Year 1971 and to commend it to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *March 30, 1973.*

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

DISTRICT OF COLUMBIA BUDGET, 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-76)

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 Appropriations and ordered to be printed with illustrations:

To the Congress of the United States:

I am today transmitting for your consideration the budget of the District of Columbia for fiscal year 1974, together with a supplementary budget request covering necessary additional expenses for fiscal year 1973.

These budget proposals reflect views expressed by citizens of the District of Columbia at City Council budget hearings and have been examined by the Mayor and the City Council in accordance with their responsibilities under Reorganization Plan No. 3 of 1967. The Office of Management and Budget has also reviewed these proposals as specified in the District of Columbia Revenue Act of 1970.

As a result of prudent and effective fiscal management on the part of the municipal government, this 1974 budget will provide adequately for District needs during the coming year without requiring either additional Federal funds or increased city revenue. The fiscal year 1974 proposals call for the expenditure of $841.2 million in operating funds and $150 million in capital funds.

Timely Congressional action last year on the District's 1973 budget was of great assistance to city officials in planning and executing sound programs to serve the people of Washington. I urge the Congress again to act expeditiously on the District budget for 1974.

RICHARD NIXON.

THE WHITE HOUSE, *April 2, 1973.*

THE DECADENT STATE OF PUBLIC ENTERTAINMENT

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

Mr. SIKES. Mr. Speaker, the depths to which so-called entertainment, particularly motion pictures and to some extent television, in this country has reached is abhorrent to almost everyone.

Recently I scanned newspaper advertisements in a Washington newspaper entertainment page. Of the more than 100 theaters offering motion pictures for public view, only three of the pictures were rated as suitable for general audiences, and two of these were Walt Disney productions. The remainder ranked from those requiring parental guidance to the downright filth of the "X" rated movies.

On television there is a disturbing loosening of moral codes. The recent broadcast of the Academy Awards presentations showed film clips from five motion pictures nominated for awards. Of the five, only one was available for general audiences, yet tantalizing excerpts from the other four were also pumped into millions of American homes. Swearing is becoming commonplace on television, as are talk and discussion programs advocating drugs, wife-swapping, and prostitution.

Even our colleges and universities are not safe from this kind of smut. There was a recent news account that a sexploitation film was mistakenly distributed to a Virginia college instead of the film originally requested. Even when the error was discovered, the film was shown anyway and a professor later was quoted as saying it was "quite a funny goof."

Is it any wonder the morals of young people today are threatened? Where can they go to see decent films? How can we be certain children are not exposed to filthy movies and obscene television?

The courts have not helped. The Supreme Court has thrown out laws passed by Congress against obscenity. Liberal elements of the press have opposed the passage of legislation to curb pornography. Somewhere, somehow the American people must rise up and, in their indignation, make it known to those who distribute this trash that it is not welcome and will not continue to be tolerated or supported.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE A REPORT ON HOUSE JOINT RESOLUTION 205

Mr. FRASER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a committee report on House Joint Resolution 205.

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

There was no objection.

MAJORITY LEADER THOMAS P. O'NEILL, JR., CRITICIZES PRESIDENT'S TELEVISION APPEAL FOR SUPPORT OF VOCATIONAL REHABILITATION VETO

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

Mr. O'NEILL. Mr. Speaker, the President's nakedly partisan appeal on nationwide television and radio Thursday night was a reprehensible abuse of the prestige and dignity of the high office he holds.

It was a tactic unworthy of a President of the United States.

As President, Mr. Nixon commands virtually unlimited access to the air waves and to the living rooms of millions upon millions of Americans.

Mr. Nixon took advantage of that privilege to make a partisan appeal to the people to support his veto of the Vocational Rehabilitation Act and his projected vetoes of legislation the Congress has not yet even acted upon.

Write your Congressman, he said, and tell him to vote to uphold my vetoes.

That abuse of his access to the Nation's mass communications system is part of a consistent strategy: the President has sought to use the airwaves to push his side of the national policy debate, to intimidate the media, and to drown any voice of responsible dissent from the loyal opposition which controls the Congress.

Yes, Americans, write to your Congressman. Because we are your elected Representatives, and we need your thoughts and feelings to guide our actions. But tell us what you believe—not what Mr. Nixon wants you to tell us.

For too long now, President Nixon has been trying to tell the Congress what kind of laws to pass. We in Congress do not feel that the people elected us to rubberstamp the decisions of one man. It is our responsibility under the Constitution to deliberate national policy, whether it be veterans benefits or defense or international relations, and then—working in concert with the executive—to decide upon courses of action. That is what we are elected to do, and that is what we intend to continue doing.

We do not agree that the President—even with his vast Executive Establishment—is always right.

FARMER AND RANCHER ARE FORGOTTEN SEGMENT OF ECONOMY

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

Mr. MARTIN of Nebraska. Mr. Speaker, I have little patience with the current meat boycott. This evidently is being promoted by people who have no understanding of agricultural problems. Many farm prices until the last 6 months have been at the same level as in 1940. The farmer and rancher have been the forgotten segment of our economy.

The farmer does not put in an 8-hour day, 5 days a week, but from a 10- to 15-hour day, 7 days a week. The cost of machinery has multiplied several hundred percent, and the cost of fertilizer, diesel fuel, and other items purchased to operate a farm or ranch have increased substantially. Only within the last few months has the rancher and cattle feeder been able to receive a fair price in relationship to the cost of items which he has to purchase.

In 1950 choice steers at Omaha were at $28.88 per hundredweight. If they had gone up at the same rate as postage stamps, the price would be $77.02 per hundredweight; as much as total medical care, $72.34; as much as the rise in wage rates, $80.69. Compared to the rise in having a baby, choice steers would be bringing $119.13 per hundredweight. Compared to the rise in the daily cost of hospital service, they would be commanding $176.69. Choice steers are currently at about $48 per hundredweight.

The cattleman and feeder are entitled to receive prices commensurate with the rest of the economy. These women should look at the increases in

the prices of automobiles, ladies dresses, shoes, drugs, beer, and cigarettes, and perhaps stage a boycott against some of these items. I have no sympathy for the current meat boycott.

OUR POW'S ARE NOT LIARS

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

Mr. WYMAN. Mr. Speaker, what on earth is the matter with Jane Fonda? It was bad enough for her to go to Hanoi while the war was on and give aid and comfort to the enemy engaged in shooting and capturing Americans even while she spoke.

Now, back home, Miss Fonda claims our prisoner of war accounts of torture while in captivity are false and that our POW's are liars.

Anyone held captive for years in solitary, who had been brutally tied and whipped and beaten, who had his fingernails pulled off, his feet immobilized, his bones broken or his wounds untreated—to be called a liar when he kept his mouth shut until all our prisoners were out and then recounted the dismal truths of enemy brutalities—this will be bitterly resented by men whose indomitable spirit through such agony is best reflected by their virtually unanimous "God Bless America" on arriving back in the United States.

Either Jane Fonda is suffering from some type of mental disorder or she is willfully disloyal to her country. Her continued provocative misstatements suggest that perhaps both she and the United States would be better off if she took up permanent residence in North Vietnam.

SO-CALLED "WATERGATE AFFAIR"

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

Mr. WHALEN. Mr. Speaker, recently I have received numerous communications regarding the so-called Watergate affair. In view of this mounting constituent concern, it is appropriate that I reiterate and amplify the views I expressed at the time this incident occurred.

I was shocked and dismayed when the Watergate break-in was revealed. This act was repugnant to me. Not only did it represent a transgression of the law, it also violated the traditional American concept of fairplay. Thus, I urged the Justice Department to undertake every effort to apprehend and prosecute those who allegedly instigated and/or perpetrated this act.

Understandably, there existed the possibility of public doubts concerning the willingness of the administration to conduct a detailed scrutiny of those supporting its reelection efforts. I stressed therefore, the need for complete Presidential cooperation with those responsible for handling the Watergate matter.

Regrettably, it now is apparent the this cooperation has not been forthcoming. There has been an excessive reliance on Executive privilege to shield White House officials from interrogation. Federal Bureau of Investigation personnel have been restricted in the conduct of their inquiry and in the presentation of testimony before public bodies.

These efforts to mask the truth endanger the very foundation of Government. This is of greater magnitude than the crime itself. When the credibility of public officials disappears, pronouncements about law and order, narcotics, and the death penalty have a hollow ring. If Government cannot be believed, whom can our citizens trust?

Thus, I again urge the President to use the power of his office to insure that all facts relating to the Watergate breakin be made available to those charged with its investigation. I recommend further that a two-member investigative panel be created, one member appointed by the President, the other jointly by the Speaker of the House of Representatives and the Senate majority leader. This bipartisan approach would assuage any doubts otherwise held by the American public concerning the validity and thoroughness of the investigators' research and ultimate findings.

PRESIDENT'S REMARKS ON TV LAST THURSDAY

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

Mr. DEVINE. Mr. Speaker, our majority leader, the gentleman from Massachusetts (Mr. O'NEILL) has engaged in his daily diatribe against the administration and has said that the President's remarks last Thursday were the most nakedly partisan the gentleman from Massachusetts had ever heard. I have not heard anything more partisan than what the majority leader puts out every day in his 1-minute speeches.

It is nothing new for any President to take the air and appeal to the American people.

It seems to me in addition to telling the American people to write their Congressmen, he also told them to write in to say if they were in favor of the income tax increase that would be necessary if we voted for all these excesses the big spenders always talk about, so let us cover both sides of the coin.

APPOINTMENT OF CONFEREES ON H.R. 1975, AMENDING EMERGENCY LOAN PROGRAM UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1975) to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. POAGE, STUBBLEFIELD, ALEXANDER, BERGLAND, TEAGUE of California, WAMPLER, and GOODLING.

CONFERENCE REPORT ON H.R. 2107, RURAL ENVIRONMENTAL ASSISTANCE AND WATER BANK PROGRAMS

Mr. POAGE submitted the following conference report and statement on the bill (H.R. 2107) to require the Secretary of Agriculture to carry out a rural environmental assistance program:

CONFERENCE REPORT (H. REPT. No. 93–101)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2107), to require the Secretary of Agriculture to carry out a rural environmental assistance program, having met, after full and free conference, have been unable to agree.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
WALTER D. HUDDLESTON,
GEORGE D. AIKEN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

W. R. POAGE,
THOMAS S. FOLEY,
B. F. SISK,
ED JONES,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2107), to require the Secretary of Agriculture to carry out a rural environmental assistance program, submit the following joint statement to the House and the Senate in explanation of the accompanying conference report:

The report states that the conferees have been unable to agree. This is a technical disagreement occasioned by the House rules. The Senate amendment made the same provision for continuation of the water bank program that the House bill made for continuation of the rural environmental assistance program (REAP). Under the House rules this amendment appears to be not germane to the House bill. It is the understanding of the conferees that the Chairman of the House conferees at the appropriate time after presentation of the conference report will move that the House recede from its disagreement and concur in the Senate amendment.

Both REAP and the water bank program were attempted to be terminated by the same press release of December 26, 1972. With the Senate amendment both programs would be restored; and the Secretary of Agriculture would be required to—

(1) make payments under REAP in the full amount appropriated therefor; and

(2) enter into agreements under the water bank program to the full extent permitted by available appropriations therefor.

A description of the water bank program follows:

ASCS BACKGROUND INFORMATION—BI NO. 15—NOVEMBER 1972

Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture

The Water Bank Program

Legislative Authority.—The Water Bank Act, Public Law 91–559 (84 Stat. 1468, 16 U.S.C. 1301), approved December 19, 1970.

Under the Water Bank Act, the Secretary

of Agriculture is authorized and directed to formulate and carry out a continuous program in important migratory waterfowl nesting and breeding areas to prevent the serious loss of wetlands, and to preserve, restore and improve inland fresh water and adjacent areas as designated in the Act.

An Advisory Board, appointed by the Secretary, advises and consults on matters relating to his function under the Act.

Purpose.—The Congress found it in the public interest to provide for conserving surface waters, to preserve and improve habitat for migratory waterfowl and other wildlife resources, to reduce runoff, soil and wind erosion and to contribute to water control.

The Water Bank Program, then, is carried out to meet Congresssional intent:

To preserve and improve habitat for important migratory waterfowl nesting and breeding areas and other wildlife resources.

To preserve, and improve the wetlands of the Nation, and to conserve surface waters.

To reduce runoff, soil and water erosion, and contribute to flood control.

To contribute to improved water quality and reduce stream sedimentation.

To contribute to improved subsurface moisture.

To reduce acres of new land coming into production and to retire lands now in agricultural production.

To enhance the natural beauty of the landscape.

To promote comprehensive and total water management planning.

Program Provisions.—Under the Water Bank Program eligible persons in selected areas having eligible wetlands in important migratory waterfowl nesting and breeding areas may enter into 10-year agreements, with provision for renewal, and receive annual payments for the conservation of water and to meet other purposes of the Act.

In carrying out the program, the Secretary shall not enter into any agreements with owners or operators that will require Water Bank Program payments in any calendar year in excess of $10,000,000.

The Water Bank Program on specified farm, ranch or other wetlands applies to wetlands identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the lands are located, and under terms and conditions set forth by the Secretary.

Farmer-elected county committees of ASCS administer the Program. Planning and technical services are provided by the Soil Conservation Service.

The term "wetlands" is defined in the Water Bank Act as meaning the inland fresh areas (types 1 through 5) described in Circular 39, Wetlands of the United States, published by the U.S. Department of the Interior. This definition includes artificially developed inland fresh areas which meet the description of inland fresh areas, types 1 through 5, contained in Circular 39.

In brief, these types include (1) seasonally flooded basis or flats; (2) fresh meadows; (3) shallow fresh marshes; (4) deep fresh marshes, and (5) open fresh water.

Land eligible for designation and placement under an agreement is privately owned inland fresh wetland areas of types 3, 4, and 5 that in the absence of participation in the program, a change in use could reasonably be expected which would destroy its wetland character.

Other privately owned land, including types 1 and 2 wetlands, which is adjacent to designated types 3, 4, or 5 wetlands may be designated upon determination by the county committee that this land is essential for the nesting and brooding of migratory waterfowl.

In entering into an agreement, the owner or operator shall agree:

(1) not to drain, burn, fill or otherwise destroy the wetland character of areas placed under the agreement, nor to use such areas for agricultural purposes, as determined by the Secretary.

(2) to carry out the wetland conservation and development plan for his land in accordance with the terms of the agreement.

(3) not to adopt any practice specified by the Secretary as one that would tend to defeat the purposes of the agreement.

(4) to such additional provisions as the Secretary determines are desirable and includes in the agreement to meet program purposes or to facilitate its administration.

The word "shall" as used in this legislation and similar legislation (H.R. 3298, and S. 394) requires the Executive Branch to use the full amount appropriated by the Congress for the purposes set out in the applicable law.

It does not permit or require any of the funds to be used other than as prescribed by that law. Funds could not be spent for projects that did not qualify and the Executive would be required to use the same degree of administrative care in approving projects that has always been required. No one intends the Executive Branch to approve projects that do not meet the qualifications of the law.

For example, if the Congress should appropriate $200 million for a particular program, and there are only $145 million in qualified applications, the Executive Branch could spend only $145 million, not the full $200 million appropriated.

In the use of the word "shall", the Congress is not trying to tell the Executive Branch that it no longer has the obligation to determine which projects qualify for funding.

By the use of the word "shall" in legislation to restore programs attempted to be terminated by the Exective Branch, the Congress is stating that it expects programs to be funded in accordance with the law as passed by the Congress and signed by the President.

If changes are to be made in programs, they should be made through normal Congressional procedures, and in the meantime all *qualified projects*, under the terms of the law should be funded by the Executive Branch within the limits of available appropriations.

The Managers are mindful that the Administration's temporary halt in the acceptance of contracts under the Water Bank Program and the Rural Environmental Assistance Program is a factor in determining whether the entire appropriation of the Congress may now be needed to match said contract requests for the current year. This is an appropriate subject for the consideration of the Congress at a subsequent date to enactment of H.R. 2107.

The Managers wish to re-emphasize that the Administration's discretion under both the Water Bank and the Rural Environmental Assistance Program is not unbridled; while the Secretary possesses the discretion necessary to permit him administrative flexibility in carrying out the two programs, he has not been given the discretion to thwart the will of Congress by terminating them. This is not a power that has been conceded at any point during debate of the bill. Termination is not a power that is possessed by the Administration.

W. R. POAGE,
THOMAS S. FOLEY,
B. F. SISK,
ED JONES,
Managers on the Part of the House.
HERMAN E. TALMADGE,
JAMES B. ALLEN,
WALTER D. HUDDLESTON,
GEORGE D. AIKEN,
MILTON R. YOUNG,
Managers on the Part of the Senate.

TECHNICAL AND CONFORMING CHANGES IN SOCIAL SECURITY ACT

Mr. ULLMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 228(d)(1) of the Social Security Act is amended by inserting "or supplemental security income benefits under title XVI (as in effect after December 31, 1973)," after "IV,".

SEC. 2. Title XI of the Social Security Act is amended—

(1)(A) by striking out "I,", "X,", "XIV,", and "XVI," in section 1101(a)(1), and

(B) by adding at the end of section 1101(a)(1) the following new sentence: "In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and title XVI as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972, shall continue to apply, and the term 'State' when used in such titles (but not in title XVI as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam.";

(2) by striking out "I, X, XIV, XVI," in section 1109 and inserting in lieu thereof "XVI";

(3) by striking out "I, X, XIV, and" in section 1111;

(4)(A) by striking out "I, X, XIV, XVI," in the matter preceding clause (a) in section 1115, and inserting in lieu thereof "VI, XVI,",

(B) by striking out "section 2, 402, 1002, 1402, 1602, or" in clause (a) of such section and inserting in lieu thereof "title VI, part A of title IV, or section", and

(C) by striking out "3, 403, 1003, 1403, 1603," in clause (b) of such section and inserting in lieu thereof "403, 603,";

(5)(A) by striking out "I, X, XIV, XVI," in subsections (a)(1), (b), and (d) of section 1116, and inserting in lieu thereof "VI", and

(B) by striking out "4, 404, 1004, 1404, 1604," in subsection (a)(3) of such section and inserting in lieu thereof "404, 604"; and

(6)(A) by striking out "aid or assistance, other than medical assistance to the aged, under a State plan approved under title I, X, XIV, or XVI, or" in section 1119 and inserting in lieu thereof "aid or assistance under a State plan approved under", and

(B) by striking out "3(a), 403(a), 1003(a), 1403(a), or 1603(a)" in such section and inserting in lieu thereof "403(a)".

SEC. 3. (a) Section 1843(b)(2) of the Social Security Act is amended by adding at the end thereof the following: "Effective January 1, 1974, and subject to section 1902(e), the Secretary at the request of any State shall, notwithstanding the repeal of titles I, X, and XIV by section 303(a) of the Social Security Amendments of 1972 and the amendments made to title XVI by section 301 of such amendments, continue in effect the agreement entered into under this section with such State insofar as it includes individuals who are eligible to receive benefits under part A of title IV, or supplementary security income benefits under title XVI (as in effect after December 31, 1973), or are otherwise eligible to receive medical assistance under the plan of such State approved under title XIX. The provisions of subsection (h)(2) of this section as in effect before the effective date of the repeals and amendments referred to in the preceding sentence shall continue to apply with respect to individuals included in any such agreement after such date.".

(b) Section 1843(c) of such Act is amended by striking out the semicolon and all that follows and inserting in lieu thereof a period.

(c) Section 1843(d)(3) of such Act is amended to read as follows:

"(3) his coverage period attributable to the agreement with the State under this section shall end on the last day of any month in which he is determined by the State agency to have become ineligible for medical assistance."

(d) Section 1843(f) of such Act is amended—

(1) by inserting "or receiving supplemental security income benefits under title XVI (as in effect after December 31, 1973)," after "IV,";

(2) by striking out "if the agreement entered into under this section so provides,";

(3) by striking out "I, XVI, or"; and

(4) by striking out "individuals receiving money payments under plans of the State approved under titles I, X, XIV, and XVI, and part A of title IV, and".

SEC. 4. (a) Title XIX of the Social Security Act is amended—

(1) by striking out "permanently and totally" in clause (1) of the first sentence of section 1901;

(2) by striking out ", except that the determination of eligibility for medical assistance under the plan shall be made by the State or local agency administering the State plan approved under title I or XVI (insofar as it relates to the aged)" in section 1902(a)(5);

(3)(A) by inserting after "title IV" in section 1902(a)(10) the following: ", or who are receiving a supplemental security income payment under title XVI (as in effect after December 31, 1973) and who would, except for such payment, be eligible for such medical assistance under the State plan or who would have been eligible for such medical assistance under the medical assistance standard as in effect on January 1, 1972 (except that in determining income for this purpose, expenses incurred for medical care must be deducted)",

(B) by striking out "not receiving aid or assistance under any such plan" in subparagraph (A)(ii) of such section and inserting in lieu thereof "pursuant to subparagraph (B)(ii)",

(C) by inserting after "Secretary" in subparagraph (B) of such section "or who are individuals receiving supplemental security income benefits under title XVI (as in effect after December 31, 1973) (which for the purposes of this subparagraph shall be considered to be a State plan) but who are not eligible under subparagraph (A)",

(D) by inserting after "State plan" in subparagraph (B)(i) of such section "or who are receiving a supplemental security income payment under title XVI (as in effect after December 31, 1973) and who would, except for such payment, be eligible for medical assistance under the State plan,", and

(E) by striking out "not receiving aid or assistance under any such State plan" in subparagraph (B)(ii) of such section and inserting in lieu thereof "under clause (i) of this subparagraph";

(4) by inserting after "IV," in section 1902(a)(13)(B) the following: "who are described in paragraph (10) with respect to whom medical assistance must be made available,";

(5)(A) by inserting after "appropriate," in section 1902(a)(14)(A) the following: "or, after December 31, 1973, are required to be covered under section 1902(a)(10)(A) or who meet the income and resources requirement as specified in such section,", and

(B) by inserting after "appropriate" in subparagraph (B) of such section the following: "or who, after December 31, 1973, are included under the State plan approved under title XIX pursuant to paragraph (10)(B),";

(6)(A) by striking out "who are not receiving aid or assistance under the State's plan approved under title I, X, XIV, or XVI, or part A of title IV," in the portion of section 1902(a)(17) which precedes clause (A) and inserting in lieu thereof "other than those described in paragraph (10) with respect to whom medical assistance must be made available,", and

(B) by striking out "permanently and totally" in clause (D) of such section;

(7) by striking out "permanently and totally" in section 1902(a)(18);

(8) by striking out "referred to in section 3(a)(4)(A)(i) and (ii) or section 1603(a)(4)(A)(i) and (ii)" in section 1902(a)(20)(C) and inserting in lieu thereof "which the State agency administering the plan approved under title XVI determines to make available or, after December 31, 1973, which the agency administering the program of supplemental security income benefits under title XVI (as in effect after December 31, 1973) determines to make available";

(9) by striking out "money payments" in section 1903(a)(1) and inserting in lieu thereof "aid or assistance", and by inserting ", or supplemental security income benefits under title XVI of such Act (as in effect after December 31, 1973)," in such section after "title IV";

(10) by striking out section 1903(c);

(11) by inserting after "title IV," in section 1903(f)(4)(A) the following: "or supplemental security income benefits under title XVI of such Act (as in effect after December 31, 1973),"; and

(12)(A) by inserting after "title IV," in the matter preceding clause (1) in section 1905(a) the following: "or supplemental security income benefits under title XVI of such Act (as in effect after December 31, 1973),",

(B) by striking out clauses (iv) and (v) of such section and inserting in lieu thereof the following:

"(iv) blind as defined in section 1614(a)(2),

"(v) 18 years of age or older and disabled as defined in section 1614(a)(3), or",

(C) by inserting after "XVI," in clause (vi) of such section "or supplemental security income benefits under title XVI (as in effect after December 31, 1973),", and

(D) by striking out "or XVI" in the second sentence of such section and inserting in lieu thereof ", or supplemental security income benefits under title XVI (as in effect after December 31, 1973),".

(b) Section 1902(f) of such Act is amended by inserting "supplemental security income payment under title XVI and" after "such individual's."

SEC. 5. The amendments made by this Act shall become effective January 1, 1974; except that such amendments (other than the amendment made by section 2(1)(B)) shall not be applicable in the case of Puerto Rico, Guam, and the Virgin Islands.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, the purpose of this bill is to enact into law certain technical and conforming changes in the Social Security Act which should have been included in the conference report on H.R. 1 in the 92d Congress—the Social Security Amendments of 1972, which became Public Law 92–603. The bill consists entirely of conforming changes that were omitted from the conference report and in no way changes any decision of the conferees, any information or summary provided when that report was approved, or any cost estimates provided.

Technical and conforming amendments similar to those contained in H.R. 3153 were contained in H.R. 1 of the 92d Congress when the legislation passed the House and the Senate. At the time the conference committee acted on that legislation, there was not sufficient time to modify these technical and conforming changes to reflect the many substantive changes in H.R. 1 which were agreed to by the conference committee. Consequently, when Public Law 92–603 was enacted, it did not contain provisions making these conforming and technical changes. The erroneous cross references and technical inconsistencies in the Social Security Act which resulted from failure to include such provisions in the 1972 amendments would be corrected by the enactment of this bill.

The bill was reported unanimously by the Committee on Ways and Means and would not increase the cost of the programs administered under the Social Security Act.

Mr. Speaker, I urge the House to adopt this bill.

Mr. SCHNEEBELI. Mr. Speaker, I support H.R. 3153, a bill making technical corrections in our social security law.

The purpose of the bill is to correct erroneous cross references and technical inconsistencies in the Social Security Act. Similar technical and conforming amendments were contained in H.R. 1 in the 92d Congress when it was passed by the House and Senate. However, there was not time to modify these amendments in accordance with changes made by the conference committee, so they were not included in the legislation as enacted.

This bill would not make any substantive changes in the social security law but is concerned only with technical corrections. Accordingly, the bill would not result in any additional cost in operating the social security programs.

This legislation is needed in order to make the law technically accurate and more readable. There certainly is no controversy associated with this bill, and I recommend that it be passed by the House.

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

Mr. BURTON. Mr. Speaker, it is inevitable that in the enacting of legislation as comprehensive as H.R. 1, there be some clarifying follow-on amendments.

However, I would like to note for the RECORD that, although I am certain it was unintended, the effect of one of these amendments is to reduce payments to the "Proutys"—some hundreds of thousands of the elderly who do not receive any other public pension. Apart from that one point, there is a clarifying question which I would like to ask the gentleman from Oregon (Mr. ULLMAN).

The question is this: In section 1905 there are enumerated six classes of per-

sons for whom the States may extend medicaid provisions. More particularly, in subsection V, section 1905(a), the old language of eligibility in terms of the requirement that one must be 18 years or older in addition to being disabled, has been picked up in this proposal.

My question is this: Am I not correct that the language in section 1905(a)(1) "under the age of 21" clearly countenances on its face that if a person is disabled, as is proposed and defined in section 1614(a)(3), if that disabled person so qualifying and otherwise eligible is under the age of 18, such a person is eligible for medicaid benefits if the State so determines under clause 1?

Mr. ULLMAN. I would say to the gentleman from California the answer is definitely "yes."

Mr. BURTON. I raise this point only to make it clear to the very few who read the RECORD on these kinds of proposals that there is no intention on our behalf to in any way preclude consideration of those eligible as disabled and under the age of 18 from being eligible for medicaid in the event the State decides to extend such a program to these persons.

Mr. ULLMAN. The gentleman is correct.

Mr. BURTON. I thank the gentleman.

Mr. ULLMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ROSTENKOWSKI)

Mr. ROSTENKOWSKI. Mr. Speaker, on February 16, 1973, the Department of Health, Education, and Welfare published in the Federal Register its proposed changes in the regulations for funding and administration of the social services programs under title IVa of the Social Security Act.

These highly restrictive guidelines, if adopted, would establish a new policy which would virtually eliminate these social services and gravely cripple the governmental/private sector partnership in the delivery of such services.

Also, the new restrictive eligibility criteria, which narrowly defines who is a former or potential recipient of services, will exclude nearly all of the working poor from receiving services.

On March 14, 1973, I along with several of my Chicago colleagues, wrote to Secretary Weinberger concerning these new guidelines. In our letter we pointed out that, as written, the title IV guidelines would have the effect of forcing prior welfare recipients back on to the welfare rolls, and would prevent thousands of families from becoming self-supporting.

I am inserting a copy of this letter at this point in the RECORD:

MARCH 14, 1973.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: We the undersigned members of the Congressional Delegation from Chicago, respectfully suggest that the proposed 1974 Department of Health, Education, and Welfare guidelines for Title IV of the Social Security Act, as published in the Federal Register, February 16, 1973, would be seriously detrimental to a large portion of the residents of our city.

We are particularly concerned with those sections of the guidelines which prohibit private funds or in-kind contributions from being included in the 25%/75% state-federal match for funding of social service programs. We are also of the opinion that the proposed eligibility standards would prevent more than half of the children now participating in Chicago Day Care programs from qualifying for services. As they are now written, the Title IV guidelines would have the effect of forcing prior welfare recipients back on to the welfare rolls, and would prevent thousands of families from becoming self-supporting.

We believe that it was the intent of the Congress that the $2.5 billion limitation on Title IV programs imposed by section 1130 of the Social Security Act, be *fully* expended by allotment to the states. The restrictions placed upon Title IV by the 1974 HEW guidelines would make such expenditure impossible.

We respectfully suggest that new guidelines be drafted to comply with the intent of section 1130, and that specific attention be given to relaxing the eligibility requirements for recipients and to eliminating the 'no private matching' clause.

In closing, Mr. Secretary, we would be most anxious to meet with you, at your convenience, prior to the March 19, 1973 deadline set for finalization of the plan, in order to discuss with you the effects of these new guidelines on our city of Chicago. If this is at all possible, please let us know.

We thank you for your consideration, and with best regards we remain

Sincerely yours,

DAN ROSTENKOWSKI,
JOHN C. KLUCZYNSKI,
RALPH H. METCALFE,
MORGAN F. MURPHY,
SIDNEY R. YATES,
Members of Congress.

These guidelines were to take effect on March 19, 1973. It is my understanding that they are presently being rewritten. We can only hope for the best.

On March 28, 1973, I introduced H.R. 6275, a bill to limit the authority of the Secretary of Health, Education, and Welfare to impose, by regulations, certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act. Essentially the bill would restore most of the services to those who received them prior to the introduction of the February 16 HEW title IVa guidelines.

I am inserting a copy of H.R. 6275 at this point in the RECORD.

H.R. 6275

A bill to limit the authority of the Secretary of Health, Education, and Welfare to impose, by regulations, certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act

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

SEC. 2. (a) The regulations of the Secretary of Health, Education, and Welfare (relating to the administration of titles I, X, XIV, and XVI, and part A of title IV, of the Social Security Act) as in effect on January 1, 1973, shall remain in full force and effect insofar as such regulations relate to—

(1) the use of privately contributed funds and in-kind contributions as part of State expenditures, in determining (for purposes of any such title or part A) the amount of the Federal contribution to which any State is entitled on account of expenditures incurred by the State for social services under a State plan approved under any such title or part A: *Provided,* That the Secretary may clarify requirements that such privately contributed funds be expended in accordance with a State plan.

(2) the authority of any State, under any such plan, to define the categories or classes of individuals who are eligible to receive such social services;

(3) the authority of any State, under any such plan, to include, as social services, drug and alcohol treatment programs, education and training services, and comprehensive service programs for children, the elderly, or the disabled (including such programs for mentally retarded children and adults);

(4) reporting requirements of States, under any such plan, with respect to the provision of social services; or

(5) the standards imposed, under any such plan, with respect to the provision, as social services, of day care services.

(b) No regulation, promulgated by the Secretary of Health, Education, and Welfare after January 1, 1973, shall have any force or effect, and any such regulation shall be invalid, if, and insofar as, such regulation is inconsistent with the provisions of subsection (a).

Mr. Speaker, on October 17, 1972, during the consideration of the conference report on H.R. 1, I was careful to point out that it was the intention of the Ways and Means Committee in formulating this legislation that no change be made in the regulations concerning "voluntary funds for social services for matching under title IVa of the Social Security Act."

I see that my good friend and colleague, the Honorable DON FRASER, is present here today. He has been one of the leaders in the House in attempting to change these highly restrictive proposed guidelines. I am sure that he will add to what I have already said.

Mr. ULLMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, today, I support H.R. 3153 which includes technical and conforming changes in the Social Security Act, but I serve notice now that I will never support changes in the medicare bill to conform to the President's proposal to saddle medicare beneficiaries with an increased contribution and burden if they require hospitalization and medical help.

Under the present law, a patient pays $68 and medicare pays $32 of a $100 doctor bill. Under the President's proposal, the patient would pay $88.75 and medicare would pay only $11.25. On a $200 bill, the patient now pays $88 and medicare pays $112. Under the President's proposal, the patient would pay $113.73 and medicare $86.25.

The situation with respect to hospital bills is much the same. At present, seniors pay, on the average, $72 toward the first day's cost of hospitalization. Thereafter they pay nothing until after the 61st day of hospitalization. At that point, they pay $13 a day for the next 30 days and $26 a day for the next 60.

Under the Nixon proposals, our seniors will pay the full costs for the first day of hospitalization. This will be substantially higher than $72 paid at present.

In addition, seniors will be required to pay 10 percent of all costs after that.

Following is a specific description of the change by which President Nixon seeks to increase patient payment for medical and hospital service:

Present system for hospital coverage

Days in hospital:	Patient pays
1st day	$72
2d to 60th day	0
61st to 90th day	18
91st to 150th day	36

NIXON BUDGET PLAN FOR HOSPITAL COVERAGE

First day in hospital, patient pays total cost.

Second to 150th day in hospital, patient pays 10 percent of cost.

PRESENT SYSTEM OF PHYSICIAN COVERAGE

The patient pays the first $60 and 20 percent of the rest of his doctor bills each year.

NIXON BUDGET PLAN FOR PHYSICIAN COVERAGE

The patient would pay the first $85 and 25 percent of the rest of his doctor bills each year.

The administration errs in assuming that medicare patients have contributed to the cost of medical service or that medicare patients can reduce their medical or hospital needs by their own choice.

The food and rent inflation of the last 17 months has devastated the budgets of all Americans—particularly the elderly and the poor. It has "whipsawed" millions of American people from self-sufficiency to demeaning dependency.

Last year's social security increase has already been washed out by the intervening inflation in the cost of food, shelter, and clothing. The President's proposed reduction of medicare benefits would provide only short-term financial gains to the administration and long-term losses. It would plunge millions of our elderly into the ranks of the medically indigent and from self-sustaining citizens to citizens substantially dependent on supplemental support from the community or from the family.

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

Mr. VANIK. I am happy to yield to my colleague from Ohio.

Mr. WYLIE. The gentleman from Ohio mentioned the President's program on medicare several times. From whence does this program come? Is there a bill in on it?

Mr. VANIK. His program is clearly set forth in his message to the Congress. I assume that legislation is coming out to support the message he gave us earlier this year.

Mr. WYLIE. I certainly did not draw the conclusions of the gentleman from Ohio on the message to the Congress. The gentleman can draw his own conclusions.

Mr. VANIK. That is in the President's message, and it was very, very well and thoroughly reported. While he has not sent up legislation, I think it is in this way plain.

We have to assume in this House that there will be legislation to support every thing that the President seems for the instant to consider necessary.

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

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

Mr. ULLMAN. I yield to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I would like to take this opportunity to ask about another aspect of the Social Security Act.

Many of us are deeply concerned about the proposed social service regulations issued by the Department of Health, Education, and Welfare on February 15.

We have learned that a wide range of community programs in our districts—from day care for working mothers to homemakers' aid for the elderly—are likely to be terminated if the regulations are implemented.

I would like to ask the gentleman handling the bill if he agrees that the regulations represent an unnecessary restriction on the use of social service funds and move beyond the limitations imposed by Congress last year in the State and Local Fiscal Assistance Act?

Mr. ULLMAN. Mr. Speaker, I agree completely with the gentleman that the proposed regulations issued by the Department of Health, Education, and Welfare move beyond the limitations imposed by Congress last year in the State and Local Fiscal Assistance Act. In that act, we set a dollar limitation on the amount of Federal funds which a State could receive for social services. We also set a limitation with some exceptions on the percentage of funds that could be expended for persons who are not welfare applicants or recipients. As the chairman stated on this floor at the time the conference report on the State and Local Fiscal Assistance Act was being debated, nothing in that act required the issuance of more stringent regulations either as to services which could be provided or persons who could receive such services than were in existence at that time. In my opinion, many of the proposed regulations would have an undesirable effect.

Mr. FRASER. Mr. Speaker, I thank the gentleman very much for his response.

Mr. SCHNEEBELI. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. HEINZ).

Mr. HEINZ. Mr. Speaker, I should like to ask the distinguished gentleman from Oregon (Mr. ULLMAN), if he would respond to one or two questions I might ask.

Mr. ULLMAN. I would be very happy to respond.

Mr. HEINZ. Mr. Speaker, I understand that possibly this bill could be the vehicle which would allow the other body to return to us a welfare reform bill. If that were to be the case, and the other body were to return this bill, amended or changed in the other body, to this House, would the gentleman please give use some indication as to how this body might deliberate upon such provisions as welfare reform in the other body which came back to us in the form of a conference report?

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

Mr. HEINZ. I would be happy to yield to the gentleman.

Mr. ULLMAN. Mr. Speaker, this could be true of any social security measure that this House passed. It is always possible that the other body may add amendments.

Let me say that we have discussed this matter generally among the committee members. The chairman has discussed it with us, and if, in fact, there were a major welfare measure attached to this bill, then the chairman and the committee have agreed that the committee itself would take it under consideration before anything further was done, or before a conference committee decision was made.

Now, of course, we have no indication at this time that this might happen, or to what extent, and we certainly would not make any prior judgment at this time as to what would encompass major social security legislation and what would not. I think, if that happened, it would be rather obvious.

Mr. HEINZ. If the gentleman would respond further? If the bill were to come back and the welfare reform bill was considered by the full Committee on Ways and Means and then came to the floor, would the bill be subject to amendment?

Mr. ULLMAN. Well, obviously we cannot answer that question at this point, because there are different alternatives available under the rules. I am sure no one could answer that question at this point.

Mr. HEINZ. In a general way, would it be possible? What opportunities would a Member of this body have to influence the legislations to offer amendments or propose changes to the bill that may be important to their constituents or to the Nation?

Mr. ULLMAN. I would say we have general parliamentary procedures to cover almost any situation, and I would think that the gentleman and the House would utilize those parliamentary procedures that would be available.

Mr. HEINZ. Well, are they going to be available?

Mr. ULLMAN. I would certainly hope that if we had a major welfare measure attached to this or any other bill, we could devise procedures to bring it to the floor whereby it could be amended.

Mr. HEINZ. Thank you very much.

Mr. VANIK. Will the gentleman yield further?

Mr. HEINZ. I yield to the gentleman.

Mr. VANIK. I think the gentleman from Pennsylvania provided a very useful service to this House in making that inquiry on how the bill might come back.

Will the gentleman from Oregon tell me—and I would like to be assured—if the other body were to make it into a trade bill, would the same principle apply and would we have to refer it to the Committee on Ways and Means for complete and thorough action by that committee before it was reported out of the House?

Mr. ULLMAN. I will say to the gentleman, obviously a trade amendment would not be a germane amendment to a social security bill. We are referring

here to germane amendments and procedures that would follow from them, but certainly not that kind of thing, which would clearly be nongermane. I would hope we would not adopt such a nongermane amendment. As the gentleman knows, the rules of the House are clear as to nongermane amendments.

Mr. VANIK. Will the gentleman assure me such action would not be taken among the conferees?

Mr. ULLMAN. I cannot. As far as I am concerned personally, I can assure you, but I cannot speak for the conferees.

Mr. VANIK. I thank you.

Mr. SCHNEEBELI. I would like to reply, also, to the gentleman from Pennsylvania.

At the time this bill was taken up this question was raised in the committee by Members on both sides of the aisle, Republicans and Democrats. The chairman assured them that we would have a committee meeting on it and also have hearings on the subject if necessary. That was back in January when we took the bill up in the committee.

Furthermore, last week I again asked the chairman if that was his intention, and was assured that it was.

Mr. HEINZ. If the gentleman will yield?

Mr. SCHNEEBELI. I yield to the gentleman.

Mr. HEINZ. I simply would like to thank the gentleman from Pennsylvania for having made this inquiry to make it known that if the House has the opportunity to consider fully any legislation that goes beyond the apparent scope of this measure we will do so.

Mr. SCHNEEBELI. I can assure the gentleman that is true and we will have hearings by the committee if necessary.

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

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

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and pass the bill H.R. 3153.

The question was taken.

Mr. WYLIE. 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 340, nays 1, not voting 92, as follows:

[Roll No. 63]

YEAS—340

Abdnor	Beard	Brown, Calif.
Abzug	Bennett	Brown, Mich.
Adams	Bergland	Brown, Ohio
Addabbo	Bevill	Broyhill, N.C.
Anderson, Calif.	Biester	Broyhill, Va.
Anderson, Ill.	Bingham	Buchanan
Andrews, N. Dak.	Blackburn	Burgener
Annunzio	Boggs	Burke, Fla.
Archer	Boland	Burke, Mass.
Arends	Brasco	Burleson, Tex.
Ashley	Bray	Burlison, Mo.
Aspin	Breaux	Butler
Bafalis	Breckinridge	Byron
Barrett	Brinkley	Carey, N.Y.
	Broomfield	Carter
	Brotzman	Casey, Tex.
Cederberg	Hogan	Quillen
Chamberlain	Holt	Railsback
Chappell	Holtzman	Randall
Clancy	Horton	Rangel
Clark	Hosmer	Rarick
Clausen, Don H.	Howard	Rees
Clawson, Del	Hudnut	Regula
Cleveland	Hungate	Reuss
Cochran	Hunt	Rhodes
Cohen	Hutchinson	Rinaldo
Collier	Ichord	Roberts
Collins	Jarman	Robinson, Va.
Conable	Johnson, Calif.	Robison, N.Y.
Conlan	Johnson, Colo.	Roe
Conyers	Johnson, Pa.	Rogers
Cotter	Jones, Ala.	Roncallo, Wyo.
Coughlin	Jones, N.C.	Roncallo, N.Y.
Crane	Jones, Okla.	Rooney, Pa.
Daniel, Dan	Jones, Tenn.	Rose
Daniel, Robert W., Jr.	Jordan	Rosenthal
Daniels, Dominick V.	Karth	Rostenkowski
Danielson	Kastenmeier	Roush
Davis, Ga.	Kazen	Rousselot
Davis, S.C.	Keating	Roybal
Davis, Wis.	Kemp	Runnels
de la Garza	Ketchum	Ruppe
Dellenback	Kuykendall	Ruth
Denholm	Kyros	St Germain
Dennis	Landgrebe	Sarasin
Dent	Latta	Sarbanes
Derwinski	Lehman	Satterfield
Devine	Lent	Saylor
Dickinson	Litton	Schneebeli
Diggs	Long, La.	Schroeder
Donohue	Long, Md.	Seiberling
Downing	Lott	Shoup
Drinan	Lujan	Shriver
Dulski	McClory	Shuster
Duncan	McCloskey	Sikes
du Pont	McCollister	Sisk
Edwards, Calif.	McDade	Skubitz
Eilberg	McEwen	Slack
Erlenborn	McFall	Smith, N.Y.
Esch	McKay	Snyder
Eshleman	McSpadden	Spence
Evans, Colo.	Macdonald	Staggers
Evins, Tenn.	Madden	Stanton, J. William
Fascell	Madigan	Stark
Findley	Mahon	Steed
Fish	Mailliard	Steelman
Fisher	Mallary	Steiger, Ariz.
Flood	Martin, Nebr.	Steiger, Wis.
Flowers	Martin, N.C.	Stokes
Flynt	Mathias, Calif.	Stratton
Foley	Mathis, Ga.	Stubblefield
Ford, Gerald R.	Mazzoli	Stuckey
Forsythe	Meeds	Sullivan
Fraser	Mezvinsky	Symms
Frelinghuysen	Miller	Taylor, N.C.
Frenzel	Mills, Md.	Teague, Calif.
Froehlich	Minish	Thomson, Wis.
Fulton	Mink	Thone
Fuqua	Minshall, Ohio	Thornton
Gaydos	Mitchell, N.Y.	Tiernan
Gettys	Mizell	Towell, Nev.
Giaimo	Moakley	Treen
Gibbons	Mollohan	Udall
Gilman	Montgomery	Ullman
Ginn	Moorhead, Calif.	Van Deerlin
Gonzalez	Moorhead, Pa.	Vander Jagt
Goodling	Morgan	Vanik
Grasso	Moss	Veysey
Green, Pa.	Murphy, Ill.	Vigorito
Griffiths	Murphy, N.Y.	Waggonner
Gross	Myers	Waldie
Grover	Natcher	Walsh
Gude	Nedzi	Wampler
Gunter	Nelsen	Ware
Haley	Nichols	Whalen
Hamilton	Obey	White
Hammer-schmidt	O'Brien	Whitehurst
Hanley	O'Hara	Whitten
Hanrahan	O'Neill	Widnall
Hansen, Idaho	Owens	Wiggins
Hansen, Wash.	Passman	Williams
Harrington	Patman	Winn
Hawkins	Patten	Wyatt
Hays	Pepper	Wydler
Hébert	Perkins	Wylie
Hechler, W. Va.	Pettis	Wyman
Heckler, Mass.	Peyser	Yates
Heinz	Pike	Yatron
Helstoski	Poage	Young, Alaska
Henderson	Podell	Young, Fla.
Hicks	Powell, Ohio	Young, Ga.
Hillis	Preyer	Young, Ill.
	Pritchard	Young, Tex.
	Price, Ill.	Zablocki
	Quie	Zwach

NAYS—1

Burton

NOT VOTING—92

Alexander	Gray	Reid
Andrews, N.C.	Green, Oreg.	Riegle
Armstrong	Gubser	Rodino
Ashbrook	Guyer	Rooney, N.Y.
Badillo	Hanna	Roy
Baker	Harsha	Ryan
Bell	Harvey	Sandman
Biaggi	Hastings	Scherle
Blatnik	Hinshaw	Sebelius
Bolling	Holifield	Shipley
Bowen	Huber	Smith, Iowa
Brademas	King	Stanton, James V.
Brooks	Kluczynski	Steele
Burke, Calif.	Koch	Stephens
Camp	Landrum	Studds
Carney, Ohio	Leggett	Symington
Chisholm	McCormack	Talcott
Corman	McKinney	Taylor, Mo.
Clay	Mann	Teague, Tex.
Conte	Maraziti	Thompson, N.J.
Cronin	Matsunaga	Wilson, Bob
Culver	Mayne	Wilson, Charles H., Calif.
Delaney	Melcher	Wilson, Charles, Tex.
Dellums	Metcalfe	Wolff
Dingell	Michel	Wright
Dorn	Milford	Young, S.C.
Eckhardt	Mills, Ark.	Zion
Edwards, Ala.	Mitchell, Md.	
Ford, William D.	Mosher	
Fountain	Nix	
Frey	Parris	
Goldwater	Pickle	
	Price, Tex.	

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

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Maraziti.

Mr. Rooney of New York with Mr. King.

Mr. Biaggi with Mr. Cronin.

Mr. Holifield with Mr. Camp.

Mr. Kluczynski with Mr. Hastings.

Mr. Delaney with Mr. Ashbrook.

Mr. Culver with Mr. Harsha.

Mr. McCormack with Mr. Gubser.

Mr. Hanna with Mr. Bell.

Mr. Pickle with Mr. Hinshaw.

Mr. Rodino with Mr. Sandman.

Mr. Shipley with Mr. Conte.

Mr. Charles H. Wilson of California with Mr. Bob Wilson.

Mr. Wolff with Mr. McKinney.

Mr. Blatnik with Mr. Huber.

Mr. Brademas with Mr. Guyer.

Mr. Brooks with Mr. Harvey.

Mr. Gray with Mr. Talcott.

Mr. Koch with Mr. Clay.

Mr. Leggett with Mr. Mosher.

Mr. Matsunaga with Mr. Frey.

Mr. Dingell with Mr. Michel.

Mr. Nix with Mr. Bowen.

Mr. Smith of Iowa with Mr. Goldwater.

Mr. James V. Stanton with Mr. Sebelius.

Mr. Stephens with Mr. Edwards of Alabama.

Mr. Symington with Mr. Mayne.

Mr. Teague of Texas with Mr. Baker.

Mr. Wright with Mr. Parris.

Mr. Badillo with Mrs. Burke of California.

Mr. Alexander with Mr. Price of Texas.

Mr. Carney of Ohio with Mr. Steele.

Mrs. Chisholm with Mr. Corman.

Mr. Dellums with Mr. William D. Ford.

Mr. Dorn with Mr. Young of South Carolina.

Mr. Fountain with Mr. Scherle.

Mr. Andrews of North Carolina with Mr. Charles Wilson of Texas.

Mrs. Green of Oregon with Mr. Taylor of Missouri.

Mr. Landrum with Mr. Zion.

Mr. Mann with Mr. Eckhardt.

Mr. Melcher with Mr. Metcalfe.

Mr. Milford with Mr. Mitchell of Maryland.

Mr. Reid with Mr. Mills of Arkansas.

Mr. Roy with Mr. Riegle.

Mr. Studds with Mr. Ryan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ENDORSING OBJECTIVES FOR A JUST AND EFFECTIVE OCEAN TREATY

Mr. FRASER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 330) to endorse objectives for a just and effective ocean treaty.

The Clerk read as follows:

Whereas the oceans cover 70 per centum of the Earth's surface, and their proper use and development are essential to the United States and to the other countries of the world; and

Whereas Presidents Nixon and Johnson have recognized the inadequacy of existing ocean law to prevent conflict, and have urged its modernization to assure orderly and peaceful development for the benefit of all mankind; and

Whereas a Law of the Sea Conference is scheduled to convene in November-December 1973, preceded by two preparatory meetings of the United Nations Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction (hereinafter referred to as the "Seabed Committee"); and

Whereas it is in the national interest of the United States that this Conference should speedily reach agreement on a just and effective ocean treaty: Now, therefore, be it

Resolved, That the House of Representatives endorses the following objectives, envisioned in the President's ocean policy statement of May 23, 1970, and now being pursued by the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference—

(1) protection of (a) freedom of the seas, beyond a twelve-mile territorial sea, for navigation, commerce, transportation, communication, and scientific research, and (b) free transit through and over international straits;

(2) recognition of the following international community interests:

(a) protection from ocean pollution,

(b) assurance of the integrity of investments,

(c) substantial sharing of revenues derived from exploitation of the seabed, particularly for economic assistance to developing countries,

(d) compulsory settlement of disputes, and

(e) protection of other reasonable uses of the oceans beyond the territorial sea, including any economic intermediate zone;

(3) an effective International Seabed Authority to regulate orderly and just development of the mineral resources of the deep seabed as the common heritage of mankind, protecting the interests both of developing and of developed countries; and

(4) conservation and protection of living resources, with fisheries regulated for maximum sustainable yield, with coastal state management of coastal species and host state management of anadromous species, and international management of such migratory species as tuna.

SEC. 2 The House of Representatives commends the United States delegation to the Seabed Committee preparing for the Law of the Sea Conference for its excellent work, and encourages the delegation to continue to work diligently for early agreement on an ocean treaty embodying the goals stated herein.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. FRASER. Mr. Speaker, I yield 20 minutes to the gentleman from California (Mr. MAILLIARD), pending which I yield myself such time as I may consume.

Mr. Speaker, Members of the House, the resolution which is presently before the body is simply a House resolution which will require no action by the other body.

What this resolution does is endorse the principles laid down by President Nixon with respect to the Law of the Sea negotiations which will reach their climax in a conference which will open in New York this fall and continue in Santiago, Chile, next year. These negotiations include matters of vital interest to the United States, such as the question of how far our territorial seas shall extend. At the present time, we claim 3 miles, but many nations claim 12 and some up to 200.

There will be determined the question of how much further than the territorial sea the coastal States shall have right to exploit the economic resources of the sea bed and the fish stocks in the water column above.

There will also be determined what shall happen to the deep seabed beyond the limits of national jurisdiction, who shall control it, and who shall have the right of exploitation and further, how benefits of that exploitation shall be divided, that is, who shall gain the fruits of the exploitation.

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

Mr. FRASER. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. The gentleman is not saying that by virtue of this resolution there will be a determination of who controls what underlies the waters beyond what now is the 3-mile limit? He is not saying that, is he?

Mr. FRASER. I am glad the gentleman from Iowa raised the question. The answer is complex for it deals with a number of things among which is control of seabeds minerals and oil beyond the 200-meter isobath, that is generally beyond the continental shelf, rather than what is beyond 3 miles. This resolution simply endorses the position of the President which is being pursued by our negotiating team. This resolution has no force of law. It is simply an expression of the House in support of the negotiating position of the U.S. delegation.

Mr. GROSS. So that, if the territorial limits should be, as a result of the work of this committee and in combination with other nations, a 12-mile territorial limit, this would not mean that without further action on the part of the Congress that the coastal States would be entitled to the offshore oil rights within that 12-mile limit? Is that not true?

Mr. FRASER. You are correct. It would not mean that the coastal States would be entitled to the offshore oil rights within the 12-mile limit. You are speaking of the several coastal States of the United States, I presume, rather than the coastal nations of the world which are referred to as states in the international context. Let me take it step by step. Assuming that there is a convention agreed upon in the final meeting in Santiago de Chile next year, that convention would have to be ratified by countries in accordance with their constitutional processes. The United States could elect not to ratify. If the U.S. position is sustained, that is to say, if a 12-mile territorial sea is established, among other things, it is very clear that all of the resources within that 12 miles would belong exclusively to the United States. The 12-mile zone would be the sovereign domain of this country. The United States, in turn, could apportion it among its own States, under either present or new law. It would belong to the people of the United States.

Mr. GROSS. It would belong to the people of the United States, but would Congress have the authority to make a determination as to the ownership of those undersea deposits or resources or whatever they might be?

Mr. FRASER. My understanding is that the status of law today, based on Federal legislation, is that our States have the right to a claim that goes out to 3 miles, with the exception of two States—Texas and Florida, which by reason of a historic claim have a right to go out to 9 miles. Agreement to a 12-mile territorial sea would not entail any automatic change in this situation. Any further yielding of rights to the States would require congressional action.

Mr. GROSS. I thank the gentleman.

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

Mr. FRASER. I am glad to yield to the gentleman from New Hampshire.

Mr. WYMAN. Is it the gentleman's position that the resolution now before us, to which he is addressing his remarks, endorses or takes any position with regard to whether we should have a 3-mile limit, a 12-mile limit, a 200-meter depth limit, or any other limit off our coastal waters?

Mr. FRASER. The resolution supports the U.S. position in the law of the sea forum in several respects. In general, the U.S. negotiating position, I can advise the gentleman, is as follows: We are proposing that there be a 12-mile territorial sea. That would commence just at the water's edge on this chart on the easel to my right. Beyond the 12-mile territorial sea we would in our proposal retain to the coastal nation exclusive ownership and the right to exploit the mineral resources, the sea bed resources, out to the 200-meter isobath or depth line, which is shown on this same chart. That, standing alone, is no change from the 1958 Convention which generally defined the rights of coastal States to exploit out to the 200-meter isobath, but it went further and provided rights to depths beyond to the extent technology

permits exploitation. In any event, we would propose to maintain exclusive control from the 200-meter isobath in toward the shoreline.

Beyond the 200-meter isobath out to the beginning of the deep seabed, which is at the end of the continental rise, we are proposing a mixture of international and coastal State—Nation—rights. The coastal State would be the manager of the resources, but the management of those resources by the coastal State would be subject to five principles, as follows:

First is the protection of investment;

Second is the protection of the marine environment;

Third is revenue sharing;

Fourth is the compulsory settlement of disputes; and

Fifth is the protection for other uses, such as scientific research.

Then, with respect to the deep seabed, which is out beyond the continental rise, there would be an international regime which would have the right to license enterprises who want to go out and exploit the seabed.

Mr. WYMAN. If the gentleman will yield further, we have not, however, asserted, at least this body, our jurisdiction to these coastal waters out to 200 meters in depth.

Mr. FRASER. Under the Truman declaration of 1945 and the 1958 convention, we can exploit resources out to the 200-meter isobath and beyond as technology allows.

Mr. WYMAN. Aproximately how far away from the shore, along the eastern coast of the United States, does the 200-meter depth figure extend?

Mr. FRASER. I am glad the gentleman asked that question. This map which I have here shows in yellow the extent of the continental shelf out to the 200-meter isobath. And you can, by closer inspection, get some notion as to how far out the 200-meter isobath is. But in any case it would be some 12 miles or more off New England I believe.

Mr. WYMAN. In any case, it is that far?

Mr. FRASER. The gentleman is correct.

Mr. WYMAN. May I ask the gentleman, has he made any effort to stop the Russian trawlers from fishing within the 200-meter range?

Mr. FRASER. The 200-meter isobath limit does not apply to fishing, but only to exploitation of the seabed. Under present international law, we have a 3-mile territorial sea plus a 9-mile contiguous fishery zone, and for fishing purposes, beyond 12 miles is international waters today.

Mr. WYMAN. I understand. But the gentleman will agree, will he not, that if Congress wanted to, it could unilaterally assert jurisdiction of the United States to exclusively control and use this 200 meters in depth, including the seabed as well as the water?

Mr. FRASER. Well, the United States could unilaterally assert jurisdiction to 200 miles or to a 200-meter depth or to 1,000 or to 10,000 miles, but do we want to? We could make the assertion, but if we did it unilaterally, this would provide a source of conflict with other nations which would take the position that this is not an accepted international standard. We have criticized other nations for making unilateral claims to vast areas of the international ocean, and we have steadfastly refused to recognize such unilateral claims, believing such matters are properly a subject for international agreement in precisely the kind of forum which we have in the forthcoming Law of the Sea Conference.

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

Mr. FRASER. I yield further to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. I understand that is why we are going to the system on the international conference, because they are going more than 200 miles out; is that not so?

Mr. FRASER. Some States have asserted claims of 200 miles of territorial sea of exclusive sovereign jurisdiction; others have claimed 200 miles for the right of resource exploitation, without claiming control over navigation, a zone they call a patrimonial sea. And there are a variety of other claims that exist today.

Mr. WYMAN. Mr. Speaker, assuming that they authorize or approve the 200-meter depth, we would not have to go very far, would we? Because we would be pretty close to the shoreline in Ecuador at 200 meters in depth.

Mr. FRASER. Ecuador has made a claim of 200 miles, not to a depth of 200 meters. Ecuador is a good example of the problem of the unilateral claim.

Mr. WYMAN. Mr. Speaker, I would like to ask the gentleman further, in the question of the seabed, on the offshore claim as it relates to the energy crisis, does the gentleman have any recommendation, or is there anything in the gentleman's resolution before us today as an implication of a provision by this Congress on what would be done with regard to oil from the continental rise on in? Does that belong to us clearly?

Mr. FRASER. The proposal of the United States is that very generally that the area from shore to the 200-meter isobath or depth would belong exclusively to the coastal nation for mining purposes or for the extraction of oil and gas, but not for fishing however; and from the 200-meter isobath to the edge of the continental margin, where the deep seabed begins, the area would be managed by the coastal nation under international standards, with some revenue sharing; and in the deep seabed, the exploitation would be under international management and control, again with revenue sharing with the developing and the land-locked and shelf-locked nations. So, to answer your question the U.S. position would give the United States exclusive right and control from the 200-meter depth line back into the shore.

Mr. WYMAN. And this resolution then would put this House on record as endorsing that provision today, would it not?

Mr. FRASER. Yes, that is correct. We would be endorsing the President's concept of a national area, mixed intermediate zone, and an entirely international deep seabead area, subject to international standards and mandatory disputes settlement.

Mr. WYMAN. I thank the gentleman.

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

Mr. FRASER. I yield to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD. Mr. Speaker, to go along a little further, I did not quite understand the exchange between the gentleman from Minnesota (Mr. FRASER) and the gentleman from New Hampshire (Mr. WYMAN) as to what effect this would have on offshore drilling for gas and oil.

Would the gentleman explain that further?

Mr. FRASER. This would have no effect, as drilling takes place today. Of course, we do not know what the outcome of the Conference will be, but our purpose is to support the stated U.S. position. There will be no effect on drilling within the 200-meter isobath, which is where all of our commercial developments have taken place so far.

Mr. MACDONALD. Will the gentleman yield further for just one more observation and question?

Mr. FRASER. Yes, I yield to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD. Mr. Speaker, I was concerned as to what effect it would have on the present rights for offshore drilling. Would it expand the present rights or deteriorate their position, or would it close off any exploration past that 200-meter range?

Mr. FRASER. Under the 1958 convention the right of coastal States to explore or exploit for oil to the 200-meter depth was clear.

In addition, under that convention there was a right to go beyond the 200-meter isobath to the extent that exploitability was possible, a continually changing thing which caused and continues to cause impreciseness and confusion.

Mr. MACDONALD. But that is not clear.

Mr. FRASER. You are right. That is not clear. Under the proposal of the President, beyond the 200-meter isobath out to the end of the continental margin the coastal state or nation manages the exploitation of those resources under a kind of trusteeship and does so subject to certain international standards. The coastal states would have control and management of those resources for the international community, and would likely be entitled to a management fee of one kind or another.

Mr. MACDONALD. I thank you.

Mr. SIKES. Will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Florida.

Mr. SIKES. I think the gentlemen's bill is well founded and I intend to support it, but I would like to ask him one or two questions in further clarification.

I would like clarification on the subject of pollution control. Many of us are concerned with pollution control if it is just offshore. Does this bill control Federal and State pollution control efforts?

Mr. FRASER. My understanding is

that within territorial waters and for some yet undefined further area it is the domestic responsibility of the coastal nation. There are pollution standards which are being developed by the International Maritime Consultative Organization on vessel pollution, and this may be broadened. They have a meeting coming up this fall in London.

Mr. SIKES. This bill then would do nothing to discourage this type of effort?

Mr. FRASER. No, not at all. With respect to pollution I think that for international waters there will be some general statements about the problem of pollution, but this will not have any significant impact on territorial waters; and if there is to be a spelling out of pollution standards in the areas further out that remains to be worked out. Incidentally, the United States will make an intervention on pollution this week at the U.N. Seabeds Committee in New York. I will try to provide a copy for the CONGRESSIONAL RECORD.

Mr. SIKES. With regard to the matter of offshore drilling, there has been a controversy for a number of years about who controls the waters to what distance offshore in these jurisdictions. It was resolved between the States and the Federal Government in a generally satisfactory manner. Does this bill change that in any way?

Mr. FRASER. No, sir. The 3-mile rights the States now have and the 9 miles that Texas and Florida have established would not be altered under the U.S. position.

Mr. SIKES. Another item of concern touched on a moment ago is the matter of the claim of some countries to a distance of 200 miles of the waters offshore. We in Florida have had serious problems with some of our neighbors to the south because of their seizure of fishing vessels within the waters that they claim as their own. Does this affect that situation?

Mr. FRASER. We hope it will. We do not recognize the unilateral 200-mile zone of Ecuador and Peru and other nations, and that is where the trouble lies. With respect to fisheries, the U.S. position is that the fish should be managed on a species basis. In general coastal state fishing, that is, for fish found resident in the coastal areas, would be reserved to the costal states, subject only to the concept that if they do not use all of the resources, then other countries would have a right to come in on a nondiscriminatory basis, so that harvestable stocks would not go unused, or be wasted. But the coastal state would have the first right. For highly migratory species such as tuna we are proposing international management since they spawn in international waters and swim all over the oceans, so that no single state should have a rightful claim over them. For the anadromous species, like salmon, which spawn in inland waters, it is proposed that the host state where the fish spawn should have control over their entire life cycle.

My understanding is that all of the fishery groups in the United States are generally in agreement with the position of our Government on those matters, because it protects all our fisheries. The problem the fishermen have is with the time it takes to hammer out an international agreement.

Mr. SIKES. One further question.

The SPEAKER. The Chair will advise the gentleman he has consumed 18 minutes. He has 2 more minutes remaining.

Mr. SIKES. One further brief question if the gentleman will yield further.

Mr. FRASER. I yield further.

Mr. SIKES. Has the gentleman's committee given thought to dealing more specifically with separate legislation on the problem of seizures of American fishing vessels in South American waters?

Mr. FRASER. I can only answer the gentleman that our subcommittee has not been given the jurisdiction over that problem. Hopefully, if the Law of the Sea Conference comes to a fruitful conclusion, we will have ended the problem.

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

Mr. FRASER. I will be glad to yield to the gentleman from New York.

Mr. PIKE. Mr. Speaker, under the position of the United States the 200-meter mark marks the limit of State's control of the bottom, but not of the water; is that correct?

Mr. FRASER. That is correct.

Mr. PIKE. Does the United States have a position regarding who controls the fishery resources out to the 200-meter depth mark?

Mr. FRASER. No. The position of the United States on fishing has nothing to do with depth. As I have previously stated, our U.S. proposal on fisheries is that they can be dealt with according to their natural habits, not by artificially or politically defining a zone by mileage or by depth.

Mr. PIKE. We are not going to claim any jurisdiction at all, just on our own Continental Shelf?

Mr. FRASER. The shelf really has very little to do with our Continental Shelf. Our position is that the fish found in coastal waters are subject to the control and use of the coastal state, as are anadramous species. The highly migratory oceanic species are subject to international management and allocation.

Mr. PIKE. This has not been true in the past, and it is certainly not true at the present time.

Let me ask the gentleman one other additional question: Is the lobster a sea bed resource, or is that a fishery resource?

Mr. FRASER. I am not a fishery expert, but I think it would be a fishery resource, since it is not regarded as a creature attached to the shelf.

Mr. PIKE. So we would not have any control over what happens to the lobsters, unless there is international agreement on it, according to the position of the United States; is that correct?

Mr. FRASER. Well, if there is no international agreement we are left where we are today. If there is an international agreement then presumably——

Mr. PIKE. I am trying to find out what we are pushing for, trying to find out what we are endorsing here.

Mr. FRASER. Under the species approach advocated by the United States, the coastal state would have management jurisdiction and a preferential right to that resource.

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

Mr. MAILLIARD. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota.

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

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

Mr. WYMAN. Mr. Speaker, along the lines the gentleman from New York has just developed, and that was the intent of the previous questions I addressed to the gentleman from Minnesota, I was just trying to find out whether by passing the resolution offered by the gentleman from Minnesota we are endorsing the U.S. position that may be taken before the Conference, and generally exactly what that position is. I understand the question asked by the gentleman from New York and the response given by the gentleman from Minnesota, and that is we are going to take a position that we did not assert any control over fisheries out to the 200-meter mark, not the bottom, now, but the fish.

Mr. FRASER. No, that is not right.

Mr. WYMAN. This distresses me.

Mr. FRASER. So far as fisheries are concerned the 200-meter isobath or depth mark makes no difference. The position of the United States is that fish found along the coast, the so-called resident species, are to be controlled, managed, and utilized by the coastal state (nation).

Mr. WYMAN. But we have not asserted that, have we?

Mr. FRASER. Yes, that is our position; that is our negotiating position.

Mr. WYMAN. It may be our negotiating position, but we have not excluded foreign fisheries out to the 200-meter indepth mark, as coastal waters of the United States.

Mr. FRASER. Let me distinguish again. The 200-meter isobath or depth-mark has to do with mining, not with fishes. Foreign fishermen today can legally fish in international waters beyond 12 miles from shore.

Mr. WYMAN. Another thing, section (2)(c) of the resolution offered by the gentleman from Minnesota describes a substantial sharing of revenues derived from exploitation of the seabed.

Is the gentleman proposing that we should share revenues from offshore areas with other nations in the world? And I am talking about offshore of the United States, not down at the bottom of the continental rise.

Mr. FRASER. This proposition is that the rights that we now have would remain, and that is out to the 200-meter isobath, which is where virtually all of the oil drilling is going on so far. But beyond the 200-meter depth out to bottom of the continental margin there would be an intermediate international zone with coastal state management, under certain international standards. It is in that area that it is suggested that any licensing fees or royalties would be shared between the coastal state and the international regime, as well as in the international deep seabed area.

Mr. WYMAN. If we should vote for this resolution today are we voting for that position? Is there an implication that we are voting for that position?

Mr. FRASER. Yes. This is the position announced by the President as one of many aspects of his oceans policy. The answer would be "yes." You are giving general endorsement to that position.

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

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

Mr. WYDLER. Mr. Speaker, if I understand what the gentleman has stated, we are going to take some sort of a position on the States' individual control of offshore waters for the purpose of protecting fishing resources in them, and I am just curious, if that were in fact to become the situation as to what degree we would protect those waters. Would it be the job of each individual State to see that in its own territorial waters the vessels of the Soviet Union did not fish, or from some other foreign country? Who would actually go out and board the vessels or drive them away? How would that be done?

If the gentleman will yield further, it seems to me that we are going to end up with a very peculiar situation where somewhere offshore in the oceans the State of Massachusetts and the State of New York might be fighting about whose rights are being violated, or the State of Rhode Island, and that question could become very confused in the high seas hundreds of miles from land. In addition to that, it might require the State of New York to have some sort of a Navy to enforce these rights and protect its waters, and these ships in turn could get in all types of jurisdictional disputes, I should think, over whose rights are being violated.

Mr. FRASER. As the gentleman knows, there are existing international conventions dealing with certain fishing resources in which there is now even a right of boarding in which we have the right to board Soviet vessels, and vice versa. But, the individual States would not enforce the agreement. The Federal Government would have that responsibility.

What we are dealing with here is the rights of fishing nations, not individual States of the United States. The machinery for enforcement remains to be worked out. I should add that in the fisheries area our position is that there should be quick and effective machinery for settlement of disputes, should they arise.

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

Mr. Speaker, I should like to express my support for this resolution. Let me repeat that is all it is—a House resolution. It does not go to the Senate; it does not become law. It is the belief on the part of those of us who sponsored the resolution that what is going on now in this U.N. committee, which is intended to lead on to another major Law of the Sea International Conference, is a matter of very great significance, far more significance perhaps than some of the detailed questions that have been asked today. I realize there are many, many questions that could be asked, but about as far as we could go in this resolution was the endorsement of certain principles which have been taken as the U.S. position in what is a preparatory meeting—one of several leading up to a major conference next year on the whole question of the law of the sea.

I want to emphasize we are not voting here on the terms of any treaty or agreement. It is an expression of approval by the House for the negotiating position of our U.S. delegation to the United Nations Seabed Committee. That is a little bit of a misnomer because this is really a preparatory conference to set up the terms for the Law of the Sea Conference which is of much wider significance than just the question of the seabeds.

The committee is preparing for this conference, and we hope that out of the conference can come agreement on what the international law of the sea will be. The gentleman from Minnesota and I are designated as congressional advisers to this U.N. committee. I believe that this conference could be the most important of the century.

During our hearings former Secretary of State Dean Rusk told the subcommittee this last week, and I will quote:

> Unless the law of the sea is brought up-to-date by general agreement among nations within the next two or three years, we may see a national race for the control of open oceans and seabeds comparable to the race for the control of land areas of the past three centuries . . . it would be sheer insanity for mankind to go down that fork of the road.

President Nixon said in his 1970 ocean policy statement that if the law of the sea "is not modernized multilaterally, unilateral action and international conflict are inevitable."

So the point I am trying to make here is that whether we are successful and can get international agreement on reasonable rules and laws governing the oceans and the resources of the oceans and the resources under the oceans will help to determine the question of war and peace for the next century or several centuries. Conflicts are developing now, as the questions that have been asked today indicate; and without some generally accepted order conflicts are going to become more and more acute as the competition for the resources that are involved becomes more important, and as a matter of fact perhaps resolution is vital with the energy crisis we all know we face.

I think the U.S. position is reasonable and constructive. It is a middle ground between the extremists who have taken hard line positions either for practically the status quo or for territorial seas extending far out into the oceans.

So what we are trying to do is to assure protection of the freedom of the seas beyond what we think will be a 12-mile territorial sea of sovereign jurisdiction. We also want to assure free transit through and over international straits that might otherwise become closed to international traffic by the extension of territorial waters from 3 to 12 miles. It recognizes the mutual interests of nations in protection from ocean pollution, the sharing of some revenues from the exploitation of seabeds, and the prompt compulsory international settlement of disputes that may arise over interpretations of the rules.

Our delegation has also supported an effective international seabed authority to regulate the development of the deep seabed beyond any claim of national control, as well as for the conservation of the fisheries resources.

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

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

Mr. GROSS. Mr. Speaker, I am disturbed by a couple of provisions in this resolution. On page 2 it states:

> the House of Representatives endorses the following objectives—

And then it enumerates several, and I read one:

> assurance of the integrity of investments—

And then again I read:

> substantial sharing of revenues derived from exploitation of the seabed, particularly for economic assistance to developing countries—

Now does this mean we would here today be endorsing another foreign handout program, another foreign aid program?

Mr. MAILLIARD. I say to the gentleman, taking the second one first, no, it would not be a question of a foreign aid program. What we are attempting to do is to get something the major nations of the world can agreed on. We all know certain nations are asserting jurisdiction way out into the ocean for various purposes. As a matter of fact, I think the record will show we have heretofore asserted that a 3-mile territorial sea is all a country is entitled to under international law; however, in the present law of the sea deliberations we have indicated a willingness to go to 12 miles provided there is a guarantee of free transit through the international straits that become enclosed in territorial waters. Some 29 nations now agree with us on the existing 3-mile territorial sea, but 89 nations have made some other territorial assertions. Thus, it is perfectly clear we cannot get international agreement on a 3-mile territorial sea.

We think it quite likely we can get agreement on a 12-mile territorial sea, although there are those who are claiming as much as 200 miles. So what this is aiming toward is a clear and realistic arrangement among the nations which would receive general acceptance.

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

Mr. MAILLIARD. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I express my support for the position the gentleman is advancing. It seems to me unilateral actions many other nations have taken are detrimental to our interest, and the very best hope for the U.S. position to be equalized and promoted is through this kind of international agreement.

I think the gentleman answered a further inquiry I had which is with respect to these narrower waters where there is no opportunity for a 9-mile or a 12-mile limit, where the water is narrower than that, or where the seabed is less than 200 meters in depth. Is it our understanding that those waters should be divided equally between the two abutting countries?

Mr. MAILLIARD. The gentleman's question is not entirely clear; however, I will respond to the inquiry by stating that in a situation where a narrow body of water such as a strait separates the national jurisdictions of two nations, I would assume that a median line would divide the waters to prevent overlapping sovereignty. Of course, this is an oversimplified answer. If a 12-mile territorial sea were adopted internationally, then any strait wider than 24 miles would have international waters running through it anyway. On the other hand, if the width of the strait were less than 24 miles, the U.S. position is that there would have to be a right of free transit through, over, or beneath the surface of that strait for vessels or aircraft, whether one or two nations had sovereign jurisdiction over the adjacent shores. One more point—the 200-meter isobath or depth of the water column has nothing to do with the breadth of the territorial sea, or freedom of transit through straits, or with fisheries, or freedom of scientific research, or with pollution. It really only concerns the matter of exploration and exploitation of the remote areas of the continental slope and the seabed; and it constitutes a dividing line between national and international jurisdiction for mining and oil and gas extraction.

A very vital part of our position and one, as far as I am personally concerned that is really virtually nonnegotiable, is the protection of the right to use those international straits which are less than 6 miles under the existing 3-mile territorial sea, we recognize, in which international transportation can pass into the open ocean. When we extend territorial claims to 12 miles, the straits which we now can transit under innocent passage would be closed if we do not maintain the right to free and unhampered transit of those straits.

To me, this is absolutely vital and not a negotiable question. I think that if we do not get that, it will be very dangerous for the United States to sign any convention.

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

Mr. MAILLIARD. I yield to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. I think there are several points that are bothering the Members which might be cleared up with regard to our own country so that we can understand this.

The gentleman in the well comes from the State of California. At the present time, California is entitled to the oil offshore for a certain limit. Beyond that, the lands belong to the United States and the United States leases those lands.

Mr. MAILLIARD. Correct.

Mr. SAYLOR. What would be the effect of the 200-meter isobath that has been referred to? Would California get its rights extended out to that depth, or would those, as between the rights of the State of California and the Federal Government, belong to the Federal Government?

Mr. MAILLIARD. In my opinion, this resolution simply does not address itself to this subject at all. This is a matter between the Federal Government and the States, not between the States and the international community. If the gentleman will recall, this was a very controversial item a few years ago. We had a Supreme Court ruling and eventually passed legislation here, the Submerged Lands Act of 1953. This would not, in my judgment, alter any rights the States now have without further legislation.

Mr. SAYLOR. Approximately 20 years ago the International Court in the Hague ruled that open seas did not extend where there was 12 miles or less from headland to headland. It was territorial water.

Is there anything in this agreement which would affect that court case?

Mr. MAILLIARD. I am not sure your figure of 12 miles is correct, because that would presume on internationally agreed-upon territorial sea of 6 miles. However, the answer to the gentleman's question is that the decision of the Law of the Sea Conference might well affect the ICJ decision and make it most.

Mr. SAYLOR. The third point is 2(b), line 14, which says that we are going to assure the integrity of investments.

Mr. FRASER. What we mean by that is very simple.

The U.S. position is that we want to insure that any investment made by an individual or corporation or joint venture of whatever nature is fully recognized and not subject to expropriation without compensation.

Mr. WHITE. Mr. Speaker, will the genleman yield?

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

Mr. WHITE. Mr. Speaker, I wonder if the gentleman would elaborate on one point on page 2, subparagraph (d), speaking of the objectives of the international agreement and compulsory settlement of disputes.

What does the gentleman envision that would include, and to what extent would this be permitted?

Mr. MAILLIARD. I say to the gentleman from Texas that the U.S. position envisions that there must be an end to international litigation, some way to resolve differences or disputes. We envision a different forum to finally settle disputes where fisheries matters are concerned from that where seabed exploration and exploitation are involved. The former tend to involve local or regional resolution, whereas the seabed matters tend to be more truly international. In any event the machinery for resolving disputes will be created in the Law of the Sea Conference.

We already have an international agreement that the coastal state has complete control out to the 200-meter position as far as the seabed resources are concerned.

Now, between the 200 meters and the end of the continental shelf is one of the things that still has to be settled.

Mr. WHITE. I thank the gentleman.

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

Mr. MAILLIARD. I yield to the gentleman from Virginia.

Mr. DOWNING. I thank the gentleman.

I am going to vote for this legislation, because I believe a law of the sea is absolutely necessary, and it should be done by the United Nations. However, I am concerned as to the time which is going to be consumed in hopefully reaching this solution.

As the gentleman knows, there is interim legislation which is being considered by various committees of the Congress. I should like to be assured that the passage of this resolution will not preclude any interim legislation the Congress may desire to take up.

Mr. MAILLIARD. I say to the gentleman that obviously it does not preclude it, because until we have a treaty, as to which the United States is a participant, we can assert anything we want to assert unilaterally.

The gentleman knows that I have an interest similar to his. I would hope that we would be able to hold off a little bit, until we see whether this international agreement attempt is going to go on schedule. If it becomes inordinately delayed, I can see that there may be an absolute necessity for some kind of interim legislation. At the moment I would hope we would not have to take that kind of step.

Mr. DOWNING. But this does not preclude it?

Mr. MAILLIARD. It does not preclude it.

Mr. DOWNING. I thank the gentleman.

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

Mr. MAILLIARD. I yield to the gentleman from Minnesota.

Mr. FRASER. I just want to reemphasize a statement the gentleman made about the importance of the right of free transit through and over the international straits. The Strait of Gibraltar, the Strait of Malacca, the Strait of Dover will all be closed under the 12-mile territorial sea unless there is expressly reserved the right of free transit over international straits.

I join with the gentleman in saying that it really is absolutely necessary for the United States to require in any kind of international agreement that there be freedom of transit for navigation through international straits that become overlapped by territorial seas if we go to 12 miles.

Mr. MAILLIARD. I thank the gentleman. It is of tremendous importance.

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

Mr. MAILLIARD. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I should like to inquire what concern and deliberations of regard were given by the committee with respect to the unique problem which we in Hawaii face because Hawaii is an in-

sular State and is completely surrounded by ocean waters and without the Continental Shelf that has been made reference to this afternoon.

Also there is the additional factor that the waters between the islands are all international waters. It is now a pursuit of our State to try to close off these waters, so as not to have any confrontation with foreign vessels regarding those international waters and having free access to move in between the islands in any way.

Mr. MAILLIARD. As the gentleman from Hawaii is no doubt aware, a number of ocean island nations such as Indonesia, the Philippines, Fiji, and others are insisting on a special treatment of ocean archipelagoes to protect their national territorial integrity by some straight base lines principle to give them control of their "internal" waters without regard to a 12-mile territorial sea between islands. Resolution of that problem should help Hawaii.

Mr. BURKE of Florida. Mr. Speaker, I wish to acknowledge my support of H.R. 330, the Law of the Sea Conference bill, which endorses President Nixon's ocean policy statement of May 23, 1970, and supports the objections now being pursued by the U.S. delegation to the United Nations Conference on the Law of the Sea.

The great wealth of the sea has been overlooked for many centuries by the various nations of the world, because of the past abundance and assessibility of land resources. However, with the many dire forecasts of possible serious depletions of many precious minerals and fossil fuels we must now look to the oceans for new supplies. The United States is not alone in this problem. It should be remembered that, until 1945, all countries enjoyed unrestricted freedom of the seas, and most nations observed only a 3-mile territorial waters concept.

The objectives expressed in H.R. 330: to establish a 12-mile territorial sea limit for coastal States with recognition of freedom of the seas for navigation, communication, scientific research, and unimpeded transit through international straits; to recognize the international rights of protection from ocean pollution, protection of investments, protection of access to the oceans beyond the 12-mile limits for reasonable uses, with international sharing of revenues from exploitation of waters beyond the territorial limits; to create an International Seabed Authority to regulate the development of the deep seabed; and to conserve living resources, and recognize coastal State management of coastal and anadromous fish areas, are laudable solutions to an international hodge-podge of laws regulating the sea.

As a representative, I sincerely hope that the passage of this resolution will lead to development and use of the oceans by the nations of the world in an orderly manner and will head-off bitter feelings among friendly neighbors in the years ahead. Hopefully our future needs will be our reward for a yea vote today.

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased the House has before it today legislation endorsing the work of the U.S. delegation at the International Law of the Sea Conference.

It is clear to all that growing technology, improved understanding of oceanography, and the threats of man to other forms of animal life have in recent years made existing agreements on the use of the world's oceans and the management of their resources outdated and conflicting.

By approving this measure we are taking a positive and constructive step forward as the international community begins to work together to resolve the serious problems and competing claims of the various coastal nations.

I would like to comment in more detail about one specific aspect of the legislation which is the endorsement of the fisheries conservation and protection portion of the position our negotiators have adopted.

I expect to introduce legislation in the near future to outline more specifically the so-called three species approach to the protection of fishery and marine resources. This concept recognizes the interests of coastal and fishing nations in the preservation of fish and delineates a guardianship philosophy for each kind of species based upon its particular migration habits.

Those fish and/or bottom fish which inhabit the coastal waters of a single coastal state would be under the protection of that nation, and it would be expected to develop a program of protection and conservation of the species to insure the maximum sustainable yield in perpetuity.

Similarly, nations in whose fresh water streams anadromous fish spawn would have control over them irrespective of where their migratory travels take them. This concept recognizes the cost and responsibility of these nations in making certain that fresh waterways are available to the anadromous fish and that spawning grounds are preserved and enhanced.

In addition, this concept would act as an incentive to build and operate anadromous fish hatcheries, fish conservation programs and to undertake flood control and water conservation programs in a way that would enhance anadromous fish populations.

Finally, pelagic fish, such as tuna, whose migratory patterns are unpredictable and wide ranging, would be regulated through separate international agreements designed to prevent these species from being exploited or decimated by any one nation while off that nation's coast.

While these principles appear to be a reasonable step toward a reasonable policy, there is no question that they will be very difficult to obtain. Our negotiators will need our total support and I hope that our approval of the resolution we are now considering followed by others that will follow will demonstrate our commitment to this goal.

Unfortunately, the fishing nations of the world have a variety of fishing policies that have been seriously detrimental to the world's fishery stocks. Some nations are "quick buck artists" whose fishing fleets care not at all whether there will be future fish for them to obtain. They catch only for today's market and care less about making certain the species they strike can survive their plundering ways.

Other nations have become greedy and inconsiderate. They carefully protect their own stocks by concentrating on sending their fleets to the shores of other nations. This practice could not be condemned if these nations made a practice of using accepted, modern conservation methods but, in fact, they do not.

Devastating inroads into the stocks of some species have focused the attention of the world on these archaic practices and most nations now have more constructive attitudes toward marine conservation.

We must now take advantage of their growing awareness of the long-range impact of their unconcern by advancing a positive program with attainable, effective goals. I believe our position at the International Law of the Sea Conference is just such a program and I personally will be following its progress carefully.

While this legislation is directed toward our objective of establishing protective fishery and marine resource conservation zones contiguous to our coastal States, I want to again remind you that this is, in my view, an improvement over our present situation, the 12-mile limit, but it should be considered as a united step toward what I believe should be our ultimate goal.

Mrs. MINK. Mr. Speaker, House Resolution 330, in the guise of an innocent resolution of House support, would put the stamp of approval on a Presidential policy which I believe is unwise and injurious to the State of Hawaii.

Basically the resolution endorses the position of the Presidential negotiating team with respect to the proposed Law of the Sea Conference. The President's position was spelled out in his ocean policy statement of May 23, 1970, and is now being pursued by the U.S. delegation to the Seabed Committee preparing for the conference.

Unfortunately the President's position ignores the unique geographical status of the State of Hawaii in two major respects.

Free transit through and over international straits is a specific goal set forth in the resolution. While this is commendable as a general policy, no attention is given to the waters between the islands of Hawaii. The distance between our major islands far exceeds the 12 miles specified in the resolution as the "territorial sea" or 24 miles counting the "territorial sea" between two islands. These distances between islands range to 62.9 nautical miles.

The fact that the waters between Hawaii's islands are deemed international, and would continue to be so under the President's policy as endorsed by House Resolution 30, causes problems with respect to communications and security. In no other State is commerce or communication between two areas of the State deemed "international." To illustrate the type of difficulties this raises, currently we are seeking to amend the Federal Highway Act to remove the

restriction on ferry facilities over international waters, as it affects Hawaii.

In addition, by classifying Hawaii's waters as "international" we lose control over our security. Ships of any nation, including warships, can cruise off the coast between islands and there is nothing Hawaii or the United States can do about it legally. In 1967 and 1968, groups of Japanese destroyers conducted training exercises in the Hawaii area. More recently a Russian naval vessel passed around the islands and nothing could be done because of the 3-mile limit.

The United States should insist on a change in the territorial sea to recognize all waters between the islands of Hawaii as within our national jurisdiction. To construe these as international waters entails risks over our ability to protect the islands in any future incident. We have only to recall the attack on Pearl Harbor which precipitated World War II to realize that Hawaii remains an important military position.

When we point out that the United States should recognize Hawaii's status in its policy at these Law of the Sea Conference sessions, the reply is that other nations such as Fiji which are composed of islands will be raising this issue. Why should Hawaii have to look to foreign nations for protection, instead of its own Government? Are we not part of the United States? Certainly, the U.S. Government should afford equal recognition to all of its States, and not tell Hawaii that its interests will be represented by a foreign government. The President should revise his policy in this respect, and Congress should not ratify his policy until he does.

There is another failure of the existing Presidential policy in that it sets an arbitrary standard of a 200-meter "isobath" or depth for determining the extent of a coastal State's exclusive control over the surrounding sea bottom. The undersea area from the shore to the 200-meter depth would belong exclusively to the coastal nation for mining purposes or for the extraction of oil and gas, but not for fishing. From the 200-meter isobath to the edge of the continental margin, where the deep seabed begins, the area would be managed by the coastal nation under international standards, with some revenue sharing; and in the deep seabed, the exploitation would be under international management and control, again with revenue sharing with the developing and the landlocked and shell-locked nations.

This is fine for the continental United States which has a broad Continental Shelf, much of which is less than 200 meters beneath the ocean surface. The shelf and its mineral resources would remain in our Nation's jurisdiction. But Hawaii's islands have no Continental Shelf. They are the tops of underwater mountains which rise steeply from the bottom of the deep sea. Under the President's proposal, we would have very little right to the mineral resources of the ocean around Hawaii since the 200-meter depth is reached very close to shore.

On June 16, 1970, in a letter to the President concerning his May policy statement, the Honorable John A. Burns, Governor of the State of Hawaii, set forth reasons why the 200-meter standard should be revised to take account of Hawaii's needs. Governor Burns stated:

Hawaii, as you know, is the most international of all the States of the Union, and we fully recognize the vital role that we must play in international efforts to assist developing countries. We congratulate you on your vision and statesmanship in recommending that developing countries be the primary recipients of royalties derived from mineral exploitation of the sea beds.

We in Hawaii, however, have a unique situation in that much of our offshore areas reach a depth of more than 200 meters very close to our coastline. As an Island State, our coast and the potential development of the sea beds surrounding our coast are relatively much more important to us than perhaps any other State in the Union. We have taken significant steps in the exploration and development of the oceans surrounding us, including the detailed study and recent publication of a report titled "Hawaii and the Sea." I believe we are the first State to undertake such a plan of development. In the legislative session just concluded, the Hawaii State Legislature passed an omnibus marine package which includes a series of projects to explore and develop the oceans surrounding Hawaii.

In addition to the State's current and planned efforts, there is considerable defense activity on and below the surface of the oceans surrounding Hawaii. For example, the Navy's listening devices to detect foreign submarines are located in many instances, I am informed, at depths beyond 200 meters but within a 3-mile limit of the coast.

We are aware that the International Convention on the continental shelf defines the continental shelf in terms of exploitation of the sea bed and subsoil to a depth of 200 meters or "beyond that limit to where the depth of the superjacent waters admits of the exploration of the natural resources of the said areas . . ." As you know, this definition has been variously interpreted by a number of legal experts as going beyond the 200 meter depth.

We are also aware that the Commission on Marine Science, Engineering and Resources has recommended that the definition of the continental shelf be fixed "at the 200 meter isobath, or 50 nautical miles from the baseline for measuring the breadth of its territorial sea, whichever alternative gives it (the coastal nation) the greater area . . ."

The definition recommended by the Commission would be much more applicable and acceptable to Hawaii because of its unique position in the ocean and the depths of the ocean close to its shores.

I respectfully urge you to consider these factors with respect to Hawaii's unique coastal environment and our strong interest in oceanic development and exploration, as you further your plans for the implementation of your farsighted proposal.

Instead of endorsing a Presidential standard of a 200-meter isobath, we should press for a standard of 200-meters or 50 nautical miles from the baseline, whichever gives the greater area, as suggested by the Commission on Marine Science, Engineering, and Resources. By adoption of this standard endorsed by Governor Burns, all of the sea within 50 miles of Hawaii would remain in our jurisdiction.

Dr. John P. Craven, marine coordinator for the State of Hawaii, has stated that the United States should consider that the Hawaii Island archipelago is 1,500 miles long, and rich in resources of sea life and minerals. In the last several years there has been increasing attention to the possibilities for "mining" of the sea bottom near Hawaii by gathering mineral deposits lying on the ocean floor. I feel we would be surrendering a valuable and vital national resource if we fixed an arbitrary measure for our sea jurisdiction that did not take account of the waters around Hawaii.

Because of this inattention to the State of Hawaii interests, I oppose the adoption of House Resolution 330.

The SPEAKER. All time has expired.

The question is on the motion offered by the gentleman from Minnesota (Mr. FRASER) that the House suspend the rules and agree to the resolution House Resolution 330.

The question was taken.

Mr. DAVIS of South Carolina. 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 303, nays 52, not voting 78, as follows:

[Roll No. 64]

YEAS—303

Abdnor	Conyers	Haley
Abzug	Cotter	Hamilton
Adams	Coughlin	Hammer-schmidt
Addabbo	Daniels, Dominick V.	Hanley
Anderson, Calif.	Danielson	Hanrahan
Anderson, Ill.	Davis, Ga.	Hansen, Idaho
Andrews, N. Dak.	Davis, Wis.	Hansen, Wash.
Annunzio	Dellenback	Harrington
Arends	Denholm	Hawkins
Armstrong	Dent	Hays
Ashley	Derwinski	Hébert
Aspin	Devine	Hechler, W. Va.
Barrett	Dickinson	Heckler, Mass.
Beard	Diggs	Helstoski
Bennett	Downing	Henderson
Bergland	Drinan	Hicks
Biester	Dulski	Hillis
Bingham	Duncan	Hogan
Blackburn	du Pont	Holifield
Boggs	Edwards, Calif.	Holt
Boland	Eilberg	Holtzman
Bolling	Erlenborn	Horton
Brasco	Esch	Hosmer
Bray	Eshleman	Hudnut
Breaux	Evans, Colo.	Hungate
Breckinridge	Fascell	Hunt
Brinkley	Findley	Hutchinson
Brooks	Fisher	Jarman
Broomfield	Flood	Johnson, Calif.
Brown, Calif.	Flowers	Johnson, Colo.
Brown, Mich.	Foley	Johnson, Pa.
Brown, Ohio	Ford, Gerald R.	Jones, Ala.
Broyhill, N.C.	Ford, William D.	Jones, N.C.
Broyhill, Va.	Forsythe	Jordan
Buchanan	Fountain	Karth
Burke, Fla.	Fraser	Kastenmeier
Burleson, Tex.	Frelinghuysen	Keating
Burlison, Mo.	Frenzel	Ketchum
Burton	Froehlich	Kuykendall
Byron	Fulton	Kyros
Carey, N.Y.	Fuqua	Latta
Carter	Gaydos	Lehman
Casey, Tex.	Gettys	Litton
Cederberg	Giaimo	Long, La.
Chamberlain	Gibbons	Long, Md.
Chappell	Gilman	Lott
Clancy	Ginn	Lujan
Clark	Gonzalez	McClory
Clausen, Don H.	Goodling	McCloskey
Clawson, Del	Gray	McCollister
Cleveland	Green, Oreg.	McDade
Cohen	Green, Pa.	McEwen
Collier	Griffiths	McFall
Conable	Gubser	McKay
Conlan	Gude	Madden
	Gunter	Madigan
		Mahon

Mailliard	Price, Ill.	Steele
Martin, Nebr.	Pritchard	Steelman
Martin, N.C.	Quie	Steiger, Ariz.
Mathias, Calif.	Quillen	Stephens
Mayne	Railsback	Stokes
Mazzoli	Rangel	Stratton
Meeds	Rees	Stubblefield
Mezvinsky	Regula	Stuckey
Miller	Reuss	Studds
Mills, Md.	Rhodes	Sullivan
Minish	Rinaldo	Taylor, N.C.
Minshall, Ohio	Robison, N.Y.	Teague, Calif.
Mitchell, Md.	Rodino	Thomson, Wis.
Mitchell, N.Y.	Roe	Thone
Mizell	Rogers	Thornton
Moakley	Roncalio, Wyo.	Towell, Nev.
Mollohan	Rooney, Pa.	Treen
Montgomery	Rose	Udall
Moorhead, Calif.	Rosenthal	Ullman
	Rostenkowski	Van Deerlin
Moorhead, Pa.	Roush	Vander Jagt
Morgan	Roybal	Vanik
Moss	Ruppe	Veysey
Murphy, Ill.	Ruth	Vigorito
Murphy, N.Y.	Ryan	Waldie
Myers	St Germain	Walsh
Natcher	Sarasin	Wampler
Nedzi	Sarbanes	Ware
Nelsen	Saylor	Whalen
Nichols	Scherle	Whitehurst
Obey	Schneebeli	Whitten
O'Brien	Schroeder	Widnall
O'Neill	Seiberling	Williams
Owens	Shoup	Winn
Parris	Shriver	Wyatt
Passman	Shuster	Wylie
Patman	Sikes	Wyman
Patten	Sisk	Yates
Pepper	Skubitz	Yatron
Perkins	Slack	Young, Alaska
Pettis	Smith, N.Y.	Young, Ga.
Peyser	Staggers	Young, Ill.
Poage	Stanton, J. William	Young, Tex.
Podell		Zablocki
Powell, Ohio	Stark	Zwach
Preyer	Steed	

NAYS—52

Archer	Grasso	Pike
Bafalis	Gross	Randall
Bevill	Grover	Rarick
Burke, Mass.	Heinz	Roberts
Butler	Howard	Robinson, Va.
Cochran	Ichord	Roncallo, N.Y.
Collins	Jones, Okla.	Rousselot
Crane	Jones, Tenn.	Runnels
Daniel, Dan	Kazen	Satterfield
Daniel, Robert W., Jr.	Kemp	Snyder
	Landgrebe	Spence
Davis, S.C.	Lent	Symms
de la Garza	McSpadden	Tiernan
Dennis	Macdonald	Waggonner
Donohue	Mallary	White
Evins, Tenn.	Mathis, Ga.	Wydler
Fish	Mink	Young, Fla.
Flynt	Pickle	

NOT VOTING—78

Alexander	Goldwater	Riegle
Andrews, N.C.	Guyer	Rooney, N.Y.
Ashbrook	Hanna	Roy
Badillo	Harsha	Sandman
Baker	Harvey	Sebelius
Bell	Hastings	Shipley
Biaggi	Hinshaw	Smith, Iowa
Blatnik	Huber	Stanton, James V.
Bowen	King	
Brademas	Kluczynski	Steiger, Wis.
Brotzman	Koch	Symington
Burgener	Landrum	Talcott
Burke, Calif.	Leggett	Taylor, Mo.
Camp	McCormack	Teague, Tex.
Carney, Ohio	McKinney	Thompson, N.J.
Chisholm	Mann	Wiggins
Clay	Maraziti	Wilson, Bob
Conte	Matsunaga	Wilson, Charles H., Calif.
Corman	Melcher	
Cronin	Metcalfe	
Culver	Michel	Wilson, Charles, Tex.
Delaney	Milford	
Dellums	Mills, Ark.	Wolff
Dingell	Mosher	Wright
Dorn	Nix	Young, S.C.
Eckhardt	O'Hara	Zion
Edwards, Ala.	Price, Tex.	
Frey	Reid	

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Maraziti.

Mr. Rooney of New York with Mr. King.

Mr. Biaggi with Mr. Hastings.

Mr. Matsunaga with Mr. Ashbrook.

Mr. Kluczynski with Mr. Guyer.

Mr. Delaney with Mr. Conte.

Mr. Culver with Mr. McKinney.

Mr. McCormack with Mr. Symington.

Mr. Hanna with Mr. Sandman.

Mr. Charles H. Wilson of California with Mr. Burgener.

Mr. Shipley with Mr. Camp.

Mr. Bowen with Mr. Milford.

Mr. Blatnik with Mr. Baker.

Mr. Brademas with Mr. Huber.

Mr. Koch with Mrs. Burke of California.

Mr. Leggett with Mr. Goldwater.

Mr. Nix with Mr. Steiger of Wisconsin.

Mr. Smith of Iowa with Mr. Brotzman.

Mr. Teague of Texas with Mr. Frey.

Mr. Reid with Mr. Mosher.

Mr. Dingell with Mr. Andrews of North Carolina.

Mr. Badillo with Mr. Harvey.

Mr. Carney of Ohio with Mr. Harsha.

Mrs. Chisholm with Mr. Corman.

Mr. Dellums with Mr. Eckhardt.

Mr. Landrum with Mr. Sebelius.

Mr. Mann with Mr. Edwards of Alabama.

Mr. O'Hara with Mr. Clay.

Mr. James V. Stanton with Mr. Michel.

Mr. Wolff with Mr. Metcalfe.

Mr. Wright with Mr. Price of Texas.

Mr. Dorn with Mr. Hinshaw.

Mr. Melcher with Mr. Riegle.

Mr. Mills of Arkansas with Mr. Cronin.

Mr. Roy with Mr. Talcott.

Mr. Alexander with Mr. Taylor of Missouri.

Mr. Charles Wilson of Texas with Mr. Wiggins.

Mr. Bob Wilson with Mr. Young of South Carolina.

Mr. Bell with Mr. Zion.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 330, which was just agreed to.

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

There was no objection.

PERSONAL EXPLANATION

Mr. BAKER. Mr. Speaker, I was absent today when the vote was taken on House Resolution 330, endorsing objectives for a just and effective ocean treaty, and on H.R. 3153, technical and conforming changes in the Social Security Act. If I had been present I would have voted "yea" on both.

PERSONAL STATEMENT

Mr. STUDDS. Mr. Speaker, I was delayed coming from my district and missed rollcall No. 63. I should like to have the RECORD reflect that had I been present, I would have voted "yea."

HARRY M. LIVINGSTON

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

Mr. DULSKI. Mr. Speaker, it is my sad duty to inform the House of the passing yesterday of one of our longtime employees in the House of Representatives.

Harry M. Livingston, a finance officer in the House of Representatives for the past 24 years, died Sunday at Georgetown University Hospital following a brief illness.

Most of the Members of the House had come to know Mr. Livingston through his role in the Finance Office beginning in February 1949. He served under three Speakers of the House in addition to yourself. They are former Speakers John McCormick, the late Sam Rayburn, and the late Joseph W. Martin, Jr. For the past 4 years he had served as budget and operations officer in the Office of the Doorkeeper.

Although he had been in Washington for the past quarter of a century, Harry had continued to maintain his voting residence in my district in Buffalo, N.Y. He had long been active in affairs of the Democratic party and for many years was a ward chairman in Buffalo.

Since coming to Capitol Hill, Harry Livingston had made his mark in several areas in addition to the day-in and day-out assistance which he provided to the Members and congressional staffs in connection with their official duties.

In 1961, he was named to the board of directors of the Congressional Employes Federal Credit Union and 2 years later was named its president, an office to which he had just been reelected several weeks ago. During his years at the helm of the Credit Union, its development was significant, because of his dedication and concentrated effort.

Although born in Rochester, N.Y., he spent most of his life in Buffalo until being named to his position in the House of Representatives.

Born April 24, 1909, he was the son of the late Richard E. and Charlotte McLeod Livingston. He was a graduate of Lafayette High School in Buffalo and took up the trade as a carpenter, later being employed by the City Parks Department. He was a member of Carpenters Union Local No. 9, one of the oldest in the country and had retained his membership.

He was a member of the Kenwood Country Club of suburban Bethesda, Md., and recently was elected to the board of governors. He was active in the Kenwood Men's Bowling League and had been chairman of the Arthritis Ball for the last 2 years.

He is survived by his wife, Loretta T., at home, 5401 Christy Drive, Chevy Chase, Md.; two daughters, Mrs. Francis G. "Joyce" Monan, of Alexandria, Va., and Mrs. Theodore "Patti Anne" Morgan, of Wurzburg, Germany; nine grandchildren; and two brothers, Richard E. Livingston, of Bethesda, secretary-treasurer of the United Brotherhood of Carpenters and Joiners of America, and Donald M. Livingston, of North Tonawanda, N.Y.

Mr. Livingston was active in church affairs and had been an usher at the Little Flower Roman Catholic Church for many years. He was a member of Council 184, Knights of Columbus.

Harry Livingston was a good friend and a fine public servant. His cheerful disposition and friendly nature were well known to all who had the pleasure of working and dealing with him over the years. He will be sorely missed.

CONGRESS SHOULD OVERRIDE THE VOCATIONAL ACT VETO PROMPTLY

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

Mr. WON PAT. Mr. Speaker, on behalf of the handicapped people of this great country of ours, and in particular the offshore areas—Guam, American Samoa, and the U.S. Trust Territory—I urge my colleagues in Congress to immediate override the President's veto of the Vocational Rehabilitation Act of 1973, and thus insure that compassion for our fellow man will continue to be one of our fundamental legislative goals.

When the Congress voted unanimously several weeks ago for S. 7, the 1973 Vocational Rehabilitation Act, careful consideration was made by the House and Senate conferees of what impact the spending allocations in the measure would have not only on the Federal budget, but on the existing handicapped aid programs as well.

So great was their just concern for the shape of the Federal budget that $930 million were slashed from the bill's funding level.

But the 327 Members of the House and 70 Members of the Senate, who voted for the final version, were also concerned that inflation and the growing demands for training for the handicapped would hamper nationwide efforts to assist these people to earn an honorable living.

Despite the best efforts of Congress to safeguard both the economy and the needs of the handicapped, S. 7 was still rejected by the White House as being too overzealous in the spending area.

I cannot believe that the American people want programs which have proven their worth many times over hampered by lack of sufficient funding. After all, the goal of helping the handicapped is not one of a free handout, but instead follows the American tradition of helping our neighbors to help themselves.

Nor can I believe that this administration wants to make the handicapped pay for our budgetary sins.

But unless we act soon to restore the full level of funding called for in S. 7, many projects to aid the handicapped in the territories and those in many urban areas across the United States will undoubtedly be forced to operate at a substantially reduced level.

In the case of Guam, failure to override the veto would be extremely injurious to local efforts to train the handicapped. Were the present funding levels maintained, Guam would be denied the benefit of the significant increases which S. 7 authorizes—almost $100,000 during fiscal 1975. As our program on Guam is still in the development stages, the proposed funding increases would be doubly helpful at this time.

None of us wishes to see inflation rear its ugly spector once again. Congress must assure us that the spending which we authorize the administration to carry out is within a sensible limitation, a limitation that will keep our economy at a safe level and still provide our people with the services that are desperately needed.

But is there no other place to seek fiscal relief than from the pockets of the handicapped, the school children, or from the veteran who has served his country without question during our most trying periods?

Surely it is the unspoken duty of a legislator to legislate both wisely and compassionately. Without wisdom our efforts would be meaningless, and we would be rendering our countrymen an ignominious disservice. Yet, without the quality of compassion behind our actions, would we not be doing our countrymen an equally great disservice?

The legislation which Congress enacts is more than a mass of dollar signs for the accountants to ponder and from which the taxpayers seek relief. Hopefully, much of this legislation will serve to lift our fellow man out of the problems which circumstances and life have forced on him.

While we learned from our past mistakes in legislating for social relief, let not the noble goals of President Kennedy and President Johnson's Great Society be left withering in our quest for fiscal balance.

PRESCRIBING MORE POISON

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

Mr. DENNIS. Mr. Speaker, I insert in the RECORD a recent editorial from the Wall Street Journal, which I commend to the serious attention of my colleagues who would cure all our economic ills by continuing to bust the budget on the one hand, while imposing all sorts of artificial controls on the other:

PRESCRIBING MORE POISON

Congressional Democrats apparently believe, judging from recent words and actions, that the best remedy for a bad case of poisoning is more of the same poison.

Or more specifically, when economic controls aggravate problems, they would cure them with more controls. Senate Democrats last week pushed through a bill that would slap rent controls on apartments in 60 cities. Other Democrats in Congress are pushing for a 60-day freeze on all prices and interest rates; some even favor, so we gather, trying to control the wind and the rain and other factors that determine raw food prices.

All this will hardly be good news for the nation's independent bakers, who are going out of business in droves because the industry's giants have been forced to keep a lid on prices at a time when flour costs have been rising. And it should be disturbing, but maybe isn't, to the building industry, which has had all sorts of trouble with lumber since Phase 2 set lumber price ceilings at artificially low levels.

When demand shot up, lumber producers naturally concentrated on the most profitable items. Shortages developed in items least profitable. Now, the controllers are trying to restrict log shipments to Japan, which of course works just counter to the efforts of those other federal officials who are trying to restore trade equilibrium with Japan.

And everyone traveling the streets of New York can see that rent controls are something less than a great idea. The city has block upon block of decrepit housing that could have been maintained and properly valued had not a long period of rent controls distorted the city's real estate values.

As for interest rates, they were held down quite successfully last year by a liberal Federal Reserve monetary policy and the activities of the Committee on Interest and Dividends. This has helped us get a dollar that buys increasingly less in foreign markets and at home, simply because the policy entailed excessive money creation.

And then there are the fuel shortages, past and future, which Congressmen think can be cured with new controls, jawboning and all those other marvelous gimmicks of modern government. As we've noted before here, there's nothing like holding down the price of a commodity artificially when you are trying to entice someone to increase production of that item.

Agriculture Secretary Butz, who isn't always right but is usually forthright, recently described those who want raw food price controls as "damn fools." Department secretaries aren't supposed to say things like that about Congressmen, but sometimes a man can get so exasperated he can't control himself. And when Congressmen have so little understanding of an economic malaise that they persist in policies that can only make it worse, it is easy to become exasperated.

The year 1972, with controls in place, the Fed printing lots of money and Congress merrily overspending the budget by $11 billion, may have seemed like an economic paradise. But as the events of early 1973 have shown, it was a fool's paradise. If there is any wisdom left in Washington, we won't return to that world of illusion but will instead concentrate on the fundamentals of fiscal and monetary restraint as the only route back to stability.

PRESIDENT THIEU, THE PANHANDLER AND THE PIRATE

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 1 hour.

Mr. DRINAN. Mr. Speaker, today at San Clemente, President Thieu of South Vietnam, opens a 3-day visit in America designed to deceive the people of America and to panhandle from the Congress of the United States.

President Thieu's authoritarian regime has no legitimacy in international law. He is the creation entirely of the U.S. military, the State Department, and the last three or four Presidents of the United States.

In June 1969, I spoke for almost an hour with President Thieu in his heavily fortified imperial palace in Saigon. At that time he was just as cunning and crafty as he will be in the next 3 days during his tour of the United States. It is typical of the Machiavellian tactics of President Nixon and General Thieu that the President of South Vietnam will visit the widow and the grave of President Johnson in Texas. We can similiarily wonder about the legitimacy of the motives of President Thieu in visiting the Pope in Rome on his way back to South Vietnam.

Mr. Speaker, during the next 3 days the Nixon administration will do its best

to persuade the American people that the South Vietnamese Government is one worthy of our continuing support. I reject that contention and assert and will continue to assert that the United States had no interest in intervening in the Indochina war years ago and that the only possible policy consistent with law and reason is for the United States to withdraw right now, as Senator MANSFIELD has put it, "lock, stock, and barrel."

There are many reasons, Mr. Speaker, why this government does not deserve the continuing support of the U.S. Government. I will expand on a few of those reasons.

SOUTH VIETNAM IS NOT A DEMOCRACY IN ANY WAY

In June 1969, I spent more than an hour in the jail cell of Mr. Dzu, the runnerup in the election that brought General Thieu to the presidency of South Vietnam. Mr. Dzu ran on a platform that urged a coalition government in South Vietnam as the only possible and fair way to bring about a cessation of hostilities. After a good deal of harassment during the campaign by his opponents, Mr. Dzu was arrested immediately after the election and charged with a violation of the mandate of the Constitution of South Vietnam which, quite literally, forbids anyone stating anything favorable to the Communists.

Two days before President Thieu boarded in Saigon a luxurious jet rented for him by the U.S. Government he freed Mr. Dzu from jail after 5 long years of imprisonment for the "crime" of teaching that the people of North and South Vietnam must reconcile their differences by means short of war.

Since the jailing of Mr. Dzu, President Thieu has also imprisoned up to 200,000 individuals suspected of being in disagreement with General Thieu. I visited in June 1969, with hundreds of these persons. The number of political prisoners in June 1969, came to at least 30,000. That number has now escalated so that virtually any person in South Vietnam who might form a "third force" or some political opposition to President Thieu has been incarcerated.

Several months ago the U.S. Government acquiesced in a pretense of an election in South Vietnam with President Thieu as the only candidate on the ticket. And the U.S. Government similarily acquiesced in the virtual abolition of any meaningful governmental power and all provincial elections at the local level. Once again, just prior to President Thieu's departure for the United States an announcement has been made that some form of local provincial elections will now apparently be permitted in the future.

The suppression of newspapers in South Vietnam has long been a familiar phenomenon in this country. President Thieu in his hour long talk with me more than 3 years ago expressed his disdain for any criticism for his regime when he simply stated that the 40 newspapers then publishing in South Vietnam were too numerous because they simply confused the people.

During the 3 days of the state visit to America by President Thieu the Nixon administration will seek to create in the minds of the American people the illusion that President Thieu is an ally of the United States in Asia and that this Nation should give considerable aid of all kinds to this dictatorship. Mr. Speaker, I resist every premise and every conclusion in that line of argumentation. The people of South Vietnam do not have the right of self-determination under the regime of President Thieu. He has done everything in his power to prevent any form of real or true democracy in that land. I am certain that he will continue to prevent any emergence or development of any government which does not guarantee his own perpetuation in power.

President Thieu is also apparently seeking a reassurance from the U.S. Government that this Nation will reenter South Vietnam with ground forces if, in the judgment of President Thieu, this becomes necessary.

Some may say that the United States should at this time continue to protect President Thieu because such a course appears to be the most likely way by which we can guarantee economic and political stability in Southeast Asia. Once again, Mr. Speaker, I reject every assumption and every conclusion implicit in the line of reasoning which ends in that judgment. How can we say that President Thieu is the choice of the people of South Vietnam when we have absolutely no evidence to substantiate that conclusion? All of the evidence points rather in the other direction and is indeed overwhelming for the proposition than unless there is some from of coalition government in Saigon within the near future we will have either a much more repressive regime still led by President Thieu or a takeover outside of the political processes by a coalition of dissidents opposed to President Thieu.

We will be told this week that "peace with honor" means the perpetuation of the virtual dictatorship of President Thieu. I reject that thesis. I reiterate that there is nothing in international law, nothing in American tradition and nothing from the mandates of the Congress of the United States that allows, much less requires that the U.S. Government perpetuate in Southeast Asia a regime which in all candor can be called a puppet government of the U.S. military forces in Vietnam.

The terms of the treaty signed by the United States in Paris allow both sides to maintain the level of armaments by giving replacements. Prior to the signing of this treaty the United States poured planes and arms into the South Vietnamese army and air force on an unprecedented scale. In a 1-month period in November and December 1972, the United States sent Saigon over 10,000 tons of military equipment—tanks, personnel carriers, artillery, rifles, ammunition, and bombs. In addition the United States gave Saigon at least 868 aircraft.

This fantastic arsenal is of course buttressed by the presence of at least 45,000 American troops in Thailand to be on hand to support America's apparent continuing air war. Furthermore the administration has revealed no plans to reduce the size of the 7th Fleet in the waters off Vietnam or the Air Force personnel on Guam who have been engaged in B–52 bombings.

This administration assumes that a Congress that declined to withhold funding from a war which it never declared can be relied upon to continue in another form a war which the administration will make as invisible as possible. The pomp and ceremony to be extended to President Thieu this week will seek once again to legitimate and legalize something which has been illegal and wrong from the very beginning

This administration will never concede that the entry of the United States into the civil war in Southeast Asia was a mistake. It will, therefore, seek to perpetuate the status quo of political power in the four devastated nations of Indochina. The administration will camouflage military aid in the form of advisers or humanitarian relief. In addition, the Pentagon and the administration will continue to give away vast millions of dollars in equipment or personnel.

What would happen if the United States insisted that any further aid to President Thieu would be conditioned upon that public official making available in his country those basic liberties inherent in a free society? More specifically what would happen if the United States demanded that President Thieu offer a fair and impartial hearing to the 200,000 political prisoners now being detained only because of their political convictions? When I asked these questions of State Department officials in Saigon and in Washington 3½ years ago, they offered the ridiculous reply that the United States would not be justified in so invading the domestic issues involved in the nation of one of its allies. That I suppose is the answer that this administration would give at this time.

If this Congress is to give nonmilitary aid to South Vietnam, I hope that we will insist in the law granting such aid that the assistance will be given only on the condition that no persons are placed in jail or retained in prison simply, because of their political convictions. The Congress of the United States could fashion an amendment to a bill along the lines of the conditions precedent in the Jackson-Vanik amendment designed to withhold the status of a most favored nation from Russia until the U.S.S.R. eliminates the exorbitant fees which it charges for Soviet Jews who desire to emigrate.

The cease-fire agreement signed by the United States gives President Thieu almost a blank check to demand renewed American bombing. Obviously the decision has been made by the Nixon administration to keep U.S. air power in Indochina for at least a few more years. During this period President Thieu can wipe out his domestic opposition while the United States keeps the military balance in his favor. This strategy is designed to accomplish what has been an obvious and consistent American aim since the Geneva Conference of 1954. In other words the Nixon administration is still out to win politically what they failed to win militarily.

The cease-fire, quite literally gives President Thieu more power than the Congress to decide when the United States shall be drawn back into the war again. The power of the Congress would be strengthened in this regard if the Church-Case amendment passed in the Senate and if the bill proposed by our colleague, Congressman JONATHAN BINGHAM, were enacted in the House.

The coming of President Thieu to the United States this week could well be the beginning of another Indochina war. This war will be waged by the Nixon administration to force the other side to accept the Thieu regime. We are back in 1954. There is, however, one difference: The Congress of the United States hopefully is able and willing to assert its power and to state that it will not permit the United States to attempt once again to solve a political problem by military means.

The Congress and the people of America have slept while the U.S. Government has given to President Thieu the fourth or fifth largest air force in the world. President Thieu can carry on the terror bombing which Vietnamese pilots have learned from their American advisers. But President Thieu cannot execute this new savagery if the U.S. Congress states today and every day during the visit to our Nation of this panhandler that we will no longer allow this self-appointed dictator to sabotage the hopes that we have for our people or to deceive this country to believe that the political regime which he has formed is worth a single more dollar of our investment.

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

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

Mr. BURTON. Mr. Speaker, I would like to commend my distinguished colleague, the gentleman from Massachusetts, and associate myself with his remarks.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I want to compliment the Congressman from Massachusetts (Mr. DRINAN) for arranging this special order. I think perhaps that our joy at seeing the return of our prisoners and the beginnings of the end of this war has dulled our senses or our reactions.

Mr. Speaker, the Thieu regime has never been anything but the shadow of U.S. substance in South Vietnam. Now that our troops have been pulled out, what possible justification is there for the United States to continue military support for this regime?

Yet this week, Mr. Nixon is meeting with this dictator who has stripped his people of all civil rights, closed down the newspapers, warned foreign reporters they might be shot for exposés; who uses soldiers, civil servants, and public equipment to promote his own power, reelecting himself with no semblance of democratic process; who has put the army in control of every level of village administration; is the man the administration asks us to support.

Recently, Dictator Thieu's shocking treatment of political prisoners has come to light in the report of two young Frenchmen, who themselves were imprisoned in South Vietnam for months. They report from firsthand experience the savage beatings, torture, mutilation, and killing of prisoners. Estimates of their number run from 150,000 to 300,000. They are not enemy soldiers, who are usually killed on capture. They are arrested in dragnet raids, Communist and non-Communist alike, Buddhist and Catholic, men, women, even children.

When the infamous tiger cages at Con Son were exposed by two U.S. Congressmen, we believed that the situation was remedied. On the contrary, the Navy Department recently gave a $400,000 contract to a U.S. company to build new tiger cages, that former prisoners say are smaller and in every way worse. Human beings are jammed into cramped positions and left untended; if they complain, the guards throw blinding lime on them.

President Thieu has no intention of releasing these prisoners: they now understand his regime and might unite in a third force against him. Many are people whose views would be listened to with great respect. To avoid releasing them, the young Frenchmen say, he is now stepping up the frequency of executions and torture-deaths. He transfers prisoners far from their homes and labels them all as "criminal" rather than "political," to avoid compliance with the protocol on prisoners.

We are as horrified by these revelations as we are by the stories our returning prisoners of war relate. Torture cannot be condoned, wherever it appears. Certainly it cannot be continued with U.S. tax dollars.

Yet Mr. Nixon is proposing to give another $4 billion in military assistance, direct and indirect, to this regime. Some of the money already spent there is disguised as aid for humanitarian reasons. Last year, my Committee on Government Operations held hearings and reported on U.S. assistance programs in Vietnam. Mr. CONYERS and I stated in our separate views that there was great discrepancy between the stated purpose of the Agency for International Development and the programs it finances in Vietnam. We said that—

> A program that ignores and subverts its stated aims deserves no support from the U.S. Congress. Such is the case with the bulk of the USAID programs in South Vietname. We should eliminate, certainly, all the police, the political, and the paramilitary aid; the economic aid, which is a very small part of what we are sending, should be channeled through international organizations. It requires a major rehauling of the whole AID program. As it is now, the Vietnamese hate us for our aid.

That statement is even more true today, when the hundreds of thousands of political prisoners, their families, and friends, know that the United States paid for the police force that arrested them and the prisons that contain them. They are still barbarously interrogated by individuals trained and advised by the U.S. Government. Due to public pressure, direct funding for police activity was ended on March 28; but it appears that the usual sleight-of-hand will enable Thieu to use unrestricted funds as he pleases.

Basically we must ask, "What is the purpose of the continuing commitment of this administration to the Thieu regime? Are we still clinging to a base of operations, if the President decides to resume bombing in North and South Vietnam?" He has repeatedly threatened to do so. And the Cambodian bombings continue, again without purpose or justification. Even the President's lawyers cannot come up with a convincing rationale for this continuing military operation, after all of our troops are out and a cease-fire agreement signed.

When the 93d Congress convened, I introduced H.R. 3578, a bill providing for an immediate halt to our bombing in Indochina and a cutoff of all military funds—including funds for Mr. Thieu and for civilians paid by the Department of Defense, or any other military or parliamentary personnel under the control or in the pay of the United States—which would cut off illegal activities of such agencies as the CIA and AID.

This, I believe, is the step we must take if we would respect the wishes of the American people, who want this war really ended. It is the step we must take to comply with article 9 of the peace agreement, which states that—

> The South Vietnamese people's right to self determination is sacred, inalienable, and shall be respected by all countries.

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

Mr. DRINAN. I would be happy to yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, on that score, I would like to add a little bit more to what the gentlewoman from New York said about the two young French schoolteachers who were here 2 weeks ago and who spoke to a group of us about the conditions that they met with in South Vietnam where they were prisoners of the Thieu regime.

Now, what was their offense? They were sent to Indochina, to Vietnam, under the French equivalent of our Peace Corps. They were teachers—one taught French, and the other mathematics—in a school there. They went there in 1968. Their names were Pierre Debris and Andre Menras. They were age 27 and 24, respectively.

Although they had no political preconceptions, after 2 years in Vietnam they were so repelled by the atrocities and the corruption of the Thieu regime that they unwisely, as it turned out, took part in one of the political demonstrations against the regime. They were immediately thrown in jail and subjected to unspeakable conditions, until finally the International Red Cross came in, and there was such a hue and cry raised in France that the regime finally, in December 1972, released them and they were sent back to France.

Now, they spoke of some of the condi-

tions that they witnessed with their own eyes, and I want to dilate on that, if I may, for just a minute.

Mr. Speaker, we have all been outraged, and rightly so, at the stories of the atrocities and the acts of torture that were committed against our POW's by the people who were put in charge of them in North Vietnam. There can be no excuse for that kind of treatment of prisoners of war, or any other prisoners, by any regime that lays any claim to respect on the part of mankind.

Unfortunately, however, our own country's position against such atrocities has been undermined by the aid and support that we are giving to the very same kind of oppression on the part of the Thieu regime.

The two young Frenchmen International were themselves placed in leg irons, beaten so badly they have permanent scars, made to live in unspeakable conditions. But their treatment was mild compared to that imposed on Vietnamese prisoners.

Mr. Speaker, let me just read to you a description that these two young Frenchmen made of the day of the last Tet holiday, when for the day the prison that they were located in were allowed to come out of the cages and down into the yard to celebrate the holiday.

They said:

These were political prisoners who had been brought back from the tiger cages in Poulo Condor.

Normally, they were never allowed to go out into the sunlight; but were kept in solitary confinement, in cells without windows or light. But that day. the first day of Tet, they could come down into the prison yard. So we saw, the whole jail saw, for the first time these hundred prisoners from the tiger cages.

And in what condition! They had to crawl down, because they couldn't walk anymore; their knees had been broken. They dragged themselves along the ground with little wooden benches they had made. In the sun they had to close their eyes completely because they'd been blinded from so many years of darkness. Their faces were haggard and lined, their bodies gaunt and emaciated. They were wearing tattered prison uniforms, the standard black pajamas.

Now, Mr. Speaker, they went on to point out that they had seen these cages and talked to the prisoners that were in them. The cages were too low for the prisoners to stand up. They put 3 to 5 in each one, so there was not enough room for them to sleep. They had to take turns lying down while the others crouched. The cages were completely dark rooms, without ventilation. Most of those who managed to live through the experience were completely blind afterwards.

Now, the significant thing, Mr. Speaker, is that these cages were being built with dollars supplied by the United States of America and, furthermore, more cages, as the gentlewoman from New York has pointed out, are being built with American dollars, $400,000 worth, by American contractors, according to a report published by the House Committee on Government Operations last October.

Mr. Speaker, these two French gentlemen went on and made a lot of other statements describing the tortures and the privation and the violation of all sorts of human decency by the regime against prisoners, political and otherwise.

The sad thing is that between 1967 and 1972, according to the U.S. Agency for International Development, the United States has spent $77,800,000 to support the police and jail systems of the Thieu regime.

That is not counting other forms of economic support and support coming through the defense assistance program.

I am now looking at the AID congressional presentation for the fiscal year 1973. I find there is an additional amount of approximately $11 million for this fiscal year, 1973, and it is expected that by the time the program is completed, we will have spent in AID funds alone $103,472,000 to support this type of activity on the part of the Thieu regime.

Mr. Speaker, I would like to mention one other thing. Last fall the House Committee on Government Operations made a study of the U.S. assistance programs in Vietnam. One of the things they brought out was that we were supporting the international police force in Vietnam and the police telecommunications system and "support for Government of Vietnam corrections centers." The AID personnel were interrogated as to the need to expand the capacity for existing prisons in Vietnam and the need for U.S. support.

Mr. Nooter, who was the representative of AID in charge of the programs, said:

It is our objective in the AID program to help the police force and the corrections centers to run both more efficient and more humane operations.

Mr. Speaker, our Government has the power to shut down the Government of South Vietnam tomorrow. With a snap of the fingers, we can demand that the Thieu regime create humane conditions or else they will receive no more U.S. economic support. Yet we have not done so.

I might add that of the total amount of money that has been spent up to now and is projected to be spent for all public assistance, the $103 million I talked about before, $1,918,000 is projected to support improvements in the Vietnam prison conditions. All I can say is this is a poor record for us to face the world with, and it is time we did something about it.

Mr. DRINAN. I thank the gentleman from Ohio, and I am now happy to yield to the gentleman from California.

Mr. WALDIE. I thank the gentleman for yielding.

On the very issue that the gentleman from Ohio is relating to, it might be useful if I recount some personal experiences I had when I visited Vietnam in 1971 with Congressman McCLOSKEY.

During that trip I selected as my own area of interest the Phoenix program. When the final history of American involvement in Vietnam is ultimately revealed. our participation in the Phoenix program may end up to be one of the saddest and blackest and most shameful events in which we have participated in that sad and unhappy country.

As a brief measure of the extent of our participation I have in my files a directive from the Military Assistance Command in Vietnam, in Saigon, that was directed to all American military personnel who are engaged in the Phoenix program.

Although I do not have it before me as I speak. the most startling phrase in that directive was to the effect, "You are hereby directed not to engage further in assassinations." An incredible statement contained in the directive from the highest military command in South Vietnam to American military personnel that from that date forward you are not to engage in assassinations in implementing the objective of the Phoenix program. I think that is a fair indication of the nature of the program that we have in fact established to leave for the South Vietnamese as we depart their country. The Phoenix program was designed by American personnel and initially was staffed by American personnel. When I was there in 1971, although it took a while to penetrate the cover, the essential component of the Phoenix program was the interrogation centers located in every Province to which prisoners who were picked up in the nets that were operating for the Phoenix program would be taken for interrogation.

These Province interrogation centers were built by the American Central Intelligence Agency. Even in 1971, the American advisors to the South Vietnamese personnel that were operating the interrogation centers at the Province levels for the Phoenix program were in fact employed by the CIA, And that issue is not in doubt, that issue is clear, and it is correct.

The Phoenix program in the literature that the American personnel developed to leave with the South Vietnamese who were to man the Phoenix program says that its primary objective is to root out the Vietcong infrastructure and its secondary objective is to prepare the country—and this is almost a literal translation of this document—for the political struggle that is impending at the conclusion of military hostilities and, therefore, it was assigned by American authorities in 1971 as the primary pacification program with the highest priority in South Vietnam—to prepare the country for the political struggle that would ensue at the conclusion of military hostilities.

Now, what type of preparation were they seeking to prepare the country for the political struggle? The type of preparation that the Phoenix program embodied was that the South Vietnamese who would be picked up by the South Vietnamese police, whether they be local or national police—although literally there are no local police, it is entirely a national police system—would be categorized in three categories. Category A—and those would be dead, because they would be killed or assassinated. Category B, which were the lower level Vietcong leaders identified as such by people in the community organization and, most trobulesome of all, category C. Category C as identified in the manual prepared by American personnel and distributed to South Vietnamese personnel who would be running the Phoenix program, was identified as a person who

would, in order to fit into category C, be a person who was described as one who would stand aside from the rest of the village and engage in conversations with one or two people, someone who by their suspicious demeanor you could tell were disloyal to the government. In short, anyone—and I am paraphrasing now my own words—in short, anyone whom the government felt may be a trouble in the political struggle to come.

What happens to these people once they are identified as category A, B or C? If they are identified as category A they are killed. If they are in the B category, they go to the tiger cages. There are no trials in the Phoenix program. You do not have trials in the Phoenix program. You have no representation, no public confrontation by witnesses or accusers. The accused is not even permitted to come before the people who judge his guilt or innocence—and it is usually guilt. Category C people do not go to the tiger cages, they are not killed, they are put in detention camps, and they are held there for periods up to about 6 months, usually, sometimes up to a year, but generally up to 6 months.

What really happens to a poor soul who is picked up in this dragnet under the Phoenix program and labeled a category C detainee is if he is held for only a few weeks, the message is very clear:

> You are now in our dossiers. You have been pointed out as one disloyal to the Government, and if you are to be free from this sort of situation, you had better be supportive of the Government.

Category C has, by far, the largest number of detainees. Category C is the evil of the Phoenix program. It also is the means by which the primary objective of pacification during the 1971–72 years was to be attained, and that primary objective was to prepare the country for the political struggle to ensue at the conclusion of military hostilities. That gives an absolute lie to any possible contention that self-determination of the South Vietnamese people could ever become a reality. When we have set up the program, developed the manuals, and trained the people, to assure that in fact no honest self-determination, no honest political decision can be made at the termination of hostilities, that, if the gentleman will permit me to conclude, is in my view one of the saddest involvements of American knowledge, American power, and American immorality that will result as far as the full history of our involvement in Vietnam is concerned.

For those who believe there will ever be an honest political decision made in South Vietnam. I can only suggest to them they are being greatly misled. It was never our Nation's leader's intention that an honest political decision be made by the South Vietnamese, and it will never be permitted to be made by either our present leaders or our clients who are in power in South Vietnam now.

I thank the gentleman for yielding.

Mr. DRINAN. I thank the gentleman for his remarks.

It is my intention to file as soon as possible a bill which will provide that if this country is going to give nonmilitary aid to South Vietnam, then we must insist that such assistance will be given only on the condition that no person may be placed in jail or retained in jail or otherwise deprived of any of his rights simply because of his political convictions. The Congress could fashion an amendment to a bill along the lines of the conditions precedent in the Jackson-Vanik amendment. That amendment is designed to withhold the status of the most favored nation from Russia until or unless the U.S.S.R. eliminates the exorbitant fees which it charges for Soviet Jews who desire to emigrate. The least we can do to protect the political prisoners of South Vietnam is to insist upon the incorporation of such a proviso in a bill that would give nonmilitary aid.

The cease-fire agreement signed by the United States gives, I am afraid, to President Thieu almost a blank check to demand renewed American bombing.

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

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

Mr. BINGHAM. First of all, I thank the gentleman for yielding. I want to compliment him on arranging for this special order.

I think it is appropriate that we here in the Congress protest the reception, the official top-level reception, that is being given today to President Thieu.

As the gentleman has pointed out, he is anything but a leader who should be given the accolade of a leader of the free world. He is a general who has presided over a dictatorship now these many years and who has no intention, as other speakers have pointed out, of allowing true self-determination in South Vietnam.

I should also like to compliment the gentleman from Ohio on his statement about the treatment of the political prisoners in South Vietnam. As he said, one of the aspects of this tragic situation is that it makes it virtually impossible for us as Americans effectively to protest the treatment that was accorded to our prisoners of war in North Vietnam, as recently reported by many of those returnees.

I do have a question that I should like to discuss with the gentleman about the statement that he has just made in that the cease-fire agreement signed by the United States gives President Thieu almost a blank check to demand renewed American bombing.

Frankly I do not read the agreement that way. I think that the agreement to the extent it speaks at all of the enforcement of those provisions seems to call for some kind of vague international sanctions, some sort of international agreement, an international commission, and so on. I do not feel that there is anything in the agreement which would in any way justify the United States renewing hostilities in Indochina.

As the gentleman has kindly remarked, I am the principal sponsor in the House of a bill which would make that impossible without official congressional approval, and recently the gentleman has joined me and others in urging that there be hearings on that legislation and other legislation in the House Foreign Affairs Committee, but even absent that legislation I see no justification, legal or otherwise, for the President to renew hostilities, and I certainly do not find it in the terms of the agreement.

This agreement has some good terms in it. Among other things it has in it the requirement that the parties in South Vietnam establish democratic freedoms. I think much of what the gentleman has said here today and as has been said by others indicates that aspect of the agreement has been grossly violated already by the Government of South Vietnam, but that is a pretty good provision that is in the agreement. There are other good things in the agreement.

I hope the gentleman would agree with me that there is really nothing legitimately in the text of that agreement that would give Thieu or anyone else the right to call on the United States to come back in regardless of what North Vietnam does.

Mr. DRINAN. I would agree with the gentleman, whose knowledge of that legislation is of course greater than mine. I would say that President Thieu "almost" has a blank check. I hope the gentleman is correct and if the Bingham legislation or something similar passes I hope it would eliminate that as a possibility.

Mr. BINGHAM. If I might, I would say I know for myself and others on the Foreign Affairs Committee, we will be going over with a very careful eye the request the administration may make—they have not submitted their request yet—for the aid program to be carried out in Vietnam, both South and North, if such proposal is made. Certainly I would agree that there should be conditions imposed that the aid not be misused, as it has been in the past, as the gentleman suggests. I think it is imperative we see to it that our aid, if indeed it is to be extended at all, is to be extended for legitimate constructive purposes.

I am disturbed by the fact that the President's budget for 1974 includes an item of $1.7 billion for military assistance to South Vietnam and this in a time which is supposed to be an era of peace. I, for one, will certainly try to see that aid is eliminated from the authorization bill or any legislation that this Congress will enact. I am sure the gentleman will agree with me on that.

I have further remarks to make, but in the interest of time I will ask unanimous consent to revise and extend my remarks.

We must now recognize, Mr. Speaker, that short of recommitting our ground and air combat forces to Vietnam, we will have quite limited power to enforce the terms of the peace agreement that has enabled us at least to extricate ourselves. That is as it should be. Many of the terms that remain to be implemented have to do with settling the very same disputes between North and South that first got us into Vietnam. It was a mistake for us to have intervened militarily to try to settle those disputes then, and it would be a mistake for us to intervene militarily again now.

Possible future financial assistance to Vietnam, both North and South, raises

the prospect that we may continue to have some influence on the policies particularly of the government in the south, and it is incumbent on the Congress to assure that that influence is employed not to meddle further in the internal political affairs of Vietnam, but rather try to assure within our limited influence adherence to internationally accepted standards of humanitarianism and political freedom.

Reports from South Vietnam on the number of civilian prisoners being held and the treatment being given them by the Saigon government, as well as the reports of our own released prisoners of war, indicate that neither the north nor the south is adhering to such international standards. In the case of the South Vietnamese, at least some of the prisoners being held are innocent children. The conditions of imprisonment in many instances are brutal.

Mr. Speaker, a report of the House Foreign Affairs Committee, of which I am a member, contained detailed descriptions of the treatment accorded political prisoners by the Saigon government. That report, issued in the last Congress, was based on eyewitness accounts of several members of the committee. There is little doubt that such treatment and widespread imprisonment of civilians, is continuing in the south.

The proposals for U.S. assistance to North and South Vietnam will come before the Foreign Affairs Committee as soon as they are submitted by the President. I have no doubt that, under the able leadership of the chairman of our committee, the gentleman from Pennsylvania (Mr. MORGAN), the committee will give long and careful scrutiny to those proposals and that extensive hearings will be held. I certainly intend, Mr. Speaker, in the course of those hearings, to raise many questions and probe deeply into the matter of South Vietnamese activities and policies with regard to political prisoners. My purpose in doing so will be to seek to assure, through an appropriate amendment to the legislation if necessary, that no American funds or other assistance to Vietnam in any way supports or contributes to the continued imprisonment and brutal treatment of Vietnamese civilians whose only crime, if any, has been to express political views that are unpopular with the Thieu regime.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield if he is interested in an extension of this discussion?

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

Mr. SEIBERLING. Mr. Speaker, it would seem to me that the effect of this state visit by President Thieu is that the President of the United States seems to be embracing the Government of South Vietnam and underwriting in effect our continued commitment to that government. This was the same mistake that Lyndon Johnson made when he embraced President Ky and it just got us in deeper.

I thought one of the virtues of the peace agreement was that we now had a graceful way of extricating ourselves from further involvement in the Government of South Vietnam. I would like to ask the distinguished gentleman if he agrees with that position.

Mr. DRINAN. I agree thoroughly. One of the reasons I called this special order is to discuss what may well be another Black Monday.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, many years ago the President of South Vietnam came to America and was hailed as a man history would judge one of the great figures of the 20th century. Unfortunately, history instead considers this man a psychotic, petty tyrant, whose ruinous policies led to the Vietnamese war. This Winston Churchill of Asia was Ngo Dinh Diem.

Today America is welcoming another Vietnamese President, Nguyn Van Thieu. Already Mr. AGNEW has trumpeted him as a distinguished, decent man, a patriot and a scholar. Perhaps history will also erode Mr. AGNEW's fine words.

In President Thieu's kind of democracy, what is good for Mr. Thieu is good for the country. Likewise, what is not good for Mr. Thieu is not good for the country.

A critical press is not good for Mr. Thieu. So this means there is no freedom of the press. Mr. Thieu required newspapers to post an exorbitant bond as security against fines. Since only the wealthy, progovernment papers could afford this bond there is no more opposition press.

Since Mr. Thieu equates his own regime with anticommunism, to make a speech critical of President Thieu is to undermine the resolution of the people's will against communism. The speaker will find himself in jail.

There is no freedom of assembly. An antigovernment demonstration also weaken the people's will, so there are no legal demonstrations.

There is no right to a trial—fair or unfair. Under Thieu law a person considered dangerous can be placed in prison for 2 years without a warrant or a trial. And that sentence is renewable until the man dies.

For the good of Mr. Thieu one must not practice any religion that holds as a commandment "Thou shalt not kill." There is no pacificism in Vietnam. In Government Newspeak, pacifism is neutralism, and neutralism is communism. Mahatma Ghandi, Martin Luther King, and Jesus Christ would all be in prison or dead with bullets in their brains if they were born in Vietnam.

But South Vietnam is a democracy, and it does have elections. However, when Mr. Thieu holds an election, he outlaws or arrests his main opponents. He does try to leave a dummy candidate or two to keep the White House happy, but in 1971 he could not even do that.

He keeps from voting anyone who has expressed sentiments against his government, or anyone who has someone in his family who has done the same. Or anyone who has spoken for peace or neutrality.

And when it comes to election day, it is one thing to vote in secret, but to have your own men count the votes in secret?

Even at that he only received 34 percent of the vote in 1967. But Thieu knew all along he would only need a plurality to win. After all, he wrote the election law.

Mr. Speaker, I have been flippant with Mr. Thieu, and I believe the whole world would be flippant with this man if it were not for the fact that he has bought himself respect with the blood of more than a quarter million Americans, and a million of his countrymen.

And now that the conflict is slowing down, Mr. Thieu is buying his respect with the bodies of 200,000 men, women, and children he keeps locked away as political prisoners.

Admittedly some of these prisoners can bribe their way to luxury status behind bars. But for most it means torture, beatings and mutilation. It means a state of constant deprivation.

It is just becoming known the torture our own men were put to. But horror and anger at this criminal, and wanton mistreatment, should not be used as an excuse to turn away from what is being done in South Vietnam today.

The horrors of the Con Son tiger cages, where men drank their own urine for liquid, is well known. The methods of torture still in use throughout government prisons should be known as well: Simple beatings, electric shocks applied to the genitals, pins driven into the fingers, liquid mixtures consisting of lime forced down the throat. This is not pleasant, nor is it all. But the most important thing to understand is that President Thieu could stop it tomorrow if he wished.

But he has no desire to do so. Instead he is subverting the peace agreement in order to keep these people in prison. Thousands of prisoners, arrested on charges of a political nature are being reclassified as common criminals. As such they need not be released, now that the war is officially over. President Thieu wants these prisoners safely tucked away in prisons when time for the next election comes around.

But why talk about political prisoners? There are political prisoners across the globe. Is not that, regrettably perhaps, an internal affair that is none of our business? In this case, no. These people are rotting away in prisons built with American dollars by American technicians and with American material. They are staffed by personnel paid for with American tax moneys.

Mr. Thieu has come to America for more money. If we give him this money without a demand that his Stalinist-style politics halt, we will become accessories once again to this man's crimes.

At a time when America is rejoicing over the release of 600 countrymen, it indeed will be a shame to rise up and honor a man responsible for the imprisonment of 200,000 others.

I would like to insert in the RECORD at this point an article entitled "The Treaty and Thieu" from a document by the Indochina Resource Center, Viet-Nam: What Kind of Peace?

The article follows:

THE TREATY AND THIEU

THIEU BANS PRG POLITICAL ACTIVITY

Even before the treaty was signed, Thieu had issued orders to his army and police forces which in effect forbade any kind of political activity by the PRG. These orders, and many of the laws, edicts and even the constitution of the Saigon government, forbid the very kind of political contest spelled out by the Paris Agreement.

Only days before the public announcement of the cease-fire, Thieu reiterated his long-standing ban on any pro-Communist or neutralist activity. In spite of the fact that the new agreement guarantees freedom of speech, meeting and organization, Thieu's laws forbid such acts as distributing "Communist" leaflets, displaying the PRG flag, or organizing public meetings or demonstrations in favor of any political force other than Thieu. Anyone found organizing villagers to return to their native villages, in short, anyone found informing refugees of their rights under the Paris Agreement to "freedom of movement" or "freedom of residence," will be shot, according to Saigon newspapers quoting official Saigon sources (Wash. Post, Jan. 23, 1973). Refugees who attempt to return to their villages will be arrested. And although the treaty guarantees freedom of the press, strict Saigon government censors will continue to white out areas of newspapers that will be considered "dangerous to the national security."

Editions of newspapers will be confiscated, severely fined or closed down for similar violations of Saigon laws. Writers will be arrested if they write articles or books that are viewed as a challenge to Thieu's manner of governing. As a most recent example, on January 19 four Catholic priests were sentenced in Saigon to five years in prison and were fined VN$300,000 each for publishing a paper entitled "Justice in the World," which they had presented at a recent Southeast Asian Bishops' Conference.

THIEU'S REPRESSION

During the five and a half years that Thieu has been president of the Saigon government, he and his police forces have relied on widespread and often indiscriminate political arrests to maintain the survival of his regime. Mass arrests followed the Tet Offensive of 1968 and the Cambodian invasion of 1970. Students and others were arrested by the thousands in the weeks that preceded Thieu's one-man election in October, 1971. In the wake of the Spring Offensive of 1972 thousands more were arrested. Under South Vietnamese law, persons can be detained without benefit of trial or lawyer for a period of up to two years, which can be renewed at two year intervals.

As news of the cease-fire approached, in particular in the period after the announcement of the draft agreement in October, the number of arrests increased sharply. Hoang Duc Nha, Thieu's nephew and closest advisor, announced on November 8, 1972 that the Thieu government had arrested or killed 50,000 "Communist civilian and military cadre" since October 31, 1972 (CBS News, November 9, 1972).

THIEU'S POLITICAL PRISONERS

As Hanoi and the PRG pressed for the release of these political prisoners through the months of November and December, they charged that Thieu had a "security plan" to assassinate the political detainees as well as suppress democratic freedoms in case of a signing of a cease-fire agreement.

The charges of Hanoi and the PRG were soon given corroboration by reports that appeared in the Western press. Two Frenchmen who had just been released from Thieu's Chi Hoa prison near Saigon returned to Paris and were quoted by Agence France Presse on January 2, 1973 as saying that "South Vietnamese authorities were reclassifying political prisoners as common prisoners to avoid releasing them when a cease-fire comes into force." Reports smuggled out of Saigon's prisons and published by Dispatch News Service reported that many political prisoners were being shifted to other prisons in an effort to hide them, and that in some cases prison authorities were inciting the common-law prisoners "to provoke, sometimes kill political prisoners." George MacArthur of the Los Angeles Times reported on January 1 that U.S. official sources confirmed to him that "Thieu has ordered the arrest and 'neutralization' of thousands of people in the event that cease-fire negotiations with Hanoi are successful. . . . The term 'neutralization' can mean anything from covert execution to a brief period in detention." And the Washington Post reported on January 18 that "President Thieu has given his province chiefs wide latitude to make political arrests after the coming cease-fire and has also empowered them to 'shoot troublemakers' on the spot." In addition, the Post reported, "Those arrested are to be charged with common crimes instead of political ones," so that the prisoners will not fall into the category of political prisoner, whose release is provided for in the Agreement. To handle the new arrests Thieu has reportedly embarked on a crash program to increase his police force from its present level of 122,000 to 300,000 (Le Monde, Sept. 8, 1972).

The Paris Agreement calls for the release of "Vietnamese civilian personel captured and detained in South Vietnam" and admonishes Saigon and the PRG merely "to do their utmost to resolve this question within ninety days after the cease-fire comes into effect." This weak wording of the text of the Agreement hardly ensures that the prisoners will be freed in the suggested time framework.

Thieu has made it no secret that he plans to avoid the release of all the political prisoners. To Thieu the prisoners are a political threat which he can best handle by keeping them in jail. Thieu claims to hold only two political prisoners, although the PRG asserts that he holds 300,000 in his jails.

On February 5, the Thieu government reported that it had released 10,000 to 20,000 political prisoners, adding further confusion to the earlier Saigon claim to hold only two. The Saigon report added further that "those freed had been designated 'New Life Cadres,' meaning that while in captivity they renounced the Communist cause and pledged to support the Saigon government." (NY Times, Feb. 6, 1973) Those released, therefore, are considered to represent no threat to Thieu.

The Agreement is explicit in protecting prisoners "against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages against personal dignity." But torture has been common in Thieu's prisons and interrogation centers, and has continued in spite of the international furor that arose following revelation of the "tiger cages" in 1970.

In spite of his recalcitrance, Thieu will be faced with pressures to release the political prisoners. The Two-Party Joint Military Commissions provided for in the Agreement are charged with arranging for these prisoners' release. The commissions are to exchange lists of the civilian detainees within fifteen days of the cease-fire and are physically to observe return of the prisoners. Two or more "national Red Cross societies" shall be designated, if Saigon and the PRG can agree, to visit the political prisoners and "contribute to improving the living conditions of the captured and detained." There will be seven teams, or a total of 56 members, of the ICCS who will visit each place of detention and release of the political prisoners, if Saigon and the PRG can agree on arrangements for these visits.

In obtaining the release of the political prisoners, world opinion will play an important role. Already, Amnesty International and other groups have launched campaigns for the prisoners' release. Furthermore, as the cease-fire goes from weeks into months, families with sons, daughters, fathers, nephews and nieces in jail will try again and again to obtain their lease.

In all likelihood, the PRG will appoint to the third component of the National Council neutralists who are now in jail. If Saigon refuses to release these prisoners it will hold up the functioning of the National Council and draw international attention to the whole political prisoner issue. On the other hand, if Thieu complies and releases these jailed neutralists, they will be powerful spokespersons in the highly visible arena of the National Council to press for the release of the other prisoners.

The neutralists, once successfully appointed to the Council, can be an important element in making the Council work. If they organize among themselves, they may be able to act as a buffer and mediator between Saigon and the PRG, and will be a strong force in stimulating the reconciliation and concord that is the very purpose of the National Council.

THIEU'S POLITICAL WEAKNESS

In preparation for the political struggle, Thieu has taken other drastic measures which he hopes will strengthen him in the post cease-fire period. But these measures are only more intense applications of measures that have failed in the past and, more importantly, reveal the nervous desperation of a regime all too conscious of its basic weakness.

Following soon on the decree made last August that abolished all hamlet and village elections, Thieu is now planning to place his own military officers in control of all hamlets and villages (*Wash. Post*, Nov. 18. 1972). The army would thus be in charge of every level of the Saigon government outside of Saigon itself, where former generals, like Thieu, are in charge. To the Saigon government, the only people they feel they can trust in the face of a challenge from the PRG, are their army officers.

If villagers' support for the Saigon government was weak when they elected their own officials, their support can hardly be expected to be more enthusiastic when they are under the surveillance of a totally unfamiliar army officer. Successive Saigon regimes have always been plagued by the problems that arise when government officers try to win support in an area where they are unfamiliar with the local dialect and customs and are easily branded as outsiders by the local villagers. The elitist and urban ways of the army officers are unlikely to sit well with the villagers, either.

By contrast, the army and political cadre of the PRG are mostly farmers themselves. They usually operate near the region of their origin where they are familiar with the countryside, the local dialect and other local cultural idiosyncracies. In many of the "Saigon-controlled" villages of South Vietnam the farmers and even some of the hamlet chiefs have associations with the PRG. Such a situation is no doubt what prompted Thieu to begin putting his own officers at the head of every hamlet. But these officers are unlikely to reverse this arrangement which has been going on for years. ARVN officers will see their loyalty to the central command above them much more than to the people in the hamlet. Popular alienation against these Saigon-appointed officers will only lead to further village cooperation with the PRG.

ELECTIONS

General elections are provided for in the Agreement. But the offices and bodies for which the voting will take place and the date of the elections are not specified. These

matters and other "procedures and modalities" are the responsibility of the three-part National Council.

Saigon and the PRG are unlikely to agree on these procedures and modalities, and the prospect of elections seems distant indeed. Saigon may offer to hold elections, but only within the framework of the present Saigon constitution under which the National Liberation Front functioning as a political party, and *not* the PRG functioning as a rival government, could participate in an election for the office of president. The PRG, on the other hand, noting the legendary unfairness of Saigon-organized elections in the past, will likely wish to hold elections for a new constitutional assembly which would write an entirely new constitution.

THIEU'S "DEMOCRATIC" PARTY

The strongest sign that Thieu expects elections to take place is his defensiveness in the face of that possibility. Thieu has formed his own political party, the Democratic Party, which he hopes will out-politic the PRG in any pre-election situation in the months ahead. Almost all army officers and civil servants right down to the hamlet level have been given the choice of joining the party or risking losing their jobs. Some officials report that they were "ordered" to join the party (*NY Times*, Nov. 18, 1972). The party claims nearly 200,000 registered members already (*Wash. Star-News*, Dec. 17, 1972).

To assure that its strength would not be weakened by the existence of other parties—there were twenty-four last year in Saigon—Thieu issued an edict on December 27, that effectively eliminates all political parties but is own. By the new edict any party that wishes to continue to exist must establish branches in every city and in at least a quarter of the villages in half of South Vietnam's 44 provinces. In addition, a party must win 20 percent of the total national vote cast for either house of the legislature and 25 percent of the presidential vote if that party wishes to put forth a presidential candidate. Thieu's new party is nothing more than an extension of his government. Like that government, it is coercive, urban and elitist. Saigon Deputy Tran Van Tuyen, leader of the opposition yet staunchly anti-communist, commented that Thieu's new political moves "will drive the people underground and into the Communist side" (*NY Times*, Dec. 29, 1972). In another interview he commented, "The majority of the people are looking for peace, and Thieu is the main obstacle to peace. Most people are looking for his departure" (*Christian Science Monitor*, Nov. 17, 1972).

To be sure, the PRG is in contact with those who are left out of Thieu's increasingly isolated political apparatus. And it won't be the first time the people joined the PRG because they saw no other acceptable political route.

THIEU'S INFORMATION CONTROL

In the months that follow, press coverage of Vietnam in the United States will decrease. With a smaller and less visible U.S. involvement, newspapers will judge the events in Vietnam to be of less interest to Americans. And the Thieu regime will be likely to refuse entrance visas to foreign correspondence if the turn of events worsens from their point of view, or if they have something to hide from the eyes of the rest of the world. Already, according to *Le Monde* (Nov. 16, 1972), "correspondents can only obtain visas that must be renewed each month (three months for bureau chiefs); some journalists have already been limited to renewing their visas every two weeks or even more often." And on January 29 when the first North Vietnamese and PRG delegations arrived in Saigon to take their places on the Joint Military Commissions, six U.S. reporters were arrested by Saigon police while covering the delegations' arrival. The PRG, on the other hand, will open up its areas and welcome foreign correspondents. They will want to demythologize themselves, to show that they enjoy popular allegiance, control territory, and have a viable government in operation.

Thieu will want to control information disseminated to people in South Vietnam as well. He will suppress any mention of the PRG in order to deny any legitimacy to that government. But the people of South Vietnam will still be able to keep abreast of events by listening to the PRG radio and the Vietnamese-language broadcasts of such foreign stations as the BBC. In an ironic twist, many of the Sony transistor radios provided through previous American commodity import programs will serve to evade restrictions set forth by an American-imposed regime.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding.

I compliment the gentleman from Massachusetts for taking this time today for this very important message to the American people.

I would hope that many people are listening and will pay attention to what is said here today, because, as the gentleman from Massachusetts said earlier in his remarks, President Thieu is here in the United States on a panhandling expedition. He wants, according to the President's budget, $1.7 billion in military assistance for next year, and in addition, another $2 billion in economic assistance, which comes to somewhere around $4 billion. That is money right out of the American taxpayer's pocket, and I think we ought to look at it very, very carefully.

I am not at all sure from my limited experience in being in Vietnam how well the money would be spent if it were authorized and appropriated by the Congress. I was in Vietnam in August 1971, and like the gentleman from California (Mr. WALDIE) wanted to visit some of the Operation Phoenix establishments. After a great deal of difficulty, I was finally permitted to visit one compound on the outskirts of Saigon. This compound consisted of 40 or 50 small cells where the prisoners had to sleep on the deck with a small hole in the center for sanitary facilities.

Each month, the Vietnamese who ran this particular operation were told by the Thieu government to meet a given quota of persons they had captured and who they had either incarcerated or put through a period of rehabilitation to make them better Vietnamese.

I visited an orphanage there, too. It was an orphanage of children with Vietnamese mothers and American GI fathers. It was a lovely place, run by two Australian nurses. However, I was surprised and shocked to find out, in talking with the nurses, that not one cent of American AID money was being spent there. All the money was contributed by the Australian nurses themselves, by local inhabitants, or, in some cases, by American GI's who would come occasionally to visit.

I thought then, as I think now, that if we are going to spend these billions of dollars General Thieu came over to get on this trip which starts today—this "Black Monday" as described by the gentleman from Massachusetts—it should be spent on something really worthwhile, rather than, as in the past, lining the pockets of high-ranking officials of the Thieu regime. We do not need more U.S. money going into Swiss banks, buying estates on the Riviera for the retirement of South Vietnamese officials. That is historical. That is what has happened to American AID money in the past.

I should like to have someone explain to me, if we are to vote more money for South Vietnam, what safeguards there will be to prevent the continuing misuse of American tax dollars.

I hope the American people will observe and consider what transpires in the next several days. I believe, as a result of this visit, we are going to be asked in this Chamber to vote for a lot of money with no strings on it whatsoever.

I would think we should do what the gentleman from Massachusetts suggests with regard to strings on the money. For example, the International Red Cross should have total access to the 150,000 or 200,000 prisoners who are incarcerated under unspeakable circumstances in Saigon and elsewhere.

I believe we should also require audits and general reports to the American people. I know that I am not going to vote for any of it unless there are provisions for accounting and other safeguards attached to the bill so that I can be proud I voted for it, and not ashamed.

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

Mr. DRINAN. Yes; I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I think we are all in the debt of the gentleman from Massachusetts (Mr. DRINAN) for taking this occasion to point out the very serious and possibly calamitous effects for our country of the visit, the very ill-advised visit, of General Thieu to the United States, and I wish personally to commend the gentleman for his efforts in this regard and say that I will be glad to support legislation of the type the gentleman has indicated he is going to prepare.

Mrs. SCHROEDER. Mr. Speaker, I want to thank my colleague from Massachusetts for making available this opportunity to discuss the implications of our continued aid to the regime of South Vietnamese President Thieu. Gen. Edward G. Lansdale, speaking of an earlier U.S.-supported South Vietnamese Government, said:

> I cannot truly sympathize with Americans who help promote a fascistic state and then get angry when it doesn't act like a democracy.

The suppression of political liberties by the Thieu regime should make us question the propriety of continuing the massive aid which administrations past and present have deemed necessary to shore up his narrowly based and dictatorial government. This question is of particular concern at a time when the administration, in the name of fiscal responsibility, is imposing drastic cuts on our own domestic social welfare programs.

The occasion of President Thieu's current visit to the United States presents an opportunity for the administration at least to use its influence with Mr. Thieu to press for needed internal reforms in his government. One area which should be of especial concern to us all is the presence in South Vietnamese prisons of approximately 200,000 political prisoners. Most of these people are in prison simply because they dared to be critical of the policies of President Thieu. We should be concerned about their plight because the United States, through the USAID and the Department of Defense, has financed the construction of many of the prisons and continues to pay for their maintenance and to train and advise the police force which runs them.

Since the exposé of the subhuman conditions of the Con Son Island tiger cages in 1970, there have been increasing reports of the starvation, incredible tortures, and summary execution of political prisoners. While we abhor the sometimes brutal treatment of American POW's by the North Vietnamese and the Vietcong, we should in no way countenance or subsidize equally brutal acts by our ally.

We have also heard of the massive arrests, prior to the cease-fire agreement and after, of persons who might be sympathetic to an alternative government. Article 11 of the peace agreement specifically prohibits such acts of reprisal and calls for a guarantee of the democratic freedoms of speech, press, and political activity.

It is unconscionable that the United States can provide the financial support that enables President Thieu to carry out policies in direct contradiction to the principles for which this Nation stands. The cease-fire agreement is tenuous at best. It will certainly fail if the present regime in South Vietnam does not become more responsive to the needs of its people.

Mr. HARRINGTON. Mr. Speaker, it has been more than 2 months since the United States signed an agreement in Paris ending United States intervention in South Vietnam. Just last week, the last planeload of U.S. prisoners of war were released by the North Vietnamese and the PRG—provisional revolutionary government. Still, the involvement of our country is not yet concluded.

The United States is party to several commissions and conferences that seek to make the Paris agreement a reality. In addition, the United States has pledged itself to provide assistance for North and South Vietnam, as well as the other countries of Indochina.

With this dual responsibility, the people of the United States should now concern themselves with the fate of the many civilian prisoners held by the South Vietnamese Government.

The exact number of civilians held in South Vietnamese prisons is a matter of some dispute. The South Vietnamese Government reports that it has jailed 30,000 prisoners, while other estimates run as high as 400,000. Under the emergency powers assumed by President Thieu on May 9, 1972, several sweeping and ambiguous decrees have been issued. For example:

> Those persons considered dangerous to the national defense and public security may be interned in a prison or designated area or banished from designated areas for a maximum of two years which is renewable.

Another provision states that—

> shall be considered as pro-communist neutralist a person who commits acts of propaganda for incitement of neutralism. These acts are assimulated with the act of jeopardizing public safety.

Many people in this country are concerned about the prison conditions in South Vietnam. The exposure several years ago of the "tiger cages" has created good reason for concern. It is a sign of the severity of the problem that officials of the International Red Cross—the IRC—were told that they might inspect the prisons only in the company of a South Vietnamese Government official. Objecting to such intimidation, the IRC refused.

I received a letter from a constituent a month ago, similar to the many others that I have received, seeking information on the status of eight individuals believed to be held in South Vietnamese prisons. My office contacted the appropriate desk at the Vietnam Working Group at the U.S. Agency for International Development—USAID. My office was told that the request would be processed, and was told, further, that there had been many similar requests. Several weeks later, I received a reply. Mr. Speaker, I insert it in the RECORD:

DEPARTMENT OF STATE,
Washington, D.C., March 5, 1973.

Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: I have received your letter regarding the concern of one of your constituents about a number of Vietnamese citizens.

The Agreement of January 27 specifically provides that the matter of South Vietnamese civilians detained in South Vietnamese jails should be resolved through negotiations between the South Vietnamese parties to that Agreement. Pending resolution of the problem, the Agreement provides that all those detained "shall be treated humanely at all times and in accordance with international practice." The Agreement further prescribes all forms of torture and cruel treatment and provides that those detained be given "adequate food, clothing, shelter, and the medical attention required for their state of health." The problem involves not only the prisoners held by the Government of the Republic of Viet-Nam but also the thousands of South Vietnamese civilians abducted by the other side during the course of the war. This issue is complicated and not readily susceptible to outside influence or solutions.

With regard to your constituent's inquiry on Vietnamese citizens, we do not feel it appropriate for the US Government to inject itself into matters that under the terms of the January 27 Agreement are now to be settled among the South Vietnamese themselves. Such inquiries should be directed to the Government of the Republic of Viet-Nam. However, recent charges of general repression, torture and mass incarceration of so-called "political prisoners" by Republic of Viet-Nam authorities have, as often in the past, proved grossly exaggerated.

Please continue to call upon me whenever you believe that we may be of assistance to you.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

This response is unacceptable.

Because of U.S. involvement in the Vietnam war, because of U.S. political, military, and diplomatic support of the Thieu government, and because of, at least partial, U.S. funding of the police and prison network of South Vietnam—this problem is not an "internal" matter for the South Vietnamese alone. The various ways this country has supported and continues to support the South Vietnamese prisons and police should be brought to public attention.

First, the Public Safety Division of the USAID has provided funds for a whole range of security programs. Second, part of the foreign assistance authorization for South Vietnam is in the form of support assistance—a special category of aid that allows Government expenditures on items that cannot otherwise be afforded while maintaining the Military Establishment. Third, some members of the South Vietnamese police force are trained at the International Police Academy in Washington. Finally, it should be recognized that any foreign assistance—economic, military, support, even humanitarian—indirectly supports government operations by allowing the South Vietnamese to shift their own resources between whichever projects they consider most useful.

As a signer of the Paris Agreement on Ending the War and Restoring Peace in Vietnam and its attendant protocols, the United States has a responsibility to insure that South Vietnam fully meets the requirements regarding Vietnamese civilian prisoners. Further, it has been suggested that by supporting the imprisonment of these civilians, many of whom might constitute a viable, neutralist force, the United States may be violating the agreement which stipulates that—

> Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.

Two important issues are involved in the failure of the U.S. Government to accept and deal with the consequences of its policies and its refusal to provide requested information.

First, the U.S. Congress has the constitutional responsibility for the formulation of public policy and for legislative oversight. The President seeks not only to strip the Congress of its role in the former, but also to deny its role in the latter.

Second, the track record in humanitarian affairs of this country under the present administration has been a sorry one. While the Government has responded quickly and generously, as it should, to natural disasters, such as those in the Philippines and in Nicaragua, it has failed to respond to the political tragedies in Biafra and Bangladesh. The present state of affairs in South Vietnam is all the more intolerable because of the unbreakable link between the United States and South Vietnamese policy.

The administration must not be allowed to shirk its clear responsibility. The administration has the power to help persuade the Government of South Vietnam to release these prisoners or improve the conditions of the prisons. We in the Congress, if we will speak out, can help persuade the administration to exercise its influence in this direction. Therefore, I call upon the President of the United States to use his good offices to urge the Government of South Vietnam to release those political prisoners who are unjustly held and to improve the conditions of the prisons for others. And further, to insure that action is taken, the administration should press the South Vietnamese Government to allow inspection of its prisons by the International Red Cross.

Mr. METCALFE. Mr. Speaker, reports concerning political prisoners from individuals familiar with conditions in South Vietnam are very disquieting.

In 1969 a U.S. study team on religious and political freedom went to South Vietnam. The distinguished gentleman from Massachusetts who has arranged for this special order was a member of that group. The committee which sponsored that group defined the objectives of the group as:

First they will seek to identify the variety of religious forces in South Vietnam and the range of political expression existing there. They will seek to investigate the situation of religious groups and the extent of the imprisonment of leaders of nonaligned groups who represent potentially important political sentiment . . . Second, the team will seek to investigate the situation of all prisoners in South Vietnam.

The findings of this group in 1969 indicated that many thousands of persons arrested in South Vietnam were denied procedural protection. This study team further stated that repression was pervasive and brutal. The report continues that—

The large majority of those imprisoned in South Vietnam are held because they oppose the government; they are "political prisoners."

Toward the end of the report we note that—

The Study Team has reached the conclusion that the Thieu-Ky Government has, through the extensive and increasing use of the extra-constitutional military Field Courts imprisoned thousands of persons without the most fundamental element of a fair hearing and, in a shocking number of instances, without even apprising the imprisoned persons of the charges against them.

Reports in the New York Times for November 3, 1972, quote Sean McBride, chairman of Amnesty International and former Prime Minister of Ireland, who estimated the number of political prisoners in Indochina at 200,000. Most of these he said were held by the Government of South Vietnam.

The Department of State in July 1971 conceded that the number of persons confined for political reasons is small. The fact is that prisoners are confined for political reasons. I strongly urge the President to discuss this issue with the South Vietnamese President during his visit to this country and to ask the President to guarantee the right of trial and guarantee minimal care to these men.

We have committed men and financial support to this government. To ask the Government of South Vietnam to permit its citizens to exercise rights which the Constitution of South Vietnam provides is not to ask the impossible. It is consistent with the announced purpose of the American Government's involvement. To do less than protest the treatment of these political prisoners is to fail in our own commitment to international standards of law and justice. I strongly condemn the activities of a government which attempts to stifle ideas by force and is unwilling to test its own viability in a free exchange of ideas. I call upon the President of South Vietnam to commit himself to safeguard the rights of the citizens of his country.

Ms. HOLTZMAN. Mr. Speaker, the purpose of the meeting between President Nguyen Thieu of South Vietnam and President Nixon in San Clemente has not been fully explained by either government. Yet, one does not have to be a seer to know that Mr. Thieu is seeking assurances of American military support as well as additional economic assistance for his government.

However, Mr. Thieu should be made aware, and President Nixon should be reminded, that this country's military resources should not be recommitted to prop up the South Vietnam regime and certainly not by Executive fiat. Now that the last prisoner of war has come home and our military troops have been withdrawn, there is not one shred of constitutional authority remaining for the President to reintervene militarily in that country.

Nonetheless, the President seems intent to support Mr. Thieu. The President has conducted extensive daily bombing raids to protect the faltering Lon Nol government in Cambodia. The President also has warned that further violations of the cease-fire agreement will lead to renewed bombing of North Vietnam. Just yesterday Secretary of Defense Richardson suggested that the administration also would not rule out remining the Haiphong harbor and "other military actions."

It is painful and tragic to remember that the war has cost Americans $110 billion, the lives of over 45,000 fighting men, as well as the scarring of bodies and minds of many of those who served in Vietnam. We have also paid the price of a riotous inflation here at home.

If we cannot afford meat and we cannot afford full Federal commitments to the elderly, housing, education, and health care, then we cannot afford Mr. Thieu either.

And we should not support him. He came to power in an election that makes a mockery of that word. And he remains in power through the brutal confinement of thousands—perhaps hundreds of thousands—of political prisoners.

The cease-fire accords—under which our prisoners of war were returned—provide for the release of "Vietnamese civilian personnel captured and detained in South Vietnam"—Article 8. Yet, news reports from South Vietnam estimate that up to 300,000 civilians have been imprisoned there for political reasons. They indicate also that the number of political arrests has increased substantially within the past year. There are also reports, from released prisoners, letters smuggled out of jails, and non-Communist politicians opposed to the Thieu regime of the unspeakable tortures these prisoners are suffering.

It is clearly the responsibility of the United States as a signatory of the cease-fire accords to press for the prompt release of political prisoners in South Vietnam. And our failure to seek their release would be a bitter comment on the sacrifices Americans have made to bring about freedom in that country.

GENERAL LEAVE

Mr. DRINAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to 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.

STEELE DECRIES JANE FONDA'S ATTACK ON U.S. POW'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 5 minutes.

Mr. STEELE. Mr. Speaker, I would like to nominate Academy Award-winning actress Jane Fonda for a new award: the rottenest, most miserable performance by any one individual American in the history of our country.

Miss Fonda has said the returning U.S. prisoners of war are "hypocrites and liars."

She has never met the men she has branded, yet in a sweeping statement says they are "hypocrites and liars." Never met them. Never talked to them. Never asked what happened to them. Just branded them, "hypocrites and liars."

Our returned prisoners of war have served our Nation with honor and courage under the most difficult circumstances imaginable, and most Americans have been moved and appalled by their reports of mistreatment and torture.

Can this pampered, privileged young actress who influences so many of our young people be so egotistical and naive as to think that her brief guided tours of North Vietnam qualify her to speak with more authority on how our POW's were treated than the men themselves? Where does she get this colossal gall?

It is one thing to make these charges in a glamorous television studio. I wonder, though, if she would dare to make her charges to the faces of those men who were beaten with rifle butts in the jungle or to the captured airman who was tied down with wire while ants swarmed over his body until he thought he would be eaten alive? Or would she

dare to face the man who had a piece of iron slammed into his teeth so he could not scream while he was being tortured?

I would be more charitable to Miss Fonda then she has been to our returned men. I do not think she is a liar. I think she is a spoiled brat.

Jane Fonda's greatest performance lies ahead. Not in a motion picture where every word is scripted for her. Not in a press conference where her brattiness is gobbled up by the media. But in that confrontation where she says "Liar," and the accused POW tells her the truth.

If a camera could catch the look on her face it would win 10 Academy Awards.

It would also permanently etch on the public mind who is telling the truth.

Jane Fonda, you do not know what you are talking about. Fortunately, most Americans know this.

ONE'S RIGHT NOT TO PARTICIPATE IN ABORTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I have today introduced a bill aimed at respecting an individual's or a hospital's right not to participate in abortions, sterilizations, or related procedures if such procedure is contrary to the individual's moral code or the institution's traditional policy.

The bill extends beyond the terms of similar legislation (H.R. 4797) that I introduced earlier in this session. That bill, known as the Right of Conscience in Abortion Procedures Act, make Federal financial assistance to any hospital, clinic, or medical institution contingent upon proof that employees be allowed to decline participation in the procedure of abortion or the disposition of any aborted fetus. The bill was cosponsored by 44 of my colleagues, and has been referred to the Committee on Interstate and Foreign Commerce.

The legislation I propose today would broaden the scope of H.R. 4797; it incorporates features of a bill introduced in the Senate by Senator CHURCH of Idaho, which was passed by that body, 92 to 1, as an amendment to the Public Health Service Act Extension of 1973 (S. 1136).

The expanded bill which I have proposed today retains the protective features of my initial bill. Hospitals or other health-care institutions shall be precluded from discriminating on the employment, promotion, extension of staff or other privileges—or termination of employment of any personnel—on the basis of their personal religious or moral convictions regarding abortions or sterilization or their participation in such procedures.

At the same time, the new legislation offers protection to the institutions themselves. There are many hospitals and similar facilities operated by dedicated devoted groups of individuals to whom the concept of interference with life is totally repugnant. The legislation that I have introduced today would allow such institutions to post notice of their policy in a public place, and the eligibility of each such institution to apply for Federal financial assistance shall be in no way affected by such a policy.

While it might appear that hospitals are presently free to determine how their facilities are to be used, this is not presently the case. A Federal district court in Montana, in the case of Mike and Gloria Taylor against St. Vincent Hospital, issued a temporary injunction compelling a Catholic hospital, contrary to Catholic beliefs, to allow its facilities to be used for a sterilization operation. The court based its jurisdiction upon the fact that the hospital had received Hill-Burton funds. I might also point out that this decision was in no way related to the Supreme Court's holding in Roe against Wade.

A few points of fact are in order here: 19 percent of the Nation's hospitals are affiliated with one or another church. Of this 19 percent, 29 percent of the church-affiliated hospitals are Protestant, 64 percent are Catholic, 2 percent are Jewish, and 5 percent are of other religious denominations. This legislation, then, adresses itself to a distinct minority of our hospitals. With most of our hospitals not under church ownership, it is obvious that the legislation would in no way affect sterilization or abortions in publicly owned hospitals.

The bill does not establish any requirement on any hospital as to what it may or may not do. Rather, it is directed at what the Federal Government may or may not do.

It is a bill that protects the inalienable rights of conscience of a minority of those involved; and the right of conscience is part of our national tradition.

This is not a matter of concern to any one religious body to the exclusion of all others, or even to men who believe in a God to the exclusion of all others. It has been a traditional concept of our society that the right of conscience—like the right to life from which that conscience is derived—is sacred.

I urge my colleagues to support me on this matter, and welcome any and all who wish to cosponsor this legislation.

TRIBUTE TO EDWARD STEICHEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

Mr. SARASIN. Mr. Speaker, recently my district and the world were saddened by the passing of Mr. Edward Steichen of Redding, Conn., the great artist, photographer, and humanitarian.

Due to his distinction in his chosen field and the professional accomplishments known throughout the world, his death was noted and mourned here and abroad. There have been many accounts of his artistic triumphs, particularly his renowned "Family of Man" exhibition.

While these worldwide tributes were appropriate and well deserved, I would like to at this time offer for inclusion in the RECORD a different type of tribute to this exceptional man.

I, therefore, submit this editorial from the Danbury News-Times, a daily newspaper serving the area of my district in which Mr. Steichen long made his home, paying tribute to this outstanding man as a neighbor and friend.

EDWARD STEICHEN OF UMPAWAUG FARM

Edward Steichen, the noted photographer, had made his home in Redding for a little less than half his extraordinarily productive lifetime. Death came to him at his Redding home Sunday, less than 48 hours before he would have reached his 94th birthday.

The world knew him as the man who had made photography an art form, for his portraiture of the great in the arts, in business and in other fields in the early decades of this century, as Captain Steichen, the overall director of combat photography in the Navy during World War II, and as director of photography and mastermind of "The Family of Man" exhibition at the Museum of Modern Art in New York City.

Redding knew him as a good neighbor, interested in education, conservation and other matters bearing on the quality of life in his adopted town.

He established a plant breeding program, with emphasis on delphiniums, at Umpawaug Farm in West Redding back in the 1930s.

It was here also, close to the home he had designed, where he planted a shadblow, whose growth and flowering he captured on film to produce what has been described as a startlingly beautiful chronology of its moods and seasons.

A few years ago, he made 270 acres of his farm available for purchase by the town as open space, with another 140 acres acquired by Redding Open Land, Inc., to be preserved in its natural state.

Mr. Steichen's professional honors were many. So where the tributes from his own government and those of France and his native Luxembourg. But these probably meant less to him than the respect of his fellow townsmen in Redding. They looked upon him simply as a good neighbor and a good man.

THE ROLE OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. MCFALL. Mr. Speaker, at one of the recent Time, Inc.-sponsored symposia on "the Role of Congress" Dr. Nelson Polsby stated that Congress has the capacity to know whatever it needs to know. Reactions to his opinion that Congress has access to all necessary information on which to base sound legislative decisions made by distinguished Members of Congress Senator ROBERT PACKWOOD of Oregon, and MORRIS UDALL of Arizona and others are inserted below. Louis Banks of Time, Inc., was moderator:

Sen. PACKWOOD. To focus on the House of Representatives, don't forget Henry Clay left the Senate because he thought it was quite a stale and morbid place, ran for the House and on the first day he was elected Speaker of the House.

Mr. BANKS. It would never happen today.

Sen. PACKWOOD. That's correct.

Rep. UDALL. I ran for the Speaker of the House in 1969. I was 47 years old, at an age when many of my contemporaries were grandparents, and said if I would just be patient and sit around 15 or 20 years, I might be ready for leadership in the House. My God, you know this is the only institution

on earth where you can lead the youth rebellion, as I am accused of doing, at age 47.

Mr. BANKS. Let me ask you one, Dr. Polsby.

I am surprised that you say that Congress knows enough to do what it's doing and everything is more or less all right. I remember a time in the mid '60s when Congress did not know what the Viet Nam War was costing. It was appropriating blindly, and at the same time was encouraged to enact large social welfare programs at the rate of $25 billion a year. This is largely responsible for a good many of the problems we have around us now. Can you come up with some reassurance on that?

Dr. POLSBY. I thought what I said was that Congress has the capacity to know whatever it is they want to know. It seems to me I was giving a multi-syllabic version of Senator Packwood's speech, and I tried to give some examples of things they want to know, and therefore, do know.

There are other things obviously they don't want to know, and for good and sufficient reasons, I suppose. It was at those points it seems to me that some of us outside felt like putting a little heat on them. I am more or less in agreement with the premise of your question, but I don't think it contradicts anything I've said.

Mr. BANKS. All right. We'll invite questions from the audience. If you would just rise to the microphone behind you and state your name, sir, we will be off and running.

Mr. SALVATORI. My name is Henry Salvatori. I am very much interested in the discussion of this topic. I am amazed that no one has even mentioned what I consider to be the most important facet of the discussion. That is, whether a Congressman is not very much concerned about the knowledge he has, particularly on what his district is thinking. I can't conceive of a Congressman in a Catholic district, for example, who would vote for abortion, even if he had the facts proving that abortion is the thing to do.

It seems to me this is the crux of the matter. How can Congress rule with 435 people when each man has to be re-elected? Almost immediately after he's elected, election campaigning starts all over again. A Congressman must consider his constituents. He can't vote for something even though he thinks it's a good thing to do if his constituents are opposed to it. I would like to to see some discussion of that problem.

Mr. BANKS. We will let Senator Packwood answer that one.

Sen. PACKWOOD. Mr. Salvatori, I didn't have a chance to meet you before and I appreciate the money you sent me in the 1968 campaign.

Rep. UDALL. I don't recall him on my list.

Sen. PACKWOOD. Your point is well taken, because as opposed to almost any European situation, we in Congress are geographically oriented. In England, you are assigned to whatever district the party wants you to run from, and you toe the party line, and to heck with the district.

On the other hand, I go back to Oregon time after time. But the system works because normally the total of our districts are so diverse that on any particular issue—you mentioned abortion—probably is not more than 20 or 25% of the districts where a person would absolutely vote the district regardless of the facts, regardless of conscience. There is still a majority of congressional districts and states where a particular vote is sufficiently unimportant that you can vote the way you think facts lead, rather than the way you think a particular district is oriented. But your point is well taken. All of us are quite oriented towards a geographic district when it is a matter of something that that district feels very strongly about.

Mr. SALVATORI. I would like to suggest that regarding the Tonkin Gulf Resolution, I doubt that any Congressman who had voted against that and then went back to his district a year later, would get re-elected. This is the basic problem of Congressmen.

Rep. UDALL. I agree. My thesis earlier was that we would have been a lot better off as a country if we had had a big debate about Viet Nam before we slipped in, when we didn't have all the information we needed about the Gulf of Tonkin. There may be two ways to do it. One way unites the country and the other one doesn't. I think the point Bob Packwood is making is that there aren't 10 issues a year where the ordinary machinist, bricklayer or housewife in my district really is concerned. Abortion is one, and the war another. But these are the highly visible issues. The fact is this government is a huge government, there are little nooks and crannies of public policy that vitally affect people that the ordinary citizen doesn't know or care about. I worked on the Post Office Committee. There is hardly a person in the room that gives a damn about junk mail or slow mail service. I can do almost anything I want to on the realm of postal policy.

Teddy White, in his 1960 book, compare society to a wagon train moving across uncharted country. It struggles out over 100 or 200 miles and its advance stops without seeing the promised land. There are the hangers back, those that don't want to go on, and they stay where they are. Then there is the main body of troops. The job of the leader is to listen to all these, place himself a little forward of the main body where he can assess the advance reports from the scouts and yet not lose contact with what the people are thinking.

Mr. UNRUH. My name is Jess Unruh. I really think what is developing here is a gnat-swatting situation. That comes from the saying that sometimes we are guilty of stalking gnats while bears are at large. I think that's where we really are now.

You know, as long as we have the kind of divided authority and fragmented authority that we have, what Mr. Salvatori says here is bound to happen. Each member of the opposition party is responsible not to a party, not to a central authority, not to someone with any kind of ongoing discipline whatsoever, except his district, and I think if you look back historically this is demonstrable. You will find that constantly the press worries about the party out of power. In 1965 the press was terribly worried that the Republican Party was not going to survive after the Johnson landslide. Now we are worried that the Democratic Party may not survive. I really don't think that any kind of doctrine, elimination of the seniority system or the centralization of authority in Congress going back to Joe Cannon or Thomas Brackett Reed or anyone else, is going to materially affect the situation there.

I think there are two things we probably ought to do:

One is, I think, that we should either be prepared to go to some sort of parliamentary system where there is some sort of central ongoing authority for the party out of power, so people have some chance of saying what the non-power party is. I think the U.S. Senate today is a disgrace. What is the Democratic Party? Is it George McGovern or Ed Muskie or Hubert Humphrey or Ted Kennedy or someone else? Really, there is no way of telling. The House is sort of inconsequential mainly because there aren't 435 Congressmen, there are 400 on business and 35 Congressmen, and most of the Congressmen are concerned with their casework to get elected again.

Either you go to a system where the opposition party has a focal point, someone or some group that speaks for the party as a whole, or else you continue to have this situation, and I think that is the choice that we have.

At the local level, I suggest the press is probably the worst enemy we have in developing some sort of opposition to the party in power because they seem to be terribly afraid of any concentration in power. Anything that develops out of the Legislative Branch that looks like a concentration of power immediately gets press opposition to it. I think at the state level the first and most important thing we could do is to get rid of one house of the legislature. We ought to do that at the congressional level. I suggest that the ingrained traditions of America are too great to do that, but at the state level we can certainly do that. All the rest of it seems to be like swatting flies when we ought to be concerned about the huge mastodons that are pressuring our democratic Congress.

Mr. MACNEIL. You laid down a fascinating thesis; it's not a new one. Woodrow Wilson, as a young historian of federal government, in his book, *Congressional Government* in 1885, laid down much the same idea of establishing the parliamentary system. He had, however, made a slight error on the British Parliament. He had never seen it, he had only read about it. The same thing was true about Congress, he had never seen Congress.

It is a neat and tidy suggestion. But the whole question of who is the Senate—is it Ted Kennedy or Senator Packwood—or who is the Congress is not tidy, it's not that neat and it's not efficient. And it's not supposed to be. I think when we go to efficiency and economy in the Government, we run into areas that are not contemplated in the system. Earlier we were talking about the problem of parochialism in Congress. I don't think the members are as bad at representing the people as you suggest. Congressman Udall suggested very clearly a Congress in which members attend to their home bailiwicks, answer the mail, bring home a little bacon. His district will leave him alone on most of the questions across the board. The members of the Congress, those who care to be knowledgeable about it and gutsy about it, are free to act on the national interest and not on a parochial basis.

Mr. BANKS. Dr. Polsby, a moment on this.

Dr. POLSBY. I guess I will have to say that I am in favor of chasing real gnats rather than imaginary bears, and I regard the abolition of the U.S. House of Representatives as an imaginary bear. That is to say, I don't think that it is a likely alternative. I do think there's another point that ought to be made. I think we will find that if we asked members of the out party of most of the parliamentary systems of the world, we will discover that they are fairly dissatisfied too. And they just tend to have their scraps at party conferences; I know Democrats don't do that—

Rep. UDALL. Oh, no.

Dr. POLSBY. —except in Washington.

There is one other reason why I would personally like to see the U.S. House of Representatives survive for perhaps another season, and that's this:

Other than the fact that it gives employment to some quite outstanding public servants, the House of Representatives is the seat of more expertise about what is going on in government than any other place in the country outside of the Executive Branch itself. The House has got a powerful, terribly significant role to play in the process of checking and balancing the Executive Branch. The members know more and they do more. They can, of course, know even more and do even more. Nevertheless, certainly the academic community doesn't know more about what is going on in the Government. I don't think the press knows more about what is going on than that group of Congressmen who have made themselves expert about public policy. That, it seems to me, is one very good reason for hanging on

to the House of Representatives just a little longer.

Dr. HORN. Stephen Horn. I would like to ask two questions. I would agree that we are trying to seek responsiveness and responsibility in terms of elected representatives. It seems to me there are several problems. One is that you have oldtimers in Congress that do acquire a monopoly of subject matter and expertise as Dr. Polsby has pointed out. Another is, there is a need to break that expertise, not only for the good of the country to get a change of values from time to time, but for the good of the junior members who need to be strengthened.

I wonder what the members of the panel would think of the following two suggestions to try to earn a little responsibility and responsiveness. That is, instead of worrying so much about internal seniority, that we think more in terms of the total limit of years of service, such as two terms for the U.S. Senator and six terms for the member of the House of Representatives. And beyond that, getting at what is really the basic flaw in the system, that is how we finance people in public office where we ask them how to decide on behalf of a total constituency or a nation. It costs a million dollars to run a contested primary in the State of California. In 1966, a contested race in Michigan for Congress was budgeted for $180,000. Isn't it time that we face up, not only to a limitation of term, but also face up to the public responsibility for financing both primary and general elections? Let's say to anybody who gets X number of signatures: "Great, you run for office. The public pays your bills up to a certain amount. No other money can get involved."

It seems to me we have to face up to certain basic reforms if we are going to achieve what you gentlemen are talking about, whether we chase gnats or bears.

Sen. PACKWOOD. We haven't scratched the surface of money that is available in small contributions in this country. The Red Cross has done it; the YMCA has done it; the Presbyterian Church has done it. They run basically on small donations from a lot of people and politicians can do the same thing. The money is there. You rap on doors, ask for a dollar or two for your party and you'll get it. But we don't do it. I don't like the idea of public financing of campaigns and I'd do everything I could do to avoid it until you could prove to me there is no other conceivable way to do it.

Rep. UDALL. I totally disagree with Bob about public financing. Teddy Roosevelt advocated it 80 years ago and I advocate it today. I think it's the answer. Although if we are going to have the present system, clearly we ought to have limits. We ought to rely on small contributions, that's the one thing we didn't get in the last bill. The Nixon Administration and the great Democratic Party didn't want a limit. We limited what I spent on my own campaign, $15,000, but there is no limit on what Henry Salvatori can give me if he wants to.

CHURCH PROJECTS ON U.S. INVESTMENT IN SOUTHERN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, the interest of church groups in the general question of U.S. business involvement in Southern Africa particularly in the employment practices and policies pursued by U.S. businesses in these minority-ruled areas with respect to the African majority continues. Six Protestant groups have now renewed their campaigns for disclosure by certain companies doing business in Southern Africa. I would like to insert in the RECORD at this point two articles reporting on new developments in this area on actions taken by church institutional investors for the thoughtful attention of my colleagues. I also wish to insert a description of the "Church Project on U.S. Investment in Southern Africa—1973."

The items follow:

CHURCH PROJECTS ON U.S. INVESTMENT IN SOUTHERN AFRICA

NEW YORK, N.Y.—The Episcopal Church has filed a stockholder resolution with International Business Machines Corporation (IBM), asking the company "to provide basic data for thoughtful consideration by shareholders concerning the Corporation's South African investments, activities, and employment practices."

The Episcopal Church, through its Committee on Social Responsibility in Investments, filed a similar resolution for inclusion in IBM's 1972 Proxy Statement, but withdrew it prior to the annual meeting when representatives of IBM and the Church's committee reached an agreement on a draft report.

In a letter to IBM, Mr. Paul M. Neuhauser, chairman of the committee, indicated that the company's answer in 1972 "omitted much of the factual material which IBM had promised to supply." He said that about 80 percent of the material in last year's draft report upon which agreement had been reached was omitted from the printed report of the annual meeting.

Further, he said, "of IBM's agreement to provide nine categories of information in response to the stockholder resolution," only one "was fully complied with and in each of the other eight instances either the promised information was not supplied at all or it was supplied in an inadequate fashion."

The Episcopal Church holds 8,496 shares of IBM stock, worth approximately $3,275,-208.

The Episcopal Church is a member of "The Church Project on U.S. Investments in Southern Africa—1973," a coalition of six religious organizations which has filed resolutions at stockholders' meetings expressing the churches' concern about apartheid in Southern Africa.

STOCKHOLDER RESOLUTION FILED WITH 10 CORPORATIONS

NEW YORK, N.Y.—The largest Protestant church cooperative effort to date to challenge American corporations' investments in Southern Africa was announced here today.

Six Protestant church organizations, one of which is the Episcopal Church, said they have filed stockholder resolutions for placement in annual meeting proxy statements with 12 corporations. The purpose of their action, they said, is to bring to the companies' attention church concern about apartheid in the Republic of South Africa and oppressive conditions for Africans in other Southern African countries.

The resolutions ask the companies to disclose the history of their involvement in South Africa, to provide comparative statistics on numbers of workers, wages paid, trade union contracts with African, Asian, colored and white workers, and to describe compliance with apartheid laws and any efforts by corporations to have the government modify the laws.

Three church leaders announced the joint action for the Church Project on U.S. Investments in Southern Africa—1973, at a press conference at the Church Center for the United Nations. The project is a cooperative venture of boards and agencies of the American Baptist Churches, the National Council of Churches, the Episcopal Church, the United Methodist Church, the United Presbyterian Church in the U.S.A. and the Unitarian-Universalist Association. All are substantial institutional investors.

Stockholder resolutions asking for facts about their involvement in South Africa have been filed with 10 companies. They are Caterpillar Tractor Co., Chrysler Corp., Eastman Kodak Co., First National City Bank, General Electric Co., International Business Machines Corp., International Telephone & Telegraph Corp., Minnesota Mining and Manufacturing Co., Texaco Inc. and Xerox Corp.

Church groups filing the resolutions, with a combined total of 118,639 shares, are the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the U.S.A.; American Baptist Home Missions Societies and Board of Education and Publication; National Council of Churches; Board of Christian Education, Commission on Ecumenical Mission and Relations, and Board of National Missions, all of the United Presbyterian Church in the U.S.A., and the Women's and World Divisions of the Board of Global Ministries, United Methodist Church.

A separate resolution has been filed by the Unitarian-Universalist Association with Exxon Corp. asking the company to establish a special committee to investigate implications of a proposed investment in the Portuguese colony of Angola. UUA holds 6,000 shares of Exxon at an approximate value of $486,000. In addition, a separate resolution has been filed by the Episcopal Church with Phillips Petroleum Co. which asks Phillips not to go into Namibia (South-West Africa). The Episcopal Church holds 15,600 shares of Phillips stock, worth approximately $685,000.

The Rev. W. Sterling Cary, newly elected president of the National Council of Churches, said that the joint action was being taken because "United States churches have long been concerned about the oppression of millions of black people by a white minority in Southern Africa. We have spoken out against apartheid in South Africa, colonialism in Angola, Mozambique and Guinea-Bissau, the illegal declaration of independence in Rhodesia and the illegal occupation of Namibia by South Africa."

He added, "We believe it is our responsibility as Christians not only to actively fight racism in America but to also battle it in Africa, the continent from which black America has sprung. The fight against racism is not divisible.

"The time is past when U.S. companies can operate without questions being asked about their role and their operations in South Africa. Hard questions are now being pressed from many sectors of the American public," the NCC leader said.

The Rev. Dr. Gene E. Bartlett, president of the American Baptist Churches, speaking in support of the resolutions, said that questions of racism and colonialism in Souhern Africa "are our questions—not simply because the Christian gospel demand our coscern for the hungry, oppressed and suffering but because world peace rests on the brink there."

Miss Florence Little, treasurer of the Women Division of the United Methodist Church, said today's actions were a way of "translating into action" the churches' expressed opinions regarding colonialism and racism in Southern Africa. The church coalition will solicit supporting proxy votes from universities, foundations, mutual funds, unions, other churches and individual stockholders, she said.

The Church Project on U.S. Investments in Southern Africa was formed in 1971. In 1972 it filed stockholder resolutions requesting full disclosure of the involvement of Mobil, Goodyear, IBM and General Motors in South Africa and Gulf Oil in Angola. Mobil agreed to voluntarily disclose this in-

formation and sent it to all shareholders. IBM made a similar agreement, but in the end disclosed only a portion of the information. Gulf, after a proxy contest, finally disclosed data.

Announced at the press conference was an agreement between the Episcopal Church and GM in which the company agreed to mail to all stockholders a booklet on corporate responsibility, including full disclosure of the company's involvement in South Africa.

The Rev. Stewart MacCell, of the United Presbyterian Church in the U.S.A., announced that the United Presbyterian Church has withdrawn its resolution filed with Burroughs Corp., after that company indicated it planned to publish a report which would outline and explain to shareholders and others their program in areas involving social issues of public concern including South Africa.

Goodyear refused to provide any information and the disclosure resolution was defeated at the company's 1972 stockholders' meeting.

STATEMENTS BY CHURCH LEADERS FOR THE CHURCH PROJECT ON U.S. INVESTMENTS IN SOUTHERN AFRICA—1973

(A cooperative venture of boards and agencies of the American Baptist Churches, the National Council of Churches, the Protestant Episcopal Church, the United Methodist Church, the United Presbyterian Church in the U.S.A., and the Unitarian-Universalist Association.)

STATEMENT OF FLORENCE LITTLE

I am here today as treasurer of the Women's Division of The United Methodist Church. I come to lend support to the Church Project on U.S. Investments in Southern Africa—1973. The Church Project is a cooperative venture of Protestant Church agencies who are deeply concerned about the situation in Southern Africa and the role of U.S. corporations in that area.

The Church Project was formed in 1971 and in 1972 announced its plans to file stockholder resolutions with five corporations investing in Southern Africa. Five Protestant denominations were participants in the Project at that time. Today participation has increased to agencies of six Protestant Church bodies, all of whom are substantial institutional investors. Participants in the Church Project on U.S. Investments in Southern Africa—1973 include agencies of the American Baptist Churches, the National Council of Churches, the United Presbyterian Church, U.S.A., The United Methodist Church, the Protestant Episcopal Church in the U.S.A., the Unitarian-Universalist Association.

Within the denominations specific boards or agencies which are the formal stockholders in these companies have been the filers of the stockholder resolutions we are announcing today.

These actions by the churches in the area of corporate responsibility in Southern Africa represent a major concern of Protestant denominations. In various meetings the churches have made pronouncements expressing their position regarding colonialism and racism in Southern Africa. Today we are translating some of those pronouncements into action.

I might state that the concern of Churches about corporate responsibility encompasses other issues as well as Southern Africa. You might be interested in knowing that through a Church coalition called the Interfaith Committee on Social Responsibility in Investments which I chair, we co-ordinate Church actions on corporate responsibility related to other issues such as ecology, employment practices vis a vis minorities and women, the war in Southeast Asia, and positive social investment options.

The Church Project—1973 will formally seek proxy votes for these stockholders resolutions from stockholders in these companies large and small. We will actively solicit votes from universities, foundations, and mutual funds, Churches and unions, and of course from the concerned individual investors. A proxy statement necessary for formal solicitation will be ready in the near future.

STATEMENT OF THE REV. STERLING CARY

I am here today as President of the National Council of Churches to join in the announcement of an unprecedented action by a broad coalition of Protestant denominations. We are announcing today the filing of 13 stockholders resolutions with U.S. corporations investing in Southern Africa. Never before has such a broad-based coalition of Churches filed so many stockholder resolutions of this kind. We believe this increase in activism mirrors the deepening concern in this nation in the Churchs, minority communities, unions, universities, and Congress about U.S. economic involvement in Southern Africa.

U.S. churches have long been concerned about the oppression of millions of black people by a white minority in Southern Africa. We have spoken out against apartheid in South Africa, colonialism in Angola, Mozambique and Guinea-Bissau, the illegal declaration of independence in Rhodesia and the illegal occupation of Namibia by South Africa. We believe it is our responsibility as Christians not only to actively fight racism in America but to also battle it in Africa, the continent from which black America has sprung. The fight against racism is not divisible.

Therefore U.S. Churches have joined in the fight for self-determination, independence and dignity for black people in Southern Africa. Many denominations have contributed funds to the humanitarian work of liberation movements fighting in Southern Africa. We have worked in Washington to change U.S. government policies which support white minority rule in Southern Africa. And today we announce another chapter in our pressure on U.S. corporations investing in Southern Africa.

For decades U.S. companies have invested in South Africa where apartheid is the law of the land. These operations have been virtually unscrutinized. They have made huge profits there while paying their black workers pitifully inadequate wages. They have run their plants like plantations because they felt no one cared. They have provided products for the white government and military, thereby strengthening white control. They have helped create a flourishing economy—for whites.

The time is past when U.S. companies can operate without questions being asked about their role and their operations in South Africa. Hard questions are now being pressed from many sectors of the American public.

Today we are filing a basic resolution asking for a full disclosure of the facts of the involvement of eleven U.S. corporations in the Republic of South Africa. A similar resolution was filed last year with five corporations. Mobil Oil responded voluntarily without a proxy battle and sent such a report to all shareholders. We believe Mobil's response was a responsible one and ask for the same response from these companies. We see this as a legitimate request so that shareholders will have all the facts before them to evaluate the role of their corporation in South Africa. This resolution has been filed with Burroughs Corporation, Caterpillar Tractor Company, Chrysler Corporation, Eastman Kodak Company, First National City Bank, General Electric, International Business Machines, International Telephone and Telegraph, Minnesota Mining and Manufacturing Co., Texaco Inc., Xerox Corporation.

A separate resolution has been filed with Exxon Corporation urging them to establish a special committee to investigate the implications of a proposed investment in the Portuguese colony of Angola. It seems clear to me that an investment in Angola at this time can only strengthen Portugal which has over 150,000 troops in Africa fighting independence. In fact Portugal has more troops per capita in Africa than the U.S. had in Vietnam at the height of the ground war. This badly strains Portugal's budget and every dollar from an investor helps relieve that strain. Exxon needs to take a long careful look at this proposed investment. This is the purpose of the resolution.

Finally a separate resolution has been filed with Phillips Petroleum Co. which would prevent it from going into Namibia (South West Africa). This territory is illegally occupied by South Africa in defiance of numerous United Nations resolutions. The President of the United States has announced through the former Ambassador to the U.N. that it is official U.S. policy to discourage investment in Namibia. However, Phillips has proceeded to join a consortium which will explore for oil offshore Namibia. It is an investment in direct opposition to the position of the U.N. and the interests of the black people of Namibia.

We believe these resolutions will spark discussion and debate not only in this country but in many areas around the globe. In every case management of these corporations has been contacted and discussions have taken place or will take place between the company and the Churches. It is our expectation that these resolutions will appear on the proxy statements of these corporations which are sent to all shareholders and will be debated in universities, foundations, Churches which hold stock throughout the country. Today marks the beginning of the 1973 debate on U.S. investment in Southern Africa.

(Rev. Cary, an administrator with the United Church of Christ, was elected president of the National Council of Churches at its triennial General Assembly last December in Dallas, Texas. He is the first member of his denomination and the first black to be elected to the presidency of the nation's largest ecumenical body with its 33 Protestant, Orthodox and Anglican communicants.)

STATEMENT OF DR. GENE BARTLETT, PRESIDENT OF THE AMERICAN BAPTIST CHURCHES

I am pleased to be here on the occasion of the announcement of the filing of thirteen stockholder resolutions by participants of the Church Project on U.S. Investments in Southern Africa—1973. As you may be aware there is considerable concern in Christian churches about the whole issue of corporate responsibility. Denominations which are multimillion dollar shareholders in corporate America, are looking beyond dollar returns on investments and are exercising their responsibilities as shareholders to make corporations more responsive to the needs of people.

Churches have a number of concerns: ecology, minority employment, the war, and investment in Southern Africa. Denominations are meeting with management, writing letters of inquiry or support for certain programs, speaking out in public about industrial irresponsibility, attending stockholder meetings, and filing stockholder resolutions to raise issues.

I believe our denomination, the American Baptist Churches, may reflect this growing sentiment in the churches. In November, 1972, our Home Mission Society passed a set of "Guidelines Relating to Social Criteria for Investments." The Guidelines argued that social values and social justice should be given consideration in investing the Society's funds. The Guidelines authorized a series of action responses, including introducing stockholder resolutions, joining in share-

holder litigation and discussions with management. In fact, a special committee was set up in our church to pursue this work.

Guidelines such as these are being passed in numerous church bodies now. More than ever, the church is asking hard questions of government and business as we try to change systems to provide greater justice to our fellow human beings.

Through our appropriate agencies the American Baptists plan to be vigorous members of this coalition, raising questions with these corporations and others about their investments in South and Southern Africa, interpreting these actions to our national constituency and asking for their support, and distributing educational materials so that American Baptists will have a deeper knowledge of colonialism and racism in Southern Africa and U.S. corporate involvement there.

The American Baptist Churches, in their annual meeting on three occasions, have adopted resolutions expressing their deep feeling about racism in Southern Africa. In May 1972 the A.B.C. protested "the willingness of some American corporations and their investors to operate in South Africa in a manner largely uncritical of the apartheid system and in fact profiting from the low wages paid to black workers."

The questions of racism and colonialism in Southern Africa are international questions; they are our questions—not simply because the Christian Gospel demands our concern for the hungry, oppressed, and suffering but because world peace rests on the brink there. Fighting for independence has been going on in the Portuguese colonies for a decade now. It is imperative that we do not support the opponents of independence.

Apartheid in South Africa is our concern. If our corporations make some of the highest profits in the world while doing business there, and we as institutional investors benefit from those profits, we then directly profit from apartheid. Our obligation is also clear. We cannot profit from injustice without challenging injustice. Today is one step in making that challenge a reality.

SOUTH VIETNAMESE POLITICAL PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, it has been more than 2 months since the United States signed an agreement in Paris ending U.S. intervention in South Vietnam. Just last week, the last planeload of U.S. prisoners of war were released by the North Vietnamese and the PRG—Provisional Revolutionary Government. Still, the involvement of our country is not yet concluded.

The United States is party to several commissions and conferences that seek to make the Paris agreement a reality. In addition, the United States has pledged itself to providing assistance for North and South Vietnam, as well as the other countries of Indochina.

With this dual responsibility, the people of the United States should now concern themselves with the fate of the many civilian prisoners held by the South Vietnamese Government.

The exact number of civilians held in South Vietnamese prisons is a matter of some dispute. The South Vietnamese Government reports that it has jailed 30,000 prisoners, while other estimates run as high as 400,000. Under the emergency powers assumed by President Thieu, on May 9, 1972, several sweeping and ambiguous decrees have been issued. For example:

Those persons considered dangerous to the national defense and public security may be interned in a prison or designated area or banished from designated areas for a maximum of two years which is renewable.

Another provision states:

Shall be considered as pro-communist neutralist a person who commits acts of propaganda for incitement of neutralism. These acts are assimulated with the act of jeopardizing public safety.

Many people in this country are concerned about the prison conditions in South Vietnam. The exposure several years ago of the "tiger cages" has created good reason for concern. It is a sign of the severity of the problem that officials of the Internal Red Cross—the IRC—were told that they might inspect the prisons only in the company of a South Vietnamese Government official. Objecting to such intimidation, the IRC refused.

I received a letter from a constituent a month ago, similar to the many others that I have received, seeking information on the status of eight individuals believed to be held in South Vietnamese prisons. My office contacted the appropriate desk at the Vietnam working group at the U.S. Agency for International Development—USAID. My office was told that the request would be processed, and was told, further, that there had been many similar requests. Several weeks later, I received a reply. Mr. Speaker, I shall insert it in the RECORD.

This response is unacceptable.

Because of U.S. involvement in the Vietnam war, because of U.S. political, military, and diplomatic support of the Thieu government, and because of—at least partial—U.S. funding of the police and prison network of South Vietnam—this problem is not an "internal" matter for the South Vietnamese alone. The various ways this country has supported and continues to support the South Vietnamese prisons and police should be brought to public attention.

First, the Public Safety Division of the USAID has provided funds for a whole range of security programs. Second, part of the foreign assistance authorization for South Vietnam is in the form of support assistance—a special category of aid that allows government expenditures on items that cannot otherwise be afforded while maintaining the military establishment. Third, some members of the South Vietnamese police force are trained at the International Police Academy in Washington. Finally, it should be recognized that any foreign assistance—economic, military, support, even humanitarian—indirectly supports government operations by allowing the South Vietnamese to shift their own resources between whichever projects they consider most useful.

As a signer of the Paris agreement on ending the war and restoring peace in Vietnam and its attendant protocols, the United States has a responsibility to insure that South Vietnam fully meets the requirements regarding Vietnamese civilian prisoners. Further, it has been suggested that by supporting the imprisonment of these civilians, many of whom might constitute a viable, neutralist force, the United States may be violating the agreement which stipulates that "foreign countries shall not impose any political tendency or personality on the South Vietnamese people."

Two important issues are involved in the failure of the U.S. Government to accept and deal with the consequences of its policies and its refusal to provide requested information.

First, the U.S. Congress has the constitutional responsibility for the formulation of public policy and for legislative oversight. The President seeks not only to strip the Congress of its role in the former, but also to deny its role in the latter.

Second, the track record in humanitarian affairs of this country under the present administration has been a sorry one. While the Government has responded quickly and generously, as it should, to natural disasters, such as those in the Philippines and in Nicaragua, it has failed to respond to the political tragedies in Biafra and Bangladesh. The present state of affairs in South Vietnam is all the more intolerable, because of the unbreakable link between the United States and South Vietnamese policy.

The administration must not be allowed to shirk its clear responsibility. The administration has the power to help persuade the Government of South Vietnam to release these prisoners or improve the conditions of the prisons. We in the Congress, if we will speak out, can help persuade the administration to exercise its influence in this direction. Therefore, I call upon the President of the United States to use his good offices to urge the Government of South Vietnam to release those political prisoners who are unjustly held and to improve the conditions of the prisons for others. And further, to insure that action is taken, the administration should press the South Vietnamese Government to allow inspection of its prisons by the International Red Cross.

The reply referred to follows:

DEPARTMENT OF STATE,
Washington, D.C., March 5, 1973.

HON. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: I have received your letter regarding the concern of one of your constituents about a number of Vietnamese citizens.

The Agreement of January 27 specifically provides that the matter of South Vietnamese civilians detained in South Vietnamese jails should be resolved through negotiations between the South Vietnamese parties to that Agreement. Pending resolution of the problem, the Agreement provides that all those detained "shall be treated humanely at all times and in accordance with interna-

tional practise." The Agreement further proscribes all forms of torture and cruel treatment and provides that those detained be given "adequate food, clothing, shelter, and the medical attention required for their state of health." The problem involves not only the prisoners held by the Government of the Republic of Viet-Nam but also the thousands of South Vietnamese civilians abducted by the other side during the course of the war. This issue is complicated and not readily susceptible to outside influence or solutions.

With regard to your constituent's inquiry on Vietnamese citizens, we do not feel it appropriate for the U.S. Government to inject itself into matters that under the terms of the January 27 Agreement are now to be settled among the South Vietnamese themselves. Such inquiries should be directed to the Government of the Republic of Viet-Nam. However, recent charges of general repression, torture and mass incarceration of so-called "political prisoners" by Republic of Viet-Nam authorities have, as often in the past, proved grossly exaggerated.

Please continue to call upon me whenever you believe that we may be of assistance to you.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

URBAN MASS TRANSPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 5 minutes.

Mr. MINISH. Mr. Speaker, I rise to protest an intrusion on the longstanding legislative jurisdiction of the House Committee on Banking and Currency over urban mass transportation.

Since at least 1960, when a bill authorizing loans for the Nation's mass transit systems was referred to the House Committee on Banking and Currency, the committee has exercised jurisdiction in this area.

The committee is justly proud of its record of support for urban mass transit, including the landmark Urban Mass Transportation Act of 1964 and the 1970 amendments, both of which greatly increased the scope of Federal involvement in the urban mass transit field.

Recognizing that the Nation's mass transit systems are in a crisis situation and that there exists a need for greater balance in overall Federal transportation policy, the Banking and Currency Committee decided last month to establish a new subcommittee to deal with the problems of urban mass transportation. I am proud to have been selected chairman of this newly created subcommittee.

Our subcommittee has already completed hearings and markup on legislation to provide $800 million in Federal operating assistance grants over the next 2 years to the country's mass transit systems. In addition, the measure would increase capital grant authority of the Urban Mass Transportation Administration by $3 billion and raise the Federal share for capital grants from a discretionary two-thirds to a mandatory 80 percent.

It is expected that this legislation will come before the full Banking and Currency Committee in short order and be reported for floor action prior to the Easter recess.

Despite the clear jurisdiction of the Banking and Currency Committee over this legislation, it is my understanding that certain members of the House Committee on Public Works have incorporated sections of the same measure into a proposal to be offered as an amendment to the pending highway legislation.

In a desperate attempt to prevent "violation" of the bloated highway trust fund, it apparently has been decided to attempt to ride roughshod over the legislative prerogatives one of the great committees of this Congress.

Mr. Speaker, I intend to fight this unwarranted intrusion into the legislative jurisdiction of my subcommittee and of the entire Committee on Banking and Currency. In the interest of fairness and of the orderly legislative processes of this House, I ask your support and the support of every Member.

At this point, I insert a letter sent by the distinguished chairman of the Committee on Banking and Currency, WRIGHT PATMAN, to the distinguished chairman of the Committee on Public Works, JOHN A. BLATNIK:

Hon. JOHN A. BLATNIK,
Chairman, Committee on Public Works, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that the Committee on Public Works will begin markup on H.R. 6288, the Federal Aid Highway Act of 1973, beginning on Tuesday, April 3. Title III of the bill, H.R. 6288, would amend the Urban Mass Transportation Act of 1964; this act falls within the jurisdiction of the Committee on Banking and Currency. As you may know, the Committee on Banking and Currency has set up a separate subcommittee on Urban Mass Transportation chaired by our distinguished colleague from New Jersey, Joseph Minish. This Subcommittee has already conducted hearings on a number of urban mass transportation proposals and has already concluded its markup session on a 1973 urban mass transportation package, and has already submitted its proposals to the full Committee on Banking and Currency.

The Subcommittee proposals would make substantial changes in the operations of the urban mass transportation program, among which are an increase in the amount of funds authorized for the capital grant program and an increase in the Federal grant ratio to a flat 80 percent Federal grant. Both of these proposals, I note, are contained in Title III of H.R. 6288. I would strongly urge your Committee to forego any legislative action which would amend the Urban Mass Transportation Act.

The Urban Mass Transportation program was initiated by the Committee on Banking and Currency in 1964 and the Committee, as early as 1959, was considering a number of urban mass transportation proposals. We have spent a considerable amount of time on this program and feel that as the authors of our urban mass transportation program that we are the Committee that should make any proposed changes in the Act.

There is a strong feeling in the Committee against any action by your Committee on Public Works which would infringe upon the jurisdiction of the Committee on Banking and Currency. I certainly hope we may be able to work out something beneficial for both the Committees which would provide for greatly needed assistance for our urban mass transportation systems and our Federal aid highway program.

Sincerely,

WRIGHT PATMAN.

BRADEMAS URGES OVERRIDE OF PRESIDENT'S VETO OF THE REHABILITATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, on March 27 President Nixon vetoed, yet again, the Rehabilitation Act.

You will recall, Mr. Speaker, that late last October, the President vetoed a similar, but more expensive, bill after Congress had gone home, and we did not, therefore have an opportunity to override.

Tomorrow we will have that opportunity.

And I want, today, to urge my colleagues to seize it with both hands. For the President has attempted in his ill-informed and misguided veto message, and on national television, to paint a picture of an irresponsible Congress further hurting 200 million Americans suffering under phase III and the ravages of inflation.

And that, Mr. Speaker, is not the situation at all.

For the choice we face is not between supporting 20 million handicapped adults, or their fellow citizens.

The cruel choice the President has forced on us is between supporting 20 million handicapped people or accepting his truly astonishing views with respect to this legislation.

And although I applaud the advances made in services to the handicapped in the last 4 years, my vote must be for the handicapped.

I ask my colleagues, therefore, to consider the heartrending human needs to which the legislation addresses itself.

I ask them to remember the careful study given this measure in both the House and the Senate.

I ask them to recall that we have already met the President more than halfway since he vetoed similar legislation last October.

I ask them, finally, to put aside political loyalties and to continue the unprecedented bipartisan support rehabilitation legislation has always enjoyed.

And let me stress, Mr. Speaker, that although my remarks are pointed, they are not those of a partisan.

For as Dr. Edward Newman, former Commissioner of the Rehabilitation Services Administration, told my subcommittee during our extensive hearings on this measure:

Clearly disability is not a partisan issue nor should any response to it be partisan.

And, Mr. Speaker, the overwhelming bipartisan support this legislation enjoyed in both the 92d Congress and, again, in the 93d, indicates that congressional response to the handicapped has never been partisan.

But before I speak of the surprising message that accompanied the President's veto of this landmark legislation, let me say a word to those of my colleagues who may, I am told, be considering supporting an alternative to the Rehabilitation Act.

SUBSTITUTE MEASURE

For I want to warn my friends that such a decision on their part could have a disastrous effect on the 50-year-old vocational rehabilitation effort. And it could, indeed, seriously jeopardize the entire program.

For I would remind them that a new bill must be referred to committee so that we may begin, once again, the hearing process.

And I would remind them, also, that it took Congress 3 full months merely to reduce the authorizations, contained in the measure originally vetoed, to the level at which we find them today.

And finally I should tell my colleagues, Mr. Speaker, that since the authorizing legislation for vocational rehabilitation expired last June 30, there has been some serious legal question as to the propriety of continuing to expend Federal moneys on this program.

So sustaining the President's veto, Mr. Speaker, in the hope of supporting a substitute bill, might, I here repeat, seriously jeapordize the entire enterprise.

ASTONISHING VETO MESSAGE

So let me now, Mr. Speaker, turn to the truly astonishing message that accompanied the President's veto of the Rehabilitation Act.

And let me repeat that I take the President to task with regard to his message not for any partisan purpose, but only in order to set the record straight with respect to this legislation.

For the veto message leads me to wonder if the President's assistants have the time, in the midst of their other activities, to read the legislation we here on Capitol Hill send to the White House.

Indeed, Mr. Speaker, I do not think it too much to say that the President has been ill-served by the adviser who drafted the false and misinformed message that accompanied the veto of the Rehabilitation Act of 1973.

CONGRESSIONAL SPENDING SPREE

I would cite first, in this regard, the President's surprising assertion that this measure is part of—

> A Congressional spending spree [that] would be a massive assault upon the pocketbooks of millions of men and women in this country.

Surely, Mr. Speaker, the President does not expect those of us, on both sides of the aisle, who have cut $20 billion from his budget requests over the last 4 years, to take such an accusation seriously?

And surely, too, since this is an authorizing, and not an apropriating, bill, such a statement can only be characterized as incorrect and deceptive.

The President then goes on the assert, Mr. Speaker, that the Rehabilitation Act would contribute to the "unacceptable choice of either raising taxes substantially—or inviting a hefty boost in consumer prices and interest rates."

The President goes on to say:

> The American people have repeatedly shown that they want to hold a firm line on both prices and taxes. I stand solidly with them.

So, too, Mr. Speaker, do I.

That is why the Rehabilitation Act contained a change virtually without precedent in legislation which has come before this body.

I refer, of course, to the following fact: the authorized spending provided in this measure for fiscal year 1973, $913 million, is lower than the authorizations for 1971 and 1972 provided in legislation President Nixon, himself, signed into law on December 3, 1970.

Consider that fact: We are suggesting a budget ceiling for 1973 that is fully $97 million below what the President himself approved for both 1971 and 1972.

Is the President, then, really serious when he upbraids us as—and I quote—"big spenders" engaged in a "congressional spending spree"?

CONGRESSIONAL CRUELTY

But the President's adviser, Mr. Speaker, has not been content with the mischief raised so far. For later in the veto message, the President still again returns to the theme of congressional irresponsibility.

Says President Nixon:

> By promising increased Federal spending for this program in such a large amount, S. 7 would cruelly raise the hopes of the handicapped in a way that we could never responsibly hope to fulfill.

I would note first, Mr. Speaker, that this is the first, and in fact, the only reference to handicapped people in the entire veto message.

Indeed, as I read the message for the first time, I had cause to wonder if the President's assistants realized that this bill was, not merely another Federal training program, but a longstanding and successful effort to help the disabled of our land.

But I should just stress again, that this bill promises less money for fiscal year 1973 than was authorized for either 1971 or 1972 in legislation signed by President Nixon, himself, just 2 years ago.

Surely, then, Mr. Speaker, no responsible critic could seriously accuse us of "cruelly raising the hopes of the handicapped"?

I want to assure my colleagues, Mr. Speaker, that none of the disabled people, or the national organizations representing them, writing to me with reference to the veto of this measure, has accused me of "cruelty.'

Indeed, judging from their letters, the only cruelty associated with this measure has been the manner in which the White House responded to this measure.

But I should also note, Mr. Speaker, that the Rehabilitation Act provides only $156 million more for fiscal year 1974 than the legislation we are trying to extend authorized for both 1971 and 1972.

Certainly such a modest increment over 2 years cannot justifiably be termed a "congressional spending spree"?

I wonder, indeed, why the President did not sign this measure, amidst great pomp and circumstance, and claim a victory for his philosophy of self-sufficiency.

And he could, as well, have applauded congressional fiscal responsibility in presenting him with such a modest bill after his veto of similar legislation last October.

DIVERTED PURPOSE

Let me now, Mr. Speaker, turn to what might appear, at first blush, to be sensible objections on the part of the President.

He claims, first, that the Rehabilitation Act would divert the Vocational Rehabilitation program from its original purposes by requiring that it provide new medical services.

The President, Mr. Speaker, is wrong.

For we provide for no services not currently available under vocational rehabilitation.

What we are doing is making more explicit a commitment, in existing law, to persons with severe handicaps.

And my colleagues should know, as well, that the administration itself endorsed that commitment during hearings, and during the House-Senate conference on this measure.

During the conference, for example, the administration's official position was, and I quote from their own memorandum:

> Keep the vocational orientation of present law in Title I. However, authorize as in . . the House bill, a separate program for nonvocational services to the severely disabled.

That is precisely what we have done.

And I am, frankly, perplexed that the same administration today returns to castigate us for agreeing with their advice.

SERIOUS KIDNEY DISEASE

But the President, Mr. Speaker, goes on to compound that error by citing with regard to "new medical services":

> A new program for end-stage kidney disease—a worthy concern in itself, but one that can be approached more effectively within the Medicare program, as existing legislation already provides.

The President is again mistaken.

First, this is not a "new program" as he apparently believes.

For 41 state rehabilitation agencies, last year, provided services to handicapped individuals suffering from serious kidney disease.

And, second, the valuable provisions of the medicare program are complemented, in a most practical manner, by the Rehabilitation Act.

I would cite particularly in this regard the fact that kidney coverage under medicare does not become available until 3 months after need is established. During that time, the rehabilitation agency can assist the handicapped individual.

And I should also add that many individuals, young and old, are ineligible for medicare benefits.

Possibly the President's White House staff does not talk with his administrators in the departments, but for whatever reason, the President has been seriously misled with reference to what he calls "new services."

For we have not, as I hope I have demonstrated, provided for new kidney disease services.

What we have done is react to testimony before my own subcommittee to the effect that adequate services for individuals suffering from serious kidney disease would not be possible without special emphasis.

We have, therefore, attempted to provide that emphasis by highlighting congressional concern for the program—which is of enormous value with reference to enabling these individuals to return to work—and providing a modest authorization for it.

So I trust, Mr. Speaker, that my colleagues will begin to understand the bewilderment with which I received the President's veto message. For he clearly was speaking of a bill other than the one passed with such overwhelming bipartisan support in the 92d, and now again, in the 93d Congress.

CATEGORICAL PROGRAMS

Let me now, Mr. Speaker, turn to the third objection expressed in the President's veto message:

S. 7 would create a hodge-podge of seven new categorical grant programs, many of which would overlap and duplicate existing services. Coordination of services would become considerably more difficult and would place the Federal Government back on the path of wasteful, overlapping program disasters.

This statement of opinion, disguised as fact, Mr. Speaker, simply perplexes me. I certainly would not want to make the delivery of rehabilitation services a more difficult task.

Nor, I am sure, do any of the 318 Members of this body who supported this bill on March 8, advocate wasteful overlapping programs.

So let us look at what the bill does rather than what an unknown Presidential adviser says it does.

I assume, first, that the President includes in the list of "seven new categorical grant programs," the title II services for the severely disabled and the program for persons suffering from end-stage kidney disease.

And I believe I have already addressed these issues in adequate detail, indicating, with reference to the former, that we merely agreed with an administration suggestion, and with reference to the latter, that we have done nothing more than underline congressional intent with regard to renal disease services now available through State rehabilitation agencies.

And although the President does not specify which new programs he finds objectionable, I assume he must be referring to the provisions in this legislation relating to the spinal cord injured, mortgage insurance, and interest grants, for rehabilitation facilities, and programs for the deaf and the elderly blind.

So let me say just a word about each of these.

SPINAL CORD INJURED

With regard to the spinal cord injured, Mr. Speaker, again we are speaking not of a new program, but of the strengthening of existing services in this area.

And we are speaking, as well, of a program which had the endorsement of the administration throughout the development of this measure.

With reference to my first point, Mr. Speaker, my colleagues should know that the Rehabilitation Services Administration reports that it is spending over $3 million to support eight centers for the spinal cord injured.

But, as Mr. E. B. Whitten of the National Rehabilitation Association, pointed out in a recent memorandum to the President:

The situation in the area of comprehensive rehabilitation services to spinal cord injured individuals is appalling. Although we have a few good programs, enough to serve as demonstrations, less than 20% of the spinal cord injured individuals are receiving the kind of services we know how to provide. A special push is going to be required to make a significant breakthrough.

So we accepted this line of reasoning, Mr. Speaker.

And in doing so, I am pleased to tell my colleagues, we were also following the advice of former Secretary of Health, Education, and Welfare, Elliot Richardson.

Said Secretary Richardson to my subcommittee:

We would certainly support in principle the proposition that there should be greater emphasis in those areas and with respect particularly to the spinal cord injuries. So we would propose in our own bill to give this specific recognition.

And I am pleased to note that the amendment to this legislation, offered on the floor by my good friend from Indiana (Mr. LANDGREBE) specifically endorsed services for spinal cord injured individuals.

So I think I am correct in saying that this is yet a third program objected to by the President that his own administration supported as we developed this bill.

Indeed, Mr. Speaker, we have yet to come across one objection that stands up under examination.

OTHER PROGRAMS

But there are still four other provisions in this—and I quote the President, "hodgepodge of seven new programs" that we have not yet addressed.

And although the President is unable to identify them, I believe we can safely guess that they include the provisions relating to interest grants and mortgage insurance for rehabilitation facilities, as well as two programs to serve the special needs of deaf individuals and the elderly blind.

And I believe, Mr. Speaker, that we can safely ignore the President's objections to interest grants and mortgage insurance for rehabilitation facilities.

For surely, Mr. Speaker, the President must realize that these programs will provide vastly less expensive alternatives for much needed facilities construction, than the outright construction grants available under existing law.

Indeed, Mr. Speaker, I would expect that a President busy, as is President Nixon, advocating greater local, State, and private initiative, would have congratulated us for including such provisions in this legislation.

Obviously, Mr. Speaker, I expected too much.

For his inconsistency with respect to these provisions matches his administration's change of heart with respect to the severely disabled, and those suffering from serious kidney disease and spinal cord injury.

DEAF INDIVIDUALS AND THE ELDERLY BLIND

So we are left now, Mr. Speaker, with but two programs to explain to the President and his staff.

Yet again, you will be surprised to learn, the program to provide services to deaf individuals, who have not reached their maximum vocational potential, is an administration suggestion.

For, I should tell the President, in 1971 his administration came to Congress and requested special grant-making authority for the "low achieving deaf."

And, once again, to my astonishment, the President becomes upset because we have taken him at his word.

But, Mr. Speaker, I must here confess that, search as I can, I find no record of administration support for the provisions in the Rehabilitation Act providing vocational rehabilitation services to older blind individuals.

And, of course, I searched for just such a record of support, for it would have completed the tragic and ironic litany of this administration's inconsistencies with regard to the handicapped.

But surely President Nixon does not expect us to support him in his rejection of this important measure, because of a modest program providing $50 million over 3 years for blind people over the age of 55?

The expectation that Congress will agree to torpedo this major legislation, over such a minor disagreement, simply flies in the face of commonsense.

And it contradicts, as well, the equal status accorded Congress and the executive branch in the Constitution drafted nearly 200 years ago.

For surely, Mr. Speaker, even a President would accept the congressional prerogative of adding a modest program to help older blind people, even though he, himself, had not requested it.

RIGID STRUCTURES

Mr. Speaker, the President's next, apparently substantive objection is—and I quote:

By rigidly cementing into law the organizational structures of the Rehabilitation Services Administration and by confusing the lines of management responsibility, S. 7 would also prevent the Secretary of Health, Education, and Welfare from carrying forward his efforts to manage vocational rehabilitation services more effectively.

The President and Congress will have, I think, to agree to disagree on the provisions of section 3 of the Rehabilitation Act, which provides for the establishment of the Rehabilitation Services Administration.

But the President is, in my estimation, mistaken in his view of this situation.

For the testimony before both the House and the Senate indicated the need for a statutory base for the Rehabilitation Services Administration if it is to be able to effectively carry out its work for the handicapped.

And the testimony indicated the need for such provisions, too, if Congress is to be able to hold one official directly accountable for the rehabilitation program.

RELATED PROBLEMS

And let me here note, Mr. Speaker, that this problem is not unique within the Department of Health, Education, and Welfare.

For when Congress in 1965 created the Administration on Aging, we made clear our intent that it serve as a focal point

for the 20 million Americans aged 65 and over.

Yet in 1967, when the Social and Rehabilitation Service Agency was created, we found AOA submerged deeper and deeper within the bureaucracy.

And I was equally critical, at that time, of this move—which was, my colleagues will note, under a Democratic administration.

So we are not, with regard to this Presidential objection, encountering any striking new phenomenon.

We are, rather, witnessing once again, the different institutional viewpoints—between the legislative and executive—with respect to organizational priorities.

Mr. Whitten, yet again, succinctly states the arguments in favor of our case. And, I should tell my colleagues, Mr. Whitten is not entirely convinced of the wisdom of our move—so his testimony is, in no way, self-serving.

Said Mr. Whitten:

It is by no means just an effort on the part of Congress to spite the Administration. Under the administration of SRS, responsibility for administration of vocational rehabilitation programs has been divided between SRS and RSA at both national and regional levels. There has never been a clear expression of policy on the point as to whether SRS is to be an agency to coordinate the programs of the various bureaus, or whether it is to be an agency to actually operate these programs. While talk, generally, has indicated that SRS is a coordinator and service agency to the bureaus, actually, personnel has been drained off the bureaus to SRS, and more and more administrative and policy decisions that previously have been made by the bureaus are now made by SRS. This, in itself, would not have been so objectionable, but funds appropriated for research and training under the Vocational Rehabilitation Act have been thrown into an SRS pool and expended, often, on programs having only peripheral, if any, values to the rehabilitation programs. . . . The confusion that has prevailed at both national and regional levels has been detrimental to programs for handicapped individuals.

And I would just finally stress Mr. WHITTEN'S argument, Mr. Speaker, with respect to the confusion arising from the current situation at SRS.

For the President is mistaken in charging that we are confusing the lines of authority within the Department of Health, Education, and Welfare. Indeed, by providing a legal basis for the agency charged with administering programs for the rehabilitation of handicapped Americans, we, for the first time, clarify that agency's responsibility.

LANDGREBE AMENDMENT

Let me now conclude my review of this unsupportable veto message by saying just a word about the amendment offered by my good friend from Indiana (Mr. LANDGREBE) which the President commends to us.

For I am sure that the President has not seriously examined the alternative which he praises.

That amendment, Mr. Speaker, if adopted, would mean that 48 of the 54 States and territories would lose funds proposed in the President's own 1974 budget.

Again the President abandons his previous commitments.

Indeed, I should point out that the amendment would cost the President's own home State, California, over $45,000, while, at the same time, Maine—hardly a major population center, would stand to gain over $421,000.

Surely the President does not really expect us to take this preposterous proposal seriously?

He is, again, obviously unfamiliar with the legislation about which he speaks, with such great confidence, before the American public.

So let me, then, Mr. Speaker, summarize what I have been trying to say today.

I have told my colleagues that the fiscal and budgetary criticisms of this measure do not stand up under scrutiny.

I have told them of our reasons for seeking to make sure that the Rehabilitation Services Administration has the authority to carry out the responsibilities assigned to it.

And I have told them that the new categorical programs the President opposes are either the creations of his own administration or the strengthening of existing programs.

CONTINUED SUPPORT FOR REHABILITATION

Now let me tell my colleagues, Mr. Speaker, of the overwhelming reasons undergirding our case that the President's veto should be rejected.

Consider that this bill continues one of the most successful Federal-State programs in the history of our great land.

Consider that it makes good on the commitments made in prior legislation to those individuals suffering from the most severe handicaps.

Consider that it authorizes a modest increase in funds, if, in the judgment of Congress through the appropriations process, those funds are available.

Consider that in fiscal year 1972, the earnings of 12,221 rehabilitated individuals climbed to over $41 million after they received rehabilitation services, compared to the $3.6 million they earned annually before rehabilitation.

Now, Mr. Speaker, I ask my colleagues to ponder this tragic fact: The number of handicapped people in our land is not, as we would all hope, declining, but it is increasing.

Indeed, current estimates are that between 7 and 10 million people in need of vocational rehabilitation services are not now receiving them, and that over 500,000 will join that number each year.

Yet the President asks us to sustain him in his rejection of the historic legislation, carefully drafted over a 2-year period, that makes a modest attempt to begin to address this situation.

He asks us, indeed, to ignore the yarning gap between our accomplishments and our aspirations with respect to disabled Americans.

And I say this not for any partisan purpose.

For I know the President supported rehabilitation legislation during his tenure in the House and the Senate, and while he served as Vice President.

And he supported it as President, as well, until he was presented with the Rehabilitation Act.

And I applaud the President for that support, just as I applaud the increase in the numbers of handicapped people served since he took office.

I point out what the President is asking us to do because he has attempted, I here repeat, to paint a picture of an irresponsible Congress damaging 200 million Americans ravaged by inflation.

And the issue, Mr. Speaker, as I noted at the outset of my remarks, is really whether we will today make good on our promises to handicapped Americans, or whether we will support the President in his mistaken views of this bill.

And I hope I have made my own position clear with respect to that choice.

I urge my colleagues to join with me to override the President's veto.

Mr. Speaker, so that my colleagues may understand the dismay with which I viewed the President's veto message, I insert in the RECORD at this point several statements from the administration during the time in which we drafted this measure.

These materials include: Statements by former Secretary Elliot Richardson, and other administration officials, with regard to the Rehabilitation Act; and official administration recommendations with regard to severely disabled during the House-Senate Conference on the Rehabilitation Act, October 192.

Following those statements, Mr. Speaker, I also insert an analysis and several tables, showing the impact of H.R. 6323, introduced by my good friends from Michigan and Illinois, Mr. ESCH and Mr. ERLENBORN. That analysis was developed by the National Rehabilitation Association on behalf of the 30 national organizations urging Congress to override the President's veto.

I include, also, Mr. Speaker, the association's analysis of the myths of the President's veto in light of the reality of the measure approved by Congress:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 22, 1972.

Hon. JOHN BRADEMAS,
House of Representatives,
Washington, D.C.

DEAR MR. BRADEMAS: I want to express my gratitude for the cooperation shown by the Select Subcommittee on Education in working with the Administration on legislation to renew the Vocational Rehabilitation Act. I am pleased to note that some of the Administration's proposals to improve the Act have been incorporated in the Subcommittee bill reported to the full Committee.

There are some provisions in the bill which I feel are unnecessary and some sound Administration initiatives have not been incorporated in the bill. Nevertheless, I want to commend the Subcommittee for its work with us toward our shared objective: improving the capacity of the vocational rehabilitation program to serve the handicapped.

With kind regard,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

REHABILITATION SERVICES
ADMINISTRATION,
Washington, D.C., April 11, 1972.

Hon. JOHN BRADEMAS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BRADEMAS: As we turn toward the Senate considerations of H.R. 8395, the 1972

Amendments to the Rehabilitation Act, I would be remiss if I did not extend my personal thanks for your leadership and deep concern of the nation's capacity to provide rehabilitative services to handicapped people.

Your personal attention has led to an extraordinary bi-partisan effort to make more visible and expand our commitment to helping disabled people achieve independence and self support.

I am particularly appreciative that you made Jack Duncan available to work with us on the Act. His specific knowledge and programmatic insights were extremely impressive to all of us working on the Bill.

Once again, my sincere personal thanks.

Cordially,

EDWARD NEWMAN,
Commissioner.

ADMINISTRATION STATEMENTS ON VOCATIONAL REHABILITATION

Secretary Richardson, March 21, 1972, hearings before the Select Subcommittee on Education on the Older Americans Act

We look forward to working closely with the subcommittee to produce the best possible bill to achieve our shared objective.

Certainly, Mr. Chairman, I would like to join you, noting the very fruitful results of cooperation that you have already mentioned and particularly to congratulate you on the overwhelming support accorded yesterday for the rehabilitation legislation.

OFFICIAL ADMINISTRATION POSITION DURING HOUSE-SENATE CONFERENCE ON THE REHABILITATION ACT, OCTOBER 1972, WITH REFERENCE TO THE SEVERELY HANDICAPPED

We agree that the basic program should be reformed so as to assure that those whose handicaps are most limiting in terms of ability to become gainfully employed should be served by this program before those with lesser handicaps. . . .

Keep the vocational goal orientation of present law in Title I. However, authorize as in Title III of the House bill, a separate program for non-vocational services to the severely disabled. . . . We are talking about something revolutionary in V.R.—dealing with independent living goals. . . ."

SOURCE: "Administration Recommendations on Major Conference Issues Regarding Vocational Rehabilitation Bill."

ANALYSIS OF H.R. 6323

The thirty organizations of and for the handicapped who are urging Congress to override the Presidential veto of S 7 have issued the following statement relative to HR 6323, Rehabilitation Act Amendments introduced by Mr. Esch of Michigan and Mr. Erlenborn of Illinois. (See Congressional Record of March 29, H 2181.)

"HR 6323, a new rehabilitation bill, was introduced on March 29 by Mr. Esch of Michigan and Mr. Erlenborn of Illinois. Printed copies of the bill were not available until April 2, approximately 24 hours before the scheduled vote to override the President's veto of S. 7. As a result, we have not been able to make a thorough analysis of this bill. However, we are sure of this.

The introduction of a new bill at this time will contribute to confusing the issue, whatever may be the merits of the bill itself. The vote on Tuesday, April 8, will be to *sustain the veto* or to *override the veto*. No other legislation having to do with rehabilitation will be voted upon on that day. Any new bill must be referred to the appropriate committees, hearings must be conducted, and the bill reported in the regular way. There is no way of knowing whether the committees of Congress or the Administration will approve the new bill. In fact, it contains some of the provisions most objectionable to the Administration. Certainly, the introduction of a new bill at this late date cannot be used to avoid responsibility for what may happen if the veto is sustained. This seems to be what some members have in mind, since they have been speaking of HR 6323 as a substitute for S 7.

With respect to the bill, itself, much of it is either identical to or very similar to S 7. The appropriation authority is lowered considerably, which is its principal attraction, we suppose. It is significant, however, that the new bill does not contain the new program features of S 7. It does not contain special emphasis on demonstration programs to serve the older blind, the spinal cord injured, the victims of renal disease, and the deaf. It substitutes a 'study' for the provisions for comprehensive services to the severely disabled. It does not contain the vitally important Commission on Housing and Transportation for the Handicapped and other important features. At best, it cannot be interpreted as more than 'stand pat' legislation, while much more needs to be done.

Accordingly, the organizations of and for the handicapped who are urging you to vote to override the President's veto of S 7 are equally emphatic in saying they cannot support HR 6323 in the form in which it was introduced."

VOCATIONAL REHABILITATION ACT AMENDMENTS AND THE PRESIDENT'S VETO ISSUES AND ANSWERS

(Based on White House Releases of March 27, 1973)

ISSUE—FISCAL IRRESPONSIBILITY

In this case, rhetoric is a substitute for substance. The bill *authorizes* expenditures for various programs. It does not *appropriate* any money for anything. The appropriation bill will come later and may or may not recommend the full amounts authorized. The amount of the authorizations is exaggerated. Accepting the President's figures, authority in the bill is $1.3 billion more than in his substitute bill *over a three-year period*. Congress will be fiscally responsible. The argument is over *how* the money will be spent, not over *how much*. Rehabilitation is cost effective (15–1 ratio). Let's bury the fiscal irresponsibility issue. Additional funds appropriated under the Social Security Act are earmarked to serve Welfare and Social Security beneficiaries referred to vocational rehabilitation agencies under HR 1.

DISTORTS OBJECTIVES

No rehabilitation measure ever passed by Congress has greater vocational rehabilitation emphasis than S. 7. The emphasis is on the vocational rehabilitation services to the *severely disabled*. The small earmarked authority in Title II, optional with the states, is to encourage them to accept individuals for whom vocational rehabilitation goals may not be feasible, at least in the beginning. The question is how far they can go toward complete rehabilitation. The separate fund assures that this program *will not compete* with vocational rehabilitation funds. This program will help the *most neglected disabled people*.

ISSUE—CATEGORICAL APPROACH

Congress, traditionally, has chosen the categorical approach to initiate and get special emphasis on problems of certain target groups. Why should anyone oppose special efforts to facilitate the rehabilitation of the *older blind*, the *spinal cord injured*, the *deaf*, and the victims of *renal disease*? Anyhow, these are special project programs with very modest authority expiring in three years.

ISSUE—PREVENTS EFFECTIVE MANAGEMENT

What this means is that Congress and the President view effective management differently. The executive never wants any restraints on administration. Fortunately, Congress has insisted on some and the programs have been *better administered* as a result. S 7 establishes a Rehabilitation Services Administration in HEW under the direction of a Commissioner who will have responsibility for administering approprate titles of the act. The purpose of this provision is to unify the administration of vocational rehabilitation programs in one administration. Currently, responsibility is divided between various levels in the Department with resulting confusion. Congress has taken similar steps in the fields of education, aging and many others. It is absurd to imply that effective management is impossible under this act.

ISSUE—UNNECESSARY COMMITTEES AND COMMISSIONS

These are unnecessary only if one does not want to do anything to solve the problems to which they are directed. In a TV broadcast (WRC–Mar. 29), Keith Russell, a severely handicapped employee at Walter Reed, emphasized the difficulty, even impossibility, of handicapped people living normal lives because of architectural and transportation barriers. One of the Commissions is directed to the solution of this problem. The President, himself, has appointed many commissions to study and make recommendations. Those in S 7 are appropriate to needs.

WHAT'S IT ALL ABOUT?

Let's not forget what S 7 really is. Legislation directed toward helping severely disabled youths and adults become employable—the extension of the vocational rehabilitation program, a model of effective state-federal relationships, the most cost effective program in the human service area. 300,000 persons were made employable through this program in 1972. Hundreds of thousands of others are watching with interest and concern as this program for their benefit is being used by the President for a confrontation with Congress over fiscal policy. Let's vote to override the veto with a sizeable margin.

SOME FINANCIAL ASPECTS OF THE HOUSE LANDGREBE (ADMINISTRATION) SUBSTITUTE VERSUS S. 7

THE VOCATIONAL REHABILITATION ACT OF 1972

S. 7 was very carefully drawn to make available funds appropriated by the Congress and signed into law by the President. The Landgrebe substitute does not take into account the technical requirements necessary for release of appropriated funds.

The Landgrebe substitute, if it were to be enacted, would cause all except two low effort States to lose money when the allocation of the Landgrebe substitute is compared with S. 7 allocations within the President's expenditure ceiling. If the Landgrebe substitute were used to allocate moneys already appropriated, in excess of $23 million would be lost by 25 high effort States. The States and territories that would lose money and their approximate amount of loss expressed in thousands of dollars are listed below.

State or Territory:	*Loss (in Thousands)*
Alabama	$1,920
Arkansas	1,158
Delaware	68
District of Columbia	260
Georgia	2,052
Hawaii	447
Idaho	238
Iowa	145
Maryland	197
Minnesota	555
Mississippi	927
New York	1,928
North Carolina	2,487
Oklahoma	772
Oregon	53
Pennsylvania	2,287
South Carolina	1,503
South Dakota	58

State or Territory:	Loss in (Thousands)
Texas	$3,433
Utah	168
Vermont	66
Virginia	1,743
West Virginia	1,034
Wyoming	21
Guam	34

SOURCE.—Department of Health, Education and Welfare.

The attached was prepared to illustrate State allotments under provisions of the Landgrebe amendments to the VR Act, assuming an appropriation of $590 million for Section 2, as compared to the allotment of the same amount under the provisions of the present Act.

Column I illustrates the Landgrebe amendment, including:

1) Allotment based on amount appropriated;

2) Re-allotment of unmatched Federal funds according to State estimates available as of March 30, 1973; and

3) However, minimum is shown as $1 million not ¼ of 1 percent ($1,525,000; the impact is minor)

Column II—The President's budget for 1974, as per the present Act.

Column III—Differences, assuming the State matches what they now estimate will be available.

ESTIMATED FEDERAL GRANT FOR FISCAL YEAR 1973

State	Fiscal year— 1973 Landgrebe	1973 budget	Difference
U.S. total	[1] [2] $589,000,000	[1] [2] $589,000,000	
Alabama	16,293,402	16,312,594	−$19,192
Alaska	1,000,000	1,000,000	
Arizona	6,209,101	6,216,415	−7,314
Arkansas	9,328,013	9,339,001	−10,988
California	38,451,639	38,496,941	−45,302
Colorado	6,623,805	6,631,607	−7,802
Connecticut	4,650,082	4,655,559	−5,477
Delaware	1,183,202	1,184,597	−1,395
District of Columbia	4,565,207	4,570,583	−5,376
Florida	21,878,287	21,904,059	−25,772
Georgia	17,751,415	17,772,326	−20,911
Hawaii	1,969,432	1,971,752	−2,320
Idaho	2,910,297	2,913,725	−3,428
Illinois	21,177,508	21,202,454	−24,946
Indiana	8,407,006	8,419,080	−12,074
Iowa	8,362,142	8,371,992	−9,850
Kansas	5,100,350	5,106,000	−5,650
Kentucky	13,056,602	13,068,000	−11,398
Louisiana	15,308,268	15,326,300	−18,032
Maine	3,140,830	2,719,494	+421,336
Maryland	8,902,323	8,912,809	−10,486
Massachusetts	11,913,058	11,927,091	−14,033
Michigan	20,880,857	20,905,453	−24,596
Minnesota	11,064,644	11,077,678	−13,034
Mississippi	$11,912,372	$11,926,404	−$14,032
Missouri	14,381,923	14,398,864	−16,941
Montana	2,544,246	2,543,314	+932
Nebraska	4,472,971	4,467,275	+5,696
Nevada	1,000,000	1,000,000	
New Hampshire	2,298,469	2,301,176	−2,707
New Jersey	14,191,910	14,208,628	−16,718
New Mexico	4,198,878	4,203,824	−4,946
New York	31,684,999	31,722,323	−37,324
North Carolina	21,073,898	21,098,722	−24,824
North Dakota	2,469,140	2,472,049	−2,909
Ohio	28,650,195	28,438,820	+211,375
Oklahoma	9,785,140	9,796,666	−11,526
Oregon	6,230,408	6,237,747	−7,339
Pennsylvania	32,851,931	32,890,629	−38,698
Rhode Island	2,365,774	2,368,561	−2,787
South Carolina	12,170,828	12,185,163	−14,335
South Dakota	2,550,787	2,553,792	−3,005
Tennessee	15,603,359	15,617,500	−14,141
Texas	39,374,836	39,421,219	−46,383
Utah	4,203,312	4,208,263	−4,951
Vermont	1,557,567	1,559,402	−1,835
Virginia	15,788,712	15,807,310	−18,598
Washington	8,261,552	8,271,283	−9,731
West Virginia	7,915,488	7,924,812	−9,324
Wisconsin	12,613,903	12,628,762	−14,859
Wyoming	1,105,999	1,107,302	−1,303
Guam	523,675	524,291	−616
Puerto Rico	16,708,284	16,727,965	−19,681
Virgin Islands	381,974	382,424	−450

[1] Does not include $1,000,000 minimum for evaluation of the vocational rehabilitation program.
[2] No allotment base with a minimum allotment of $1,000,000 or each State.
[3] Under $600,000 authorization figure with $1,000,000 minimum allotment for each State.

SUMMARY OF PROVISIONS OF CONGRESSIONAL OFFICE OF CONSUMER PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. THORNTON) is recognized for 5 minutes.

Mr. THORNTON. Mr. Speaker, on Wednesday of last week I introduced H.R. 6280, a bill to establish a Congressional Office of Consumer Protection.

This bill differs from Consumer Protection legislation previously introduced, by establishing the office as an arm of the Congress, exercising legislative oversight, rather than as an independent executive agency under the President. The Consumer Counsel is given broad authority to seek judicial review of executive agency decisions affecting consumers. A Congressional Office of Consumer Protection will assure an appropriate check and balance and an effective method of representing and protecting the public interest.

The office is authorized to develop consumer education and counseling programs, to conduct investigations, to cooperate with private enterprise in promotion and protection of the interests of consumers, and it is directed to keep Congress fully and currently informed of all its activities and to insure that interests of consumers are given consideration by Federal agencies.

The Consumer Counsel is given authority to take part in any proceeding before a Federal court or Federal agency affecting consumers' interests and to appeal agency decisions to the courts. The Consumer Counsel does not have authority to issue subpenas, but when acting as a part in a proceeding before a Federal agency, may use the agency's subpena powers.

The bill provides that in the event of a judicial appeal from agency action, the Consumer Counsel or his qualified or designated representative will represent the Office of Consumer Protection, while the Attorney General will represent the agency. The bill contains provisions for resolving complaints, for providing consumer information and services, and testing and research, and for annual reports and recommendations for changes in legislation. A more detailed abstract of the bill follows:

ABSTRACT

A declaration that vigorous representation and protection of the interests of consumers is essential to the fair and efficient functioning of a free market economy is contained in section 2.

Section 3. The Office of Consumer Protection established by this bill shall be independent of the President and of the executive departments and under the control and direction of a Consumer Counsel who shall be appointed for a term of 15 years, ineligible to succeed himself, with salaries and retirement benefits established by this bill, and with a provision that the Consumer Counsel—and the Assistant Consumer Counsel—may not be removed except by Congress, for inefficiency, permanent incapacity, neglect of duty, or other specific causes. No employee of the office—except expert consultants—may accept other employment.

The structure of the office provided in this section is similar to that employed in the establishment of a Comptroller General in the General Accounting Office.

Section 4. The Consumer Counsel is granted general authority to employ, subject to civil service and classification laws, such persons as may be necessary to carry out the provisions of the act, and to establish rules, appoint advisors, enter into contracts, and accept services of others.

Under subsection (c) Federal agencies are directed, upon request by the Consumer Counsel, to cooperate with the Office of Consumer Protection and to furnish information and statistics, and to allow access to agency information.

The Consumer Counsel is required to submit an annual report of acts taken, suggestions for legislation, and evaluation of consumer programs to the Congress and the President in January of each year.

Section 5. The Office of Consumer Protection is charged with the duty of protecting and promoting the interests of the people of the United States as consumers. The office shall specifically assure that consumer interests are considered in the formulation of the policies and operation of programs by appropriate Federal agencies, shall develop education and counseling programs, and conduct investigations concerning consumer problems. The office is directed to cooperate with and assist private enterprise in the promotion and protection of the interest of consumers, and to keep committees of Congress informed of its activities.

Section 6. The Consumer Counsel, upon a finding that a matter affecting the interests of consumers is pending before any Federal court or agency and that the intervention of the Office of Consumer Protection is required to adequately protect consumers' interests, may as a matter of right participate in such proceeding in accordance with such agency's generally applicable rules of practice and may obtain a review of agency action directly in any U.S. court of appeals.

In addition, the Consumer Counsel, upon a determination by the court that an agency action may adversely affect consumers, and that the interests of consumers are not otherwise adequately represented, may seek judicial review of agency action in which the Consumer Counsel did not participate. The Consumer Counsel may in the discretion of the agency or court participate as amicus curiae. The Consumer Counsel is authorized to request Federal agencies to initiate proceedings required in the consumer interest and to obtain judicial review of agency action or inaction.

Subsection (e) provides for use by the Consumer Counsel of agency powers of subpena and production of evidence.

Subsection (f) makes clear that the Consumer Counsel, or his designated representative shall represent the Office of Consumer Protection in the courts and that the Federal agencies will be represented by the Attorney General of the United States. The Consumer Counsel may designate qualified representatives for such duties.

Subsection (h) makes clear that the

Consumer Counsel is not authorized to intervene in State or local proceedings, but subsection (i) specifically authorizes communication with other offices and agencies, whether Federal, State or local.

Section 7. Before issuing or adopting any rules, regulations, guidelines, orders, standards or formal policy decisions or before taking any other action which may substantially affect the interest of consumers every Federal agency shall notify the Office of Consumer Protection and take such action with due consideration to such interest. In taking any action which may substantially affect the interest of consumers the Federal agency shall indicate in a public announcement the consideration which has been given to such interest upon request of the Office of Consumer Protection—or if it is a case where a public announcement would normally be made.

Section 8. Upon receipt of any complaint or other information affecting the interests of consumers and disclosing a probable violation of a law of the United States, a rule or order of a Federal agency or office, or a judgment, decree, or order of any court of the United States involving a matter of Federal law the Office of Consumer Protection may take any action within its authority which may be desirable or transmit the complaint to the Federal agency charged with the duty of enforcement. This subsection also allows the Office of Consumer Protection to take action based on information which it has developed on its own initiative.

Subsection (c) directs the Office of Consumer Protection to ascertain the nature and extent of action taken with regard to complaints or other information transmitted to Federal agencies. Upon receipt of complaints against business enterprises such business enterprises will be promptly notified by the Office of Consumer Protection of such complaints against them. The public document room containing all signed consumer complaints together with annotations of actions taken by it shall be maintained by the Office for public inspection and copying subject to the following conditions:

First, that the complaining party has not requested confidentiality,

Second, the party complained against has had 60 days to comment on such complaint, such comment to be displayed with the complaint,

Third, upon referral of the complaint to another entity, that such entity has had 60 days in which to notify the Office of Consumer Protection of the action it intends to take with respect to the complaint.

Section 9. This section allows for the dissemination to the public by the Office of Consumer Protection of information, statistics, and other data which may be of interest to consumers. Subsection (b) of this section authorizes and directs Federal agencies to cooperate with the Office of Consumer Protection in making such information available to the public.

Section 10. All Federal agencies which possess testing facilities and staff relating to the performance of consumer protection and services are directed to perform such tests as the Consumer Counsel within his authority under section 6 of this proposed act may request regarding any matter affecting the interests of consumers. The results of such tests may be used or published only in proceedings in which the Office of Consumer Protection is participating or has intervened pursuant to section 6.

Neither a Federal agency engaged in testing products under this proposed act nor the Office of Consumer Protection shall declare one product to be better or a better buy than any other product. Subsection (d) directs the Office of Consumer Protection to periodically review tested products to assure that information disseminated about them conform to the test results.

Section 11. The section on limitations of disclosures serves to protect first privileged or confidential trade secrets and commercial or financial information, and second, information which comes within the exceptions to the Public Information Act. However, subsection (b) allows such information to be disclosed in an adjudication if the judge or other officer presiding finds that the matter is relevant and that disclosure is necessary. Additional safeguards are provided for release of information in instances which do not involve an administrative proceeding or an adjudication.

Section 12–16. These sections provide for procedural fairness, define terms used in the bill, and contain appropriate savings clauses, conforming amendments and the effective date.

MEAT BOYCOTT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MATHIS) is recognized for 10 minutes.

Mr. MATHIS of Georgia. Mr. Speaker, many misguided and uninformed consumers across the country have embarked on a meat boycott this week, as I am sure every Member of the House is aware. There is no doubt in my mind as to the long-range outcome of this exercise—it will eventually force meat prices higher.

I have just returned from a weekend in my district where I found farmers and livestock producers more inflamed than I have ever known them to be, and with good reason. These producers of our food have been forced for years to eke out a living on low returns from their considerable investment and none are getting fat now off the sale of their livestock for slaughter. These producers are caught in the same squeeze that every other American consumer is caught in—that of inflation and high prices. The cost of their feeds for their livestock has skyrocketed, in some cases, more than doubled, in the past several weeks. The price they receive for their slaughter animals must increase—just to keep pace with their increased costs of production.

Not only do these producers face frustrated, misinformed consumers, they also face an administration that has done nothing to salve their wounds during this period of their own frustration. These farmers are shaking their heads in disbelief and wringing their hands in agony over the decision to impose ceilings on meat sales at the retail and processor level. This will not, Mr. Speaker, freeze the prices the farmer is receiving for his livestock, but will force them down.

You must understand that the supermarkets' cost of doing business is not frozen, and as labor costs and other operating expenses rise, the supermarkets are not going to take less than the profits they are making at this time on fresh meats; therefore, they will simply pay less to the packers. The packers are caught in the same squeeze, and they will be forced to pay less to the producer. There is no freeze, Mr. Speaker, on the production costs of the producer, so he is the fellow who will finally be punished.

I have numbers of farmers and livestock producers at this time who are ready to throw up their hands and walk off the farm simply because they are sick of being the whipping boy for all of America's economic woes. They are sick of an administration that talks out of both sides of its mouth and then kicks them in the teeth. They are sick of agitators who fail to recognize that food costs in this Nation require a far less percentage to total disposable income than in any other nation in the world. And Mr. Speaker, they are especially sick of uniformed officeholders who continue to demagogue high prices for political purposes.

Instead of leading boycotts—I would suggest to some of my colleagues that they should be leading thanksgivings. They should be saying thank you to these farmers who have fed them, and their constituents, for years without their thanks, without their support, and without their understanding.

Mr. Speaker, I wish to use this opportunity to invite as many urban Members of the House as will accept my invitation to come with me to Georgia and see for themselves the plight of the farmer and livestock producer. I will arrange for you to visit as many farmers and producers as you care to see. I will arrange for you to visit their bankers, implement, and equipment dealers, fertilizer dealers, and others who depend on their efforts for their own livelihood.

I will arrange for you to spend a day, or a week, out there with the farmers, sharing his food and lodging and will offer you the opportunity to work side by side with him—from before dawn until well after dark on most days. And if you are interested after you have had an opportunity to learn more about what it is really like down on the farm—I will arrange for you to talk to some farmers who will be willing to sell you their farms, since you seem to think it is a great way to get rich. Because they are getting ready to get off the land anyway, you might be able to find some bargain basement farm prices.

H.R. 100: PENSION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, it is my

privilege to have introduced H.R. 100—Members joined me in cosponsorship—51 Members of the House have introduced similar legislation. This bill amends title 38 to make certain that recipients of veterans' pension and widows' dependency and indemnity compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

To receive a pension, a veteran must either have attained the age of 65 or older or be totally and permanently disabled from nonservice-connected causes. Pensions for those veterans with service in World War I or after are subject to income limitations which are in the neighborhood of the poverty level. A single, disabled veteran cannot receive a pension if his income exceeds $2,600 annually. Further no disabled veteran can receive a pension if his income is in excess of $3,800, regardless of the number of dependents he may have.

The plight of our pensioned veterans has been significantly intensified by increases in the cost of living which we have suffered over the past few years. Our veterans' benefits have hardly kept pace with this increase. Although, we all felt an economic strain due to inflation, the heaviest toll has been felt by those with a fixed income, such as individuals receiving veterans' pensions.

Congress has recognized the need to offset this spiraling cost of living, as the recent social security increase denotes. However, many veterans will not be able to receive the increase planned by Congress, for they are now in a higher income bracket due to that very social security thus resulting in a decrease in their veterans pensions.

In fact, if we do not amend the present law, over 1.2 million pensioners will have a reduction in their VA pension because of their social security increase. Another 20,0000 pensioners will be dropped from the pension rolls entirely, and 15,000 of these veterans will actually suffer a loss in their aggregate income ranging from $38 to $168 annually. This means an average loss of approximately $108 annually to a veteran drawing a pension who is dropped from the rolls.

The reduction in our veterans' pensions is certainly inequitable and creates an undue hardship on a segment of society which certainly can ill-afford it. The increase in social security does not reflect nor result in an increase in purchasing power that exceeds need. In fact, everyone who draws social security and is not poor will receive a substantial increase except the poor veterans receiving pensions. Certainly our veterans and their survivors must have the full measure of the social security increase provided for in Public Law 92–336 without a significant reduction in their pensions.

President Johnson recognized this situation, and tried to provide for it in January of 1967, when he called upon Congress to:

Make certain . . . (social security increases) do not adversely affect the pensions paid to those veterans and dependents who are eligible for both benefits. Accordingly, I propose that the Congress enact the necessary safeguard to assure that no veteran will have his pension reduced as a result of increases in Federal retirement benefits such as social security.

President Johnson's plea was valid in 1967. It is certainly valid in 1973.

A social security increase is, in reality, a myth for those who need both social security and veterans' pension to survive. An increase in social security means a decrease in veterans' pensions for too many.

Something must be done now. Our veterans have already felt the loss of benefits in the February and March pension allotments. This situation must not continue. Only if H.R. 100 is enacted, will this unfair discrimination be avoided.

PRESIDENT'S FAILURE TO EXECUTE THE LAWS OF THE LAND IS HARMING LOCAL COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 15 minutes.

Mr. DANIELSON. Mr. Speaker, the U.S. Constitution requires that the President shall take care that the laws of our land be faithfully executed. The people in my congressional district have been expressing their concern to me in record numbers over the President's failure to execute some of our laws whose provisions relate to our domestic policies.

These failures to execute our laws have caused much worry among the elderly, the sick, and the poor. People are worried about the President's plans for increases in medical costs under medicare; deep cuts in manpower training programs; his freeze on new low-cost housing starts; proposed regulations which have been promulgated by the Department of Health, Education, and Welfare; the arbitrary phasing out of the Office of Economic Opportunity; and his holding back or impounding of money which has already been appropriated in bills which the Congress has passed and the President has approved and signed into law—in short, his refusal to execute the laws of the land.

These people have a right to be concerned, as I am concerned, and as are so many of our colleagues.

It is my intention to do everything I can to insure that valuable Federal programs which have proven successful will be continued, and to fight at every turn in behalf of those who need the help the most.

Mr. Speaker, the 29th District of California is greatly affected by these unwise failures to execute the laws of our land. I am attaching a list of some of those programs in my district to illustrate the far-reaching effect of the cutbacks and the broad scope of the programs involved:

1973 FUNDING CONGRESSIONAL DISTRICT No. 29

[1973 Budget Federal]

Office of Economic Opportunity:	
Oriental Service Center (Council of Oriental Organizations)	$13,513
Educational Participation in Communities (EPIC) (California State University at Los Angeles Foundation)	13,113
Legal Services Program (Los Angeles Legal Aid Foundation)	168,120
Community Organization through Consumer Action (East Los Angeles Community Service Organization)	11,332
Neighborhood Adult Participation Program (NAPP, Inc.)	104,091
School Community Resources Involvement Project (Los Angeles County Schools)	164,020
San Gabriel Legal Services Program (San Gabriel Valley Neighborhood Legal Services)	75,500
Young Adult Leadership Project (East Los Angeles Community Service Organization)	48,306
Community Return Project (Volunteers of America)	44,444
School Community Action Project (Los Angeles City Schools)	22,364
Narcotics Prevention Project (Narcotics Prevention Assoc.)	39,256
OEO program total	$704,059
NATIONAL INSTITUTE OF MENTAL HEALTH—NATIONAL INSTITUTE OF ALCOHOLISM AND ALCOHOL ABUSE	
Alcoholism counseling and rehabilitation project (Los Angeles Community Service Organization)	$22,565
NATIONAL COUNCIL ON THE AGING	
Senior community service project	5,118

	Number of classes	1973 budget (Federal)
Department of Health Education, and Welfare and State Department of Education:		
Headstart program:		
Kedren Community Health Center	3	$79,721
Child care and development services	3	77,229
Los Angeles County schools	22	572,644
Los Angeles Urban League	1	26,268
Movimiento Educativo de los Ninos de Aztlan	3	80,407
Foundation for Early Childhood Education	2	52,409
Azteca preschool	6	160,432
Total, Headstart		1,049,110
Department of Labor: Neighborhood Youth Corps: [1] Out of school program		138,124
District 29, grand total		1,918,976

[1] Inschool New York City program not listed.

And, Mr. Speaker, I would also like to point out the impact that some of the recommendations made by the President's budget would have on the Los Angeles city schools. This following report, showing the loss of Federal aid to the Los Angeles city schools alone, is most revealing:

LOS ANGELES
CITY BOARD OF EDUCATION,
Los Angeles, Calif., March 9, 1973.

Hon. GEORGE E. DANIELSON,
House Post Office,
Washington, D.C.

DEAR GEORGE: I am taking this opportunity to express some of the concerns of the Los Angeles City School District with regard to the proposed revisions in federally funded educational programs. The school district staff and I have reviewed the President's budget recommendations and the accompanying presentations pertaining to educational and community development revenue sharing, and although we can see considerable merit to some of the recommendations, we are seriously concerned should the Congress and the President not act in time to prevent

a break in the continuous funding of our present federally funded programs. Any interruption in continuity in the flow of federal funds could result in the loss of much needed assistance to pupils and community personnel in the many educational programs which have been developed by the Los Angeles Unified School District.

To emphasize some of our concerns, the following summary of major programs, including the positions and the amount of funds, is offered:

Program	Positions subject to termination	Funds subject to termination
ESEA Title I	3,274	$29,171,393
EDSEA Title II	9	895,397
NDEA Title III-A		367,800
Adult Basic Education (ABE)	80	849,000
Industry Sponsored Programs (ISP)	37	267,000
MDTA	189	3,000,000
Model Cities	418	4,508,123
Vocational Education Act	126	2,572,264
Work Incentive (WIN)	100	1,180,000
Neighborhood Youth Corps (Regular) [1]	1,315	1,000,000
Neighborhood Youth Corps (Summer) [1]	5,000	2,140,000
Total	10,548	45,950,977

[1] 6,315 NYC Students.

To the above-listed programs could be added a number of programs funded by the Office of Economic Opportunity, New Careers programs, Narcotic prevention programs, etc., whose curtailment or elimination would have serious implications for the Los Angeles community.

The loss or reduction of almost forty-six million dollars of federally funded programs and the resultant employment cutbacks could have serious and far reaching implications for the Los Angeles School District and its future. To fail to call your attention to the gravity of the situation would place me in a situation where I would be remiss in my duty as superintendent.

Sincerely,

WILLIAM J. JOHNSTON,
Superintendent of Schools.

COMMERCIAL BROADCASTING IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, the commercial broadcasters of the United States, the licensees of the public airways, are presently involved in an all-out campaign to expand the broadcast license term and to set standards which will make successful challenges all but impossible.

This legislation may effectively end what little public control over broadcast licensees currently exists. Therefore, I commend to the attention of my colleagues the excellent statement made by Joseph A. Beirne, president of the Communications Workers of America, AFL–CIO, before the Subcommittee on Communications and Power of the Committee on Interstate and Foreign Commerce, March 14, 1973.

Included also are the position statements of the Communications Workers of America and the AFL–CIO Executive Council on the recent Whitehead proposal, which Mr. Beirne feels may be inadvertently adopted in changing the license term.

These statements help clarify what is really at stake in the license renewal question.

STATEMENT OF JOSEPH A. BEIRNE

A massive campaign of scare tactics and bogeymen is under way in the Congress, at the instigation of some of the commercial broadcasters.

These broadcasters want to press the Congress into amending Section 307(d) of the Communications Act so as to provide for a 5-year license term and to make challenges to the stewardship of incumbent liecnsees a practical impossibility.

Currently in circulation is an 8-page paper replete with scare words beginning with the first sentence: "The survival of the free broadcasting system is at stake." This paper, headed "Renewal of Broadcast Licenses—a Background Paper," does not show a source. However, CWA has acquired this paper from the National Association of Broadcasters, which produced it according to reliable information given CWA.

This paper, which cannot be called a fact sheet, makes many sweeping statements "buttressed" by arguments telling, for example, that a certain judge's opinion "implies" that a significant number of licenses should be turned over to newcomers at the end of the three-year license period"; or that "a station's ability to function would be destroyed"; or that "the way would be opened for blackmail and extortion."

Broadcasters, this 8-page paper contends, "are not seeking licenses in perpetuity."

Hopefully, no one besides the scribe who wrote that paper believes what is printed thereon.

The present law, in Section 307(d), provides for 3-year license terms which are renewable "if the Commission (FCC) finds that public interest, convenience, and necessity would be served thereby." This section incorporates by reference Section 405, dealing with petitions for rehearing.

Under the broadcasters' proposal, Congress would be taking away much of the Commission's enforcement power. The first proviso of their proposal, which has numerous variations and many co-sponsors to date, mandates the Commission to renew a broadcast license if the broadcaster has made an as yet undefined "good faith effort" to serve the community and "has not demonstrated a callous disregard" for law or FCC regulations, another undefined concept.

The second proviso of the broadcasters' proposal is to weigh against a renewal applicant his callous disregard or failure to show good faith efforts, if any.

It is that first proviso which serves to choke off the actual possibility of renewal challenge, the only competition present in this monopoly situation.

The Whitehead proposal, which in the last 3 months has caused a shock wave throughout the broadcasting industry, seems not too different from the broadcasters' own proposal. The Administration's clear purpose, however, was to divide stations from their networks, in order to stifle the kind of national news and public affairs being made available to the citizens living far from the seat of government.

The broadcasters appear not to understand that the present language of Section 307(d) is sufficiently protective of their rights and financial interests.

Under the list of precedents and guidelines developed by the Commission, the community-serving broadcaster has a tremendous advantage over any challenger. The present 307(d) language *does not* remove a burden of proof from the challenger, no matter what the trade lobbyists and local broadcasters may say to the contrary.

In recent years, only a few broadcast licenses have been revoked—and those for demonstrably poor public service. Notable examples were the licenses of WHDH, Boston, and WLBT, Jackson, Miss.

The broadcasters seem to have a sizeable error in their reasoning. They seem to be equating the possession of a broadcasting station, in other words, an item of property, with a license to use the airwaves, which are a public resource. I hope the Congress will keep clear the distinction between property and a public resource placed in the hands of a kind of fiduciary. This distinction seems to be getting lost in the efforts to stampede the Congress into action.

Members of Congress have told CWA that they have not had any opposition to the broadcast renewal proposal from their Districts; this is without doubt true. However, limited-group special interest legislation seldom generates any recation from the home District, a fact we all know.

In their eagerness to shut off challenges, the broadcasters have failed to recognize the massive threats that are rampant in the Nation against the true meaning of the First Amendment to the Constitution. They neglect to note that the present climate, as expressed in the Whitehead speech of December 18, 1972, is one marked by the intention to bring the press under close Federal control. The trade-off to sweeten the change is the 5-year license.

The broadcasters may decide they must accept the Whitehead proposal. However, because of the new interpretation of renewal guidelines that must necessarily follow an amendment to Section 307(d), the broadcasters might end up with the same kind of restrictions Dr. Whitehead had in mind when he discussed the Nixon Administration's license renewal proposal. I do not believe the broadcasters truly want that, even if they get their 5-year license authority.

I am certain the members of this Subcommittee are aware of Dr. Whitehead's appearance February 20 before Senator Pastore's Subcommittee, and his inability to cite specifics on the "elitist gossip" and "intellectual plugola" and other "sins" of which broadcasters are presumably guilty, in his view.

What I am trying to convey to the Subcommittee is that any amendment to the Communications Act should be undertaken after the lobby pressure has subsided. New language may lead to restrictions. If a broadcaster observes the proprieties of the Fairness Doctrine and offers a wide range of program content, he need not worry about his license renewal. Even if he is challenged, he will be contending with a private party. I cannot stress too strongly my fear that a change in the Communications Act, as contemplated in the array of bills before this Subcommittee, may lead to the White House as the antagonist in renewal cases.

And that is where I differ with the broadcasters. Let me offer my sympathetic comments to the broadcasting industry. The owners need to make profits in order to continue operating, in addition to justifying investment. I would normally believe that a broadcasting station not operating at a profit would have to be sold at a capital loss. However, I have learned that this is not an axiom. I would suggest, for example, that someone look into the Commission's license file on Station WGKA, Atlanta, which several years ago was sold at a sizeable profit despite its having been operated for some time at a deficit.

Only last week, another ominous incident occurred within broadcasting. CBS, bowing to pressure from a large number of its affiliates, withdrew the Joseph Papp production of "Sticks and Stones," which has been termed an anti-war drama. Of course the stations have denied that the White House has generated the pressure against showing the program. And if broadcast stations carry TV programs that are not anti-war, such as "The Green Berets," then there seems to be

an obligation to carry the periodic dramatization that is anti-war. And no one, his position on Vietnam or any other war notwithstanding, should stifle the traffic in ideas. I am grieved that CBS decided against carrying the program; the resulting furor over cancellation of the program has now made the program, "Sticks and Stones," into a genuine cause.

Aside from abridging the Commission's authority to set the kind of standards necessary to ensure that the airwaves are not abused by licensees, and there have been cases of abuse, the 5-year license renewal period would cause a practical problem at the Commission. The FCC personnel reviewing an application for renewal would have a 5-year period of records to examine, adding significantly to the workload. In a longer license period, a pattern of low quality performance (i.e., not meeting community needs) would be averaged in to a level difficult or impossible to attack. And a period of bad performance at the beginning of a 5-year period would mean an inordinately long time before the enforcement sanctions could set in.

The longer license period would also require the broadcast licensees to go to added work, furnishing information on a period of stewardship longer than the present.

Finally, there is the question of "due process," a cherished concept in American tradition. The station licensee now has standards which have been developed over the years that the present language of Section 307(d) has been in effect. He does in fact have the full due process of law as his protection under the present law.

The terms of art such as "good faith efforts" and "callous disregard" must be defined, for the Commission's guidance, if the Communications Act is amended. Otherwise, the Congress may be creating a truly chaotic situation for the broadcasters.

For the use of the Subcommittee, I have provided copies of the recent statement of the CWA Executive Board, "Broadcasting or 'Narrowcasting'," which condemns the Whitehead proposal. We do not see much improvement in the industry proposals, and can envision that the industry could come to regret having pressed for this legislation.

I was among the supporters of the AFL–CIO Executive Council policy statement of February 23, entitled "The Administration's Attack on the Fairness Doctrine." For the Subcommittee's use, I also am providing copies of the AFL–CIO statement. This statement also opposes amending the Act in the fashion requested by the broadcasters.

BROADCASTING—OR "NARROWCASTING"?

The language of George Orwell's "1984" was "Newspeak," by which truth became falsehood and freedom became slavery.

Recent activities of the Executive Office of the President have indicated that the Nixon Administration has made an Orwellian policy decision to continue its attacks on the First Amendment to the Constitution, by attempting to bring the free press under White House control. If the Administration succeeds, it will make broadcasting into "narrowcasting."

The key issue in the "Pentagon Papers" case was that for a 2-week period, the First Amendment was in a state of suspension by a court edict, which was rolled back by a 1-vote margin in the Supreme Court. Regardless of the merits of the Vietnam war, the press should have been free of government interference in the publication of the papers, since genuine national security was not involved.

In November 1969, Vice President Agnew opened the administration attack on the free press, by his criticism of the broadcasting industry. Since that time, he and others speaking for the President have increased the drum-fire of hostility toward broadcasters and other news media.

Late in 1972, the Administration succeeded in its attempt to subjugate the Corporation for Public Broadcasting, which had been established by the Congress in 1967 as an independent entity. The Administration has all but eliminated effective public affairs programing on the public broadcasting network. Its efforts included the "divide and conquer" strategy, which pits the local public stations against the Corporation on fund allocation, program content and other important matters.

In December 1972, Dr. Clay T. Whitehead, Director of the White House Office of Telecommunications Policy, unveiled the latest assault on the free press. In the guise of helping broadcasters by increasing the license period from 3 to 5 years, the White House is also intending to make broadcasters hesitant to present network news and programing by exercising more "local responsibility."

Dr. Whitehead's December 18 speech is replete with high-sounding phrases about ways in which broadcasters can "offer the rich variety, diversity and creativity of America" on television, and how "the truly professional journalist recognizes his responsibility to the institution of a free press."

In connection with a discussion of the "Fairness Doctrine," Dr. Whitehead stated: "For too long we have been interpreting the First Amendment to fit the 1934 Communications Act," calling that interpretation an "inversion of values."

Dr. Whitehead has proposed that Congress enact his bill, which would have as sweeteners the 5-year license renewal and more stringent requirements for citizen groups to challenge license renewals. The dangerous part of the Whitehead proposal is that government takes unto itself power to determine whether the individual station has been programing to meet vague and undefined government standards. The Communications Act, in its 38 years, never has given government the power to intervene in program content. The Whitehead bill would have that practical effect.

The Executive Board of the Communications Workers of America, recognizing the fragile nature of our First Amendment freedoms, hereby condemns the Whitehead proposal and urges the Congress to take no action thereon.

[Statement by the AFL–CIO Executive Council, Feb. 23, 1973]

THE ADMINISTRATION'S ATTACK ON THE FAIRNESS DOCTRINE

In August 1971, this Council adopted a policy statement which urged the Federal Communications Commission to "broaden and liberalize its fairness and related doctrines" and to "undertake effective enforcement programs to make them a reality." We called attention to and deplored the Commission's long record of lethargic enforcement.

The AFL–CIO shares the concern of the general public that private individuals and groups should have a fair opportunity of access to the airwaves to present their views on public issues, and that these airwaves, which are public property, must not be monopolized by the views of licensees and commercial advertisers. The AFL–CIO has, moreover, a special interest in this subject, in that some licensees are given to disseminating anti-union propaganda generally, while others have sometimes sold time to an employer to state its view during a labor dispute while refusing to sell time to the union.

This Council's August 1971 statement was evoked by the FCC's announcement that it was undertaking a "broad-ranging inquiry into the efficacy of the Fairness Doctrine" and other inter-related rules and principles. In the year-and-a-half since then, the Commission has indeed inquired, but thus far it has brought forth not even a mouse.

Instead, the Administration has recently proposed that the Commission's efficacy be further enfeebled and attenuated (1) by lengthening the license period from three years to five; (2) by forbidding the Commission from adopting "any predetermined performance criteria . . . respecting the content of broadcast programming"; and (3) by providing that a license can be taken from an incumbent and granted to a competing applicant only through a two-hearing proceeding, in which the licensee is first found to have failed in its minimum obligations, and then loses to a competing applicant in a comparative hearing. This last proposal is similar to ones which the industry has been advocating and public interest groups opposing for several years.

Curiously, these proposals to give the industry virtually complete freedom from government scrutiny have been put forward by the Administration at the same time that Administration spokesmen have launched a barrage of attacks upon the networks for supposed "ideological bias" against the Administration, and as dispensers of "elitist gossip". Obviously, the legislative proposals do not logically follow from the thesis of the speeches. The reverse is true: if networks and their affiliates have been derelict in their responsibilities, the rational cure is more government oversight, not less.

The answer to this apparent paradox is, we fear, the one suggested by Commissioner Nicholas Johnson. The Administration proposes to give licensees freedom from even the feeble authority the Commission now exercises, but only if the industry shapes up and eliminates the "ideological bias" against the Administration imputed by Administration spokesmen to the networks. In other words, the content of network news and comment must be made more acceptable to the Administration.

We oppose in toto the proposed legislation, or any other that would weaken the Commission's administration of the Fairness Doctrine and related doctrines.

We assert:

1. The Commission should show more vigor in enforcement of the Fairness Doctrine, not less.

2. Station licensees have too much security of tenure, not too little. Only one licensee has ever lost its license for violations of the Fairness Doctrine, and then by the mandate of the courts, not by the choice of the Commission.

3. The networks, by and large, show a greater awareness of their obligations under the Fairness Doctrine, the personal attack rule, etc., than do most local stations. We assert this flatly, even though we have had disagreements with the networks on this subject and are far from satisfied with their performance. But in our experience the worst offenders are not the networks but local stations—and, very often, the more local the worse the performance.

4. The attempt of the Administration, whether by carrot or stick, to induce licensees to an ideological slant more to the Administration's liking is a grave threat to First Amendment freedoms. It should be flatly rejected by the industry and, if the industry is too short-sighted to perceive its own long-range interest, by the Congress.

EXECUTIVE PRIVILEGE—FOR THE CHIEF EXECUTIVE ONLY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today introducing legislation which would

effectively limit the exercise of any so-called executive privilege to the Chief Executive only. The issue of executive privilege has been of great concern to many of us for a long time. We are all aware of the phenomenal growth of executive power at the expense of the legislative branch. We have all been witness, for example, to the use of executive agreements in place of treaties requiring Senate advice and consent. Such growth threatens the fiber of our government conceived as a system of checks and balances.

My statement today discusses two recent instances that the use of executive privilege hindered Congress in acquiring information for carrying out its duties. It lists in tabular form numerous other instances of the use of executive privilege. Second, it discusses the dubious historical foundation for the privilege.

This past January, Secretary of State William P. Rogers invoked executive privilege and refused to testify before the Senate Foreign Relations Committee on Vietnam War Policy. In the same month, prior to assuming their cabinet duties, Elliot L. Richardson and Claude S. Brinegar expressly declined to comment on the war at Senate confirmation hearings—Congressional Quarterly Weekly Reports for January 13, 1973, at pages 53, 60, and January 20, 1973, at page 67.

In April 1972, prior to confirmation of Richard Kleindienst as Attorney General, the Senate sought information of the dealings of the Justice Department with I.T. & T. Executive privilege was invoked to keep Peter Flanigan from testifying. As a confidential adviser to the President, he was allegedly entitled to claim executive privilege. Inconsistently, it was alleged both that Mr. Flanigan dealt solely with Robert McLaren and also that the President had no knowledge of the McLaren-Flanigan discussions. Eventually, a mutual arrangement was agreed upon which limited the questions Members of Congress could ask Mr. Flanigan. Discussed in detail in an article by Arthur Selwyn Miller, "Executive Privilege: Its Dubious Constitutionality," appearing in the daily edition of the CONGRESSIONAL RECORD for October 2, 1972, at page 33066.

Other instances of claims of executive privilege too numerous to discuss are listed below:

CLAIMS OF EXECUTIVE PRIVILEGE

April 27, 1972: Treasury Secretary John Connally refuses to testify before Joint Economic Committee on matter of the Emergency Loan Guarantee Board refusing to supply requested records on the Lockheed loan to the Government Accounting Office. (*Washington Evening Star*, 4/27/72)

March 20, 1972: Frank Shakespeare, Director of the U.S. Information Agency, refuses to supply copies of USIA program planning papers for various countries—invokes executive privilege. (*Washington Evening Star*, 3/21/72)

March 20, 1972: State Department refuses to supply Senate Foreign Relations Committee with a copy of "Negotiations, 1964–1968: The Half-Hearted Search for Peace in Vietnam." (Washington *Post*, 3/20/72)

March 15, 1972: President Nixon invokes executive privilege in the request of the House Foreign Operations and Government Information Subcommittee for country field submissions for Cambodian foreign assistance for the fiscal years 1972 and 1973. (New York *Times*, 3/17/72; Congressional Record, vol. 118, pt. 7, pp. 8694–8695.)

August 31, 1971: The Department of Defense refuses to supply foreign military assistance plans to the Senate Foreign Relations Committee. (New York *Times*, 9/1/71)

June 9, 1971: The Department of Defense refuses to release computerized surveillance records and refuses to agree to a Senate Constitutional Rights Subcommittee report on such records. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 398–399)

April 19, 1971: The Department of Defense refuses to allow three designated generals to appear before the Senate Constitutional Rights Subcommittee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 402)

April 10, 1971: The Department of Defense refuses to supply continuous monthly reports on military operations in Southeast Asia to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 47).

March 2, 1971: Department of Defense General Counsel J. Fred Buzhardt refuses to release an Army investigation report on the 113th Intelligence Group requested by Senate Constitutional Rights Subcommittee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 402–405)

March 19, 1970: Secretary of Defense Melvin Laird declines invitation to appear before Senate (Foreign Relations) Disarmament Subcommittee. (New York *Times*, 3/19/70)

December 20, 1969: The Department of Defense refuses to supply the "Pentagon Papers" to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, pp. 37–38)

August 9, 1969: The State Department refuses to provide defense agreement between U.S. and Thailand to the Senate Foreign Relations Committee. (New York *Times*, 8/9/69)

June 26, 1969: The Department of Defense refuses to supply the five-year plan for military assistance programs to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 40)

April 4, 1968: The Department of Defense refuses to supply a copy of the Command Control Study of the Gulf of Tonkin incident to the Senate Foreign Relations Committee. (Committee on the Judiciary, United States Senate, *Executive Privilege: The Withholding of Information by the Executive*, 92nd Congress, First Session, p. 39)

(Research by Harold C. Relyea, Congressional Research Service, excerpts appeared in daily edition of the *Congressional Record*, 6/20/72 at p. 5820).

Turning from the frequency of use of executive privilege to its validity as a doctrine, there is serious doubt that historical precedent justifies a claim of executive privilege. Prof. Raoul Berger, senior fellow in legal history at Harvard Law School, a member of the American Law Institute also serving as past chairman of its administrative law section, appeared before the House Subcommittee on Foreign Operations and Government Information and extensively documented the lack of historical foundation for executive privilege. Advocates of executive privilege claim that it is based on the doctrine of separation of powers. They reason that Congress encroached upon matters entrusted to the executive. Professor Berger discussed precolonial political thought and oft-cited examples of the use of executive privilege in Washington's administration. He concluded that neither supports the claim that the doctrine of executive privilege is founded on the separation of powers. Professor Berger also discussed the few cases which have considered the problem of executive privilege and concluded that none of them limited the power of Congress to inquire into executive conduct. He proposed these solutions:

(1) a statute authorizing a suit on behalf of Congress against a member of the executive branch.

(2) a permanent attorney who could screen congressional committee application for potential lawsuits.

(3) resort to the Congressional contempt power.

Professor Berger concluded:

Until Congress faces up to the fact that the swelling tide of executive privilege claims can be stemmed only by decisive Congressional action, executive claims will continue to clog Congressional performance of vital functions." (CONGRESSIONAL RECORD, vol. 118, pt. 15, p. 19061.)

The recent pronouncement by President Nixon that "executive privilege" extends not only to current members of the White House staff but to former members as well should serve as an even greater impetus to the Congress to clarify and define what this privilege may be.

The "Nixon Doctrine of Executive Privilege" evolved out of the Senate Judiciary Committee's confirmation hearings on the nomination of L. Patrick Gray to be Director of the Federal Bureau of Investigation. Those hearings disclosed that information concerning the FBI's investigation of the Watergate incident was made available to the President's counsel, Mr. John Dean, in the White House. This unusual procedent appears to have put the chief law enforcement agency, the FBI, squarely in the political arena. Evidence further suggests that the FBI had knowledge of White House staff involvement in the Watergate case and turned that information over to Mr. Dean. At the same time, the White House steadfastly denied any involvement.

Now the President, in connection with the Gray hearings, has refused to allow Mr. Dean to appear before the Senate Judiciary Committee, claiming not only executive privilege but also the attorney-client privilege.

At question is the Congress' ability to perform its constitutional duties. In this case, the Senate is charged with the responsibility of confirming Presidential nominations. If the Senate is to carry out that constitutional power and responsibility, clearly it must have the benefit of all available information. If such information includes the testimony of White House officials, then that testimony should be forthcoming.

I strongly support and defend the fundamental constitutional principle of the separation of powers. I question its

application in the issue of executive privilege however, or even the existence of such a thing as executive privilege, except as it applies directly to the President himself.

The Congress should have access to all information on matters which fall within its jurisdiction. The executive branch has argued that complete access would hinder its discharge of its constitutional responsibilities. I find it difficult to follow this line of reasoning, and cannot understand what information would, if furnished to the Congress, hinder the Executive in this manner.

The bill I am introducing today is simple and straightforward. It amends the Freedom of Information Act and requires that administrative agencies and Executive Office staff members either furnish information or appear before congressional committees when requested by Congress on "matters within its [Congress'] jurisdiction."

Tomorrow the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee begins hearings on the subject of so-called executive privilege, under the very able leadership of Congressman BILL MOORHEAD. I commend Chairman MOORHEAD for scheduling those hearings and share his hope that a "rational and intelligent" solution can be found to the problem.

I submit to the House, that if there is to be "executive privilege" let it extend only to the Chief Executive.

Mr. Speaker, the text of my proposal follows:

H.R. 6438

A bill to amend the Freedom of Information Act to require that all information be made available to Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552 of title 5 of the United States Code (the Freedom of Information Act) is amended by adding at the end thereof the following:

"(d)(1) Whenever either House of Congress, any committee thereof (to the extent of matter within its jurisdiction), or the Comptroller General of the United States, requests an agency to make available information within its possession or under its control, the head of such agency shall make the information available as soon as practicable but not later than thirty days from the date of the request.

"(2) Whenever either House of Congress or any committee thereof (to the extent of matter within its jurisdiction) requests the presence of an officer or employee of an agency for testimony regarding matters within the agency's possession or under its control, the officer or employee shall appear and shall supply all information requested.

"(3) 'agency', as used in this subsection means a department, agency, instrumentality, or other authority of the Government of the United States (other than the Congress or Courts of the United States), including any establishment within the Executive Office of the President."

TOWARD MORE RATIONAL SUPREME COURT DECISIONS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am introducing a resolution proposing an amendment to the Constitution which, if ratified by the States, would require the concurrence of a 2-to-1 majority of all Supreme Court Justices present and sitting in order for the Supreme Court to render an opinion or decision in any case.

As you know, current practice by the Supreme Court requires only a simple majority of those present to render a decision. With nine Justices on the Bench, only five are presently necessary for a decision.

History has recorded several 5 to 4 decisions handed down by the Supreme Court which have significantly changed our understanding of the meaning of State laws, Federal laws and the Constitution itself by virtue of the single vote of one Justice. Such a narrow margin should be insufficient to overrule the prior precedent of established law. Five-four decisions cast grave doubts in the mind of the public and the mind of our legal community as to whether or not a specific decision should be adhered to or compiled with until a clearer statement from the Court indicates permanent application of the decision. Instead of resolving disputes, the present scheme encourages future litigation.

Too often the rule of stare decisis has been circumvented by the Court. Stare decisis is that Latin maxim which means "to abide by, or adhere to, decided cases." Even when a large minority of the Court disagrees, stare decisis may be abandoned and precedent may be overruled with little difficulty.

In dealing with constitutional questions, it is most important that the Court primarily exercise its function of applying the law and avoid "judicial legislation." As Mr. Justice Sutherland said in *West Coast Hotel Co.* v. *Parrish,* 300 U.S. 379, at 404:

> The judicial function is that of interpretation; it does not include the power of amendment under the guise of interpretation. To miss the point of difference between the two is to miss all that the phrase "supreme law of the land" stands for and to convert what was intended as inescapable and enduring mandates into mere moral reflections.

Requiring a larger majority of the Court for opinion would greatly enhance the image and the prestige of decisions handed down by the Supreme Court and, thus, the Court itself.

Mr. Speaker, I urge the support of my colleagues on this much needed legislation.

FREEDOM OF CHOICE ON SCHOOLS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I offer a joint resolution proposing an amendment to the Constitution concerning a fundamental principle cherished by all truly free people—freedom of choice and, specifically, the freedom to select the school which one chooses to attend.

The proposed amendment reads:

> The right of any citizen to be assigned to the public school of his parent's or guardian's choice if a minor, or to the public school of his choice if an adult, shall not be denied or abridged by the United States either directly or by means of a condition to the receipt of Federal financial assistance.

The language is simple and the proposition it enunciates would seem to be self-evident and an inherent attribute of life in a country which prides itself on individual freedom and was founded on the principle of the inalienable rights of all citizens to life, liberty, and the pursuit of happiness.

Nevertheless, the increasingly zealous efforts of the Federal courts to impose artificial racial balances on the Nation's school systems by means of massive and disruptive busing orders, wholesale consolidation of school districts, and enforcement orders which may lead to fund cut-offs, have necessitated the proposed amendment to the Constitution to restore fundamental freedoms which are steadily being eroded. Only recently, February 16, 1973, for instance, a Federal district court judge here in the District of Columbia issued a sweeping order to the Department of Health, Education, and Welfare to take certain enforcement actions against schools and school districts, including higher educational institutions, elementary and secondary schools and vocational schools, which were found to be in violation of requirements of title VI of the 1964 Civil Rights Act and court ordered desegregation plans. The enforcement proceedings ordered by the court could result in the withholding of Federal aid to schools and school districts—aid which is essential to the continued vitality of many of the institutions. The constitutional amendment I propose would make such denial or abridgement of educational opportunity by means of the Damoclean sword of Federal fund cut-off illegal and insure that the right of citizens to attend the school of their choice will not be compromised or conditional.

Cries of racism from professional trouble makers may greet the introduction of a constitutional amendment such as this. However, the cause of freedom for all is advanced, not diluted, by this proposal and the underlying principle of the Supreme Court's decision in Brown against Board of Education—that students cannot be assigned to schools on the basis of race or color—is fulfilled, not defeated, by this amendment. The rationale of Brown has been tortured by the courts which, in their quest for artificial racial balances, have imposed the very racial assignments condemned by the Court nearly 20 years ago. Furthermore, the very underpinnings of the constitutional doctrines which have evolved regarding desegregation—the social science data so eagerly embraced by the Court in Brown and its progeny—have recently been seriously, if not fatally, undermined by studies which demonstrate that racial desegregation does not affect the student's eventual educational attainment.

The route of amending the constitution is a serious one but one which I believe is necessary if we are to be liberated from the tyranny perpetrated by judicial fiat in the name of constitu-

tional rights. As stated recently by Senator ERVIN, a foremost expert in constitutional law:

The adoption of a constitutional amendment is now a prerequisite for restoring freedom to America's schoolchildren and for eliminating judicial tyranny with respect to our public schools.

Mr. Speaker, only by the means of amending the fundamental law of the land, the Constitution, will we be able to readjust the balance so badly skewed in recent years. By this amendment we are not changing the Constitution, but reaffirming its fundamental principles of freedom for all citizens of the United States.

SOVIET TRADE: AT WHAT COST?

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, opponents of granting MFN treatment to the Soviet Union have based their arguments, for the most part, on the question of allowing Soviet Jews to emigrate without having to pay a discriminatory tax to do so. As a cosponsor of the Vanik bill in the House, I feel strongly that this question must be resolved as a precondition to the discussion of this issue by the Congress.

I was interested, however, in an article which appeared in the Exodus, a newspaper of the Union of Councils for Soviet Jews, which appeared in the February 1973 issue, raising the question of whether or not expanded trade with the Soviet Union is in our best interests under any circumstances, considering the monetary and nonmonetary costs involved.

Cited, for example, was James Reston's column which expressed concern that continued and expanded trade with the U.S.S.R. for such things as energy sources controlled by the Soviets would create an unhealthy dependency, which risks the possibility—in the event of a military emergency—that these products could be cut off. According to Reston, trade dependency of this type could present a real security problem for the United States.

Also mentioned, was the definitive study of Soviet trade by Dr. Anthony Sutton, of Stanford University, which has shown that in the past 10 years of trading with the Soviet Union, products made in the United States have turned up in Soviet-made tanks and trucks found in Vietnam and on the Israeli borders. Dr. Sutton's conclusion:

If a decade of such trade (it began in the early 60's) did not produce peace, why multiply the problem.

Historically—when you consider lend-lease—the Soviet Union has proven to be a poor credit risk. To make matters even worse, products that are now being purchased by the U.S.S.R. are being financed by the already overburdened American taxpayer. And what is often overlooked when we talk about our balance-of-payments deficit is that in recent years the largest part of the deficit is not in the actual trade balance itself, but in foreign capital investment.

Mr. Speaker, as food for thought, I ask that the article mentioned in the Exodus for February 1973 follow my remarks at this point.

SOVIET TRADE: AT WHAT COST?

(By Harold B. Light)

Last month I dealt with the phenomenal support built up in Congress to withhold trade concessions to the Soviet Union, unless the USSR grants free emigration and rescinds the ransom tax to Soviet citizens. At this writing over 170 Congressmen have co-sponsored the Vanik Bill. On the surface it would appear that all this effort results from sympathy for the Soviet Jews, but is this entirely true? With only two Jewish Senators, and a sprinkling of Jewish Congressmen, it is obvious that many legislators are seriously opposed to many phases of the Soviet Trade agreements simply because of the inherent disadvantages to broad American interests.

This might be the right time to bring up the question, "What's so good about trading with the Soviet Union?" James Reston wrote recently in the New York Times describing the hundreds of American businessmen visiting the USSR discussing trade exchanging patents and technological methods. They are contracting to build truck plants and chemical plants. The U.S. Occidental Petroleum Corporation has signed a $10 billion deal to develop drilling rights for natural gas and oil, and to build a massive pipeline for the Russians which they cannot build themselves. Reston wonders about "the wisdom of depending upon energy sources controlled by the Soviets, risking the possibility that these sources could be cut off in any military emergency." He asks, "Are the short range interests of commercial deals by the USA compatible with the long range interests of security? Now that the election is over, these commercial deals are being made piecemeal, without references to the strategic problems involved."

Dr. Anthony Sutton's 10-year study of Soviet Trade, conducted at Stanford University, names U.S. companies and products presently being used in Soviet military tanks and trucks appearing in Vietnam and on the Israeli borders. He concludes that "If a decade of such trade (it began in the early 60's) did not produce peace, why multiply the problem?"

Bob Considine has termed the Soviet War Debt terms an insult, showing how the original $11 billion lend lease debt to the U.S. was gradually "negotiated" down to $722 million by Henry Kissinger and President Nixon after 17 years of no payment, and with 30 more years to pay at an unspecified rate. Inflation alone would wipe out that debt, meaning no more repayment at all.

On July 8, 1972, President Nixon granted the USSR $500 million credit to buy U.S. wheat. The lurid details of the wheat deal have revealed that the profits of hundreds of millions of dollars to the insiders will be borne by the American public in increased costs and subsidies. So why is trade so good? SALT talks and Nuclear Disarmament? Yes, but why should the U.S. give the Soviet Union all its computer technology, production know-how, data processing equipment (they are at least 8 years behind us in those fields; see New York Times, October 11, 1972), when they have nothing that we want to buy. Certainly, no American manufacturer will build them a factory and no American bank will finance it, without U.S. Government insurance for the debt; that means the American taxpayer could wind up paying the bill. Historically, the Soviets are a poor credit risk.

At this writing, we are beginning to see important articles written to indicate that the American public should not allow a concern for Soviet Jews to interfere with its "own best interests." Hopefully, the support now built up in the Congress will not run out of momentum by the time Congress gets caught up in its flood of new bills this session. This may very well depend upon a steady stream of letters and telegrams to every Congressman and Senator to support the Vanik Bill (formerly HR 17131) and the Jackson Amendment (S. 2620), on East-West Trade and the Soviet Education Tax.

Perhaps the only positive aspect of the infamous ransom tax is that the Kremlin handed us a valuable weapon to mount an antitrade bill campaign. Otherwise, we could assume that Congress might have already granted these trade concessions. The Vanik and Jackson legislation has given us more time to fight the battle.

If we can delay, or possibly even deny the Soviet Union that which they want most, the Kremlin will know that their treatment of our Jewish brethren has cost them dearly. On many occasions I have told high Soviet officials that eventually they will let our people go. Further, that this will happen when the price is so high that they cannot afford to keep them. It is up to every one of us to keep raising that price. Then, and only then, they will let our people go!

GREAT LAKES FLOODING

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as a result of a request from our distinguished colleague, Representative CHARLES A. VANIK, the Inter-American Affairs Subcommittee on Friday, March 23, and Monday, March 26, conducted oversight hearings on U.S. participation in the International Joint Commission, United States and Canada—IJC. The issue of primary concern in the hearings was the present and continuing danger of serious flooding along the Great Lakes. The IJC has important responsibilities under the 1909 Boundary Waters Treaty with Canada, which affects lake levels.

In view of information developed at the hearings and the need for urgent action to provide relief, however small, the Subcommittee on Interamerican Affairs sent the following letter to the Secretary of State which I know many of my colleagues will find of interest:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 27, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: In view of the current danger of flooding in the Great Lakes area, the Inter-American Affairs Subcommittee urgently requests the Department of State to immediately negotiate an agreement with Canada to seek a report from the International Joint Commission, to be completed within five days, on the advisability of temporarily increasing the diversion of waters of Lakes Michigan-Huron through the Chicago diversion canal.

The subcommittee also requests that urgent attention be given to the legal question of whether the IJC, its U.S. section, or any other U.S. federal agency can seek modification of a U.S. Supreme Court decree now restricting diversions through the Chicago canal.

Positive findings as to the advisability of any additional diversion and the legal status of the federal government would indicate a

need for immediate federal legal action to seek modification of the present U.S. Supreme Court decree to allow diversion required to alleviate flooding conditions threatening large areas of the United States.

Sincerely,

PETER H. B. FRELINGHUYSEN,
CHARLES W. WHALEN, Jr.,
MICHAEL HARRINGTON,
ABRAHAM KAZEN, Jr.,
DANTE B. FASCELL,
BENJAMIN S. ROSENTHAL,
H. R. GROSS,
ROY A. TAYLOR,
ROBERT H. STEELE.

JAMES P. GRANT: WHERE NEXT WITH DEVELOPMENT ASSISTANCE?

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, James P. Grant, president of the Overseas Development Council—ODC—notes that the organization he heads "was established in 1969 to increase American understanding of the problems facing the development countries and the importance of these countries to the United States."

The ODC has now published a survey of the major problems facing the United States in its relations with the developing countries. "The United States and on the general theme. There is an over-the Developing World: Agenda for Action" includes a series of useful chapters view essay by Robert E. Hunter who directed the project. I am familiar with and have long admired Bob Hunter's work. Theodore M. Hesburgh, Chairman of the ODC Board wrote the introduction.

I was especially interested in Jim Grant's contribution to the book. He has wrestled with the question, "Where Next With Development Assistance?" The resulting essay is a provocative one, one that I commend to the attention of my colleagues.

In his foreword to the new book, Jim Grant promises similar follow-on publications if "Agenda for Action" proves helpful to Americans. Based upon my reading of this first agenda project, I suspect Grant, Hunter, and the ODC will be busy for the foreseeable future. "Agenda for Action" fills a very real need: Chapter 5 of the book follows:

CHAPTER V: WHERE NEXT WITH DEVELOPMENT ASSISTANCE?

(By James P. Grant)

President Nixon's successful visits to Peking and Moscow last year marked not only the ending of the cold war era but also of the associated era of foreign aid, in which the justification for large-scale economic cooperation with the low-income countries was largely based on the existence of the global confrontation. As discussed in other chapters, however, continued American progress in a growing number of areas is increasingly dependent on the attitudes of, and developments in, the countries of Asia, Africa, and Latin America—at a time when their needs extend far beyond just the continuation of economic growth. There is an opportunity to be found in the coincidence of certain trends: the shift away from the cold war, the improving economic situation in the United States, and emerging public consciousness of our growing interdependence with other nations—including many in the developing world. This opportunity sets the stage for a major new assessment in 1973 and 1974 of American interest in the low-income countries and the best means of working with them.

As this chapter will argue, however, the United States should take certain actions without waiting for the outcome of this review. First, it should maintain its multilateral and bilateral economic assistance at a level at least sufficient to encourage the still growing development assistance of Western Europe and Japan. Second, the United States should initiate and play a leading part in a multilateral effort for Indochina's economic rehabilitation after the fighting stops. Finally, as a first response to changing needs, it should separate development cooperation from security assistance, while improving subtantially the coordination of the many efforts which affect U.S. economic cooperation with the poor countries.

Since President Truman began the Marshall Plan for Europe in 1948 and the Point IV technical assistance program for the developing world in 1949, foreign economic aid has been a principal symbol of U.S. concern for global problems. In recent years, developing countries have achieved unprecedented progress in increasing industrial and agricultural output. And since 1960, there have been massive increases in Western European and Japanese development aid, the combined total of which is now about $4.5 billion annually. Nevertheless, it is now obvious that U.S. policies must be thought through again. As the American rationale for development cooperation has weakened and become uncertain, U.S. economic assistance of all types has dropped to approximately $3.5 billion a year, including economic aid to Vietnam and credit sales of agricultural surpluses under the Food for Peace program. The United States has now slipped to twelfth among the sixteen industrialized member nations of the Development Assistance Committee (DAC) of the OECD in terms of the proportion of its gross national product (GNP) devoted to development assistance. And the United States is well on its way toward the distinction of last place.

The importance of official development assistance (ODA) from the DAC countries can be seen from the fact that it now totals approximately $8 billion of a total resource flow of some $80 billion annually to developing countries. A slightly larger amount comes from activities such as direct investment, export credits, and private voluntary aid, while nearly 80 per cent of the resource flow is financed by the foreign earnings of poor countries through the sale of goods and services.

In part, the reason for the decline in U.S. official development assistance lies in the increasingly meager support for the program in Congress as the cold war has waned, domestic problems have become more pressing, and the program has been caught in the controversy between Congress and the Executive Branch over Vietnam. Even continuation of the present, already shrunken bilateral program has been in doubt. In recent years, the bilateral aid program has frequently come close to being killed; twice it has been voted down temporarily in the Senate. Currently, foreign aid is in existence only on the basis of a continuing resolution; no appropriation bill has been passed for this fiscal year (FY 1973) for either the bilateral or the multilateral program. Regardless of what happens to appropriations for this fiscal year, new authorizations for FY 1974, beginning July 1, 1973, must be enacted if the bilateral development assistance programs are to be continued. Thus, having rejected the major recommendations of the Peterson Task Force on foreign assistance,[1] Congress must act one way or the other on development assistance legislation in 1973.

MAJOR ISSUES FOR DECISION

There are several major issues to be faced in any reappraisal of the U.S. role in development assistance for the rest of this decade.

1. *Why bother with development assistance?* Most urgent is the need to establish whether or not large-scale development assistance has a major role in the new era that lies ahead. This requires a three-step analysis to show 1) whether we have a stake in the development of the poor countries and in securing their cooperation on issues of concern to us; 2) if so, whether development assistance will help significantly, by meeting some poor-country developmental needs; and 3) if the first two questions are answered in the affirmative, what kinds of development assistance are important in helping to meet those developing-country needs?

The first of these questions is hardest to answer. Having justified development cooperation largely in cold war and humanitarian terms, most Americans have not thought through—to the same extent as have the Europeans and the Japanese—the other purposes which it might serve. There is now a need to examine ways in which development assistance may be important to the new needs of the United States as it increasingly becomes a "have not" nation in terms of raw materials, and as the continued improvement of its well-being becomes ever more dependent on the cooperation of developing countries in such matters as monetary policy, markets to provide U.S. trade surpluses, environmental protection, narcotics control, and hijacking.[2] Thus far, moreover, we have paid little attention to such questions as whether our development assistance policies have been instrumental in the increase of U.S. exports to developing countries by some $5 billion annually over the past ten years, or in the provision of a badly needed $2 billion U.S. trade surplus in 1971. As a consequence, virtually no consideration has been given to determining whether this surplus, or this growing market for U.S. exports, might disappear if the United States does not reverse its present declining participation in development assistance.

2. *How successful have the poor countries been?* There is also a need to examine the ways in which development assistance can make the greatest contribution to development. Of necessity, doing this will require some assessment of developing country progress.

During the 1960s, the developing countries on average achieved a 5.5 per cent increase in GNP—a rate of growth unequalled by the rich countries at a comparable stage of their development. A number of developing countries have experienced very substantial economic growth, attaining GNP growth rates of 10 per cent or even higher. Some low-income agricultural societies have been transformed into industrializing economies in amazingly short periods, and others may well follow suit. Except for petroleum, the growth of trade in primary products has been far from dramatic, but exports of manufactured goods have shown dynamism; for the developing countries as a whole, they have been increasing rapidly and now account for 23 per cent of total world exports. Yet many developing countries' unemployment levels are still increasing, some even exceeding those of our own Great Depression;[3] the income gap between the poorest half of the population and those well-off is actually widening, and urban settlements are mushrooming because of rural migration. In many areas these problems become less

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manageable every day because population growth continues unrestrained. Finally, if the debt burden that has built up in a number of major developing countries continues to accumulate, it will become insupportable. This situation has led some people to throw up their hands in despair, others to argue that aid is only "making the rich richer," and still others to state that development is aggravating global environmental and population problems.

These are real issues which must be met in seeking to answer the question: "Where next with development assistance?" Fortunately, experience in a number of poor countries during the past ten years offers some encouraging evidence that an effective combination of domestic as well as international policies can create new jobs, increase social services, reduce income disparities, and check population growth.[4] The possibility is best illustrated in East Asia, by countries with very different political and economic systems: namely, China and North Korea on one side of the ideological barrier, and South Korea, Taiwan, and the city-states of Hong Kong and Singapore on the other. Contrary to a common assumption of the 1960s, the development record of these countries indicates that policies that enhance social equity need not deter overall economic growth—and can even speed it up. Elsewhere, countries as different as Israel, Cuba, Ceylon, and Yugoslavia have dealt effectively with some of the problems discussed here.

It is no accident that most of the non-Socialist development "successes" have taken place in societies with broad access to a combination of trade, investment, and aid. Nor is it an accident that the major innovations introduced through development cooperation have resulted primarily from U.S. assistance programs—private and public—which explicitly concentrated on particular functional areas. These innovations include the "green revolution," the extraordinary spread of public health measures, and the acceptance of the need for large-scale family planning programs and their subsequent introduction. If the rich countries had also met their assistance targets for the 1960s and had opened their markets more to the products of the poor countries, the record of success in the developing countries might have been even better.

3. Should the goal of development assistance be limited to advancing development? Many observers argue that development assistance should be regarded as a tool for securing cooperation on issues not directly linked to economic or social development, such as winning important U.N. votes, increasing American exports, advancing U.S. private investment, and compelling political reforms by repressive regimes. Other observers argue, with considerable merit, that the objective of development assistance should be that of development alone—a process which is both vastly complex and of great long-range importance for the orderly evolution of a peaceful and cooperative world. The latter group argues that explicit use of development assistance to achieve non-developmental objectives jeopardizes our important interest in development progress in virtually all countries, and that successful cooperation in development progress improves the climate for attaining these other U.S. objectives. The proponents of this view point out that development aid usually is an ineffective means of direct leverage for securing U.S. political goals.

Some categories of aid should indeed be used in the first instance solely to advance development progress, so as to ensure the most effective approach possible to the difficult problems that need to be overcome. These categories include support for multilateral institutions and provision of bilateral technical and material assistance specifically for cooperative efforts on such developmental programs as family planning and rural development. However, there are other types of aid which also come within the OECD definition of official development assistance, but which may be used to advance several—sometimes conflicting—objectives, of which development is only one, as in the case of the provision of economic security aid for Vietnam, where the survival of the Saigon Government took precedence over development objectives.

We need to define more clearly for ourselves the rules for each type of assistance, so that attempting to use aid to advance a short-term interest does not frustrate advancement of other more important U.S. policy objectives. Thus, one can reasonably argue that policy differences with India over the Bangladesh war should not have led the U.S. Government to jeopardize its major policy interest in a successful Indian development effort—although this has been the consequence of the continuing suspension of American aid to India even after the war was over. The United States has an important interest in the continued developmental progress of the world's largest and most poverty-stricken democracy. Similarly, our valid interest in increasing American exports should not prevent the use of development assistance funds to purchase farm machinery available from Taiwan or Japan if these are far more appropriate for use on labor-intensive small farms in India.

In addition to the beneficial results of accelerated development, many other benefits can flow from the favorable atmosphere engendered by effective cooperation in development—an atmosphere which cannot be created if explicit conditions are imposed on development aid for other purposes.

4. What is the primary role of bilateral aid in development cooperation? Development assistance now needs to be reexamined in terms of two quite different but complementary functions. First is the transfer of financial resources to enable low-income countries to acquire needed equipment, raw materials, and on-the-shelf technology from other countries. United States economic assistance of all types, and particularly bilateral development aid, has become a steadily smaller portion of the transfer of resources between rich and poor countries. This is partly due to the increases in aid from other countries and the decline of U.S. aid, but, as mentioned earlier, it is primarily due to the rapidly increasing earnings of the low-income countries from the sale of their goods and services.

But this resource transfer on highly concessional terms continues to have vital importance for the very low-income countries, such as those of South Asia and sub-Saharan Africa, which comprise nearly a billion people. There is also a second function for which development aid is as important as ever: namely, as a means for countries to work together on difficult problems requiring new approaches and ideas as much as financial resources. Thus there is a need for cooperative effort in thinking through and experimenting with new approaches that will 1) create more productive jobs; 2) provide the poorest people in developing countries with at least minimal levels of health and educational services; and 3) lead to rural development and help slow population growth and migration from the countryside to the cities.

In large part, the low-income countries have mastered the art of increasing economic output but, for a variety of reasons mentioned earlier, the benefits of this growth have generally not reached the bottom half of their people. Bilateral development assistance should be increasingly applied to helping developing countries cope with the now more sharply perceived and worsening structural and poverty problems which prevent the benefits of economic growth from reaching the poor.

5. How much development assistance should there be? Pending the outcome of the overall review proposed here, appropriations for development assistance need to remain at least at current levels to avoid placing the global cooperative effort in even greater jeopardy because of a continuing decline in the U.S. effort. Any increase required for Indochina might reasonably come from the sizable savings from reduced security assistance now that the Vietnam War is over. Some overall increase in U.S. development assistance in 1973 and 1974 would have the benefit of encouraging the other developed countries to continue to increase their development assistance allocations, as most have been doing in recent years.

For the longer run, consideration still needs to be given to the U.N. Development Decade target of 1 per cent of GNP for resource transfers through development assistance and private foreign investment—a goal that so far has been largely ignored by the United States, although a number of other developed countries hve already attained it, or will do by mid-decade. The target was made more precise by the United Nations in 1971, when the General Assembly specified that a minimum proportion of this 1 per cent of GNP—0.7 per cent—should be in the form of official development assistance (as distinguished from private investment and export credits on hard terms). Even the 0.7 per cent figure is a crude target at best. It can include all sorts of aid on concessional terms that is explicitly authorized for purposes such as disposing of agricultural surpluses and providing economic assistance to embattled regimes.

Proponents of the 0.7 per cent target claim, with some merit, that a multinational effort to aid developing countries requires a common yardstick for measuring that effort. Members of the United Nations have accepted these targets, although some, including the United States, have not committed themselves to its achievement by any specific date; these targets should be retained until there is agreement on a reasonable alternative. It should also be noted that the goal was originally suggested by the United States itself in the early 1960s.

By contrast, critics of the targets question the political feasibility of a goal which even today would require a doubling of U.S. foreign economic assistance. Moreover, other items in the U.S. budget have to meet strict test of need—that is, can the money be put to wise use? The 1 per cent and the 0.7 per cent targets are certainly valid measures of ability to supply aid, but not of ability to use it well. Thus they are often an object of Congressional criticism.

In this debate, however, it is important for us to recall the basic issue of the U.S. stake in working with the poor countries. The 0.7 per cent target has been accepted by the international community, and it has become a touchstone of broader political relations among countries. Furthermore, there is also a major misconception in the United States about foreign assistance. In fact, most such assistance is not "aid" in the form of "grants," but actually comes back to the United States in loan repayments and benefits the United States by increasing demand for U.S. goods.

The latter reverse flow of economic assistance is particularly important. In fact, the United States now has an excellent opportunity to meet two objectives at the same time; to increase its contribution to development, and thus come closer to the 0.7 per cent target; and to increase its exports to developing countries at the same time. Indeed, the Export-Import Bank could—as is already done at present by the Department

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of Agriculture with regard to the foreign sale of agricultural products—usefully make "soft" loans for the explicit purpose of financing U.S. exports to those countries with very low per capita incomes, for example, under $150. These poorest developing countries, with a total population of about 1 billion, badly need goods for development. Those which account for the great majority of the one billion do actually have good long-term development prospects, but are not at present able to service a high volume of credit on the Bank's regular terms. These easier terms would be compatible with the delayed repayment capacity of the less developed countries and could be as soft as, say, 3 per cent, with 30 years for repayment, and 8 years' grace on interest payments. Since there is idle productive capacity in a number of sectors in the United States and since increased production reduces domestic social costs such as unemployment compensation, the budgetary cost to the United States of such an increased flow of export credits could be very small indeed, and the real economic cost might be nearly zero.

In the final analysis, the question of "How much aid?" is not separable either from the issue of the U.S. stake in cooperating with the developing countries or from other issues affecting resource flows, such as issues of trade and monetary policy. As discussed earlier, these other flows—far more than aid appropriations—determine the volume of resources transferred to the developing countries. Thus if the markets of developed countries were to be opened up, the developing countries could earn billions of dollars more annually in the form of exports by the late 1970s (see Chapter II). However, even if resource transfers were greatly increased under the trade and monetary systems, this would not meet the need of the developing countries for help in such fields as population, health, and education. But if these methods of increasing resource transfers were to become operative, then the requirements for bilateral development assistance programs might be far less than the U.N. target figures.

6. *What is a better way to organize the global community for development cooperation?* This discussion leads to consideration of the need for far more sophisticated ways of assessing the progress of the poor countries, of determining their development wants and needs, and of allocating resource burdens among the rich. Further thought needs to be given to the respective roles of the World Bank and the United Nations bodies, such as the Economic and Social Council and the United Nations Development Programme. At present the Bank has taken over global leadership in the development field—because of the default of other agencies, the size of the Bank's staff and resources, and the dynamism of its President. But it lacks universality because of the non-representation of most "socialist" countries, and suffers from the under-representation of developing countries as well as some developed countries, notably Japan, in its management. It also suffers from growing uncertainty about the degree of support for a continued rapid expansion of its soft loans.

There is the strong possibility that a continued weakening of U.S. support for both the World Bank and the U.N. development agencies, as well as for bilateral aid to Africa and much of Asia, could lead to the weakening of global machinery and to the enhancement of regional blocs—in which Western Europe would have strong investment, trade, and aid links with Africa, Japan with East Asia, and the United States with Latin America. The resulting economic domination might be disadvantageous not only for world trade, but also for the political relations between the developed and developing countries when the latter see themselves in a dependent relationship with the former.

7. *What balance should there be between multilateral and bilateral assistance?* There is a broad but far from universal consensus in the United States that developed countries should provide more of their development assistance through multilateral banking institutions, such as the World Bank and the Inter-American Development Bank and through international agencies such as the United Nations Development Programme. Currently multilateral channels account for about one fifth of development assistance.

However, there is a real debate about the desirable extent and speed of this shift. For example, the fact that bilateral aid programs serve so many interests of individual developed countries makes it highly unlikely that they will be phased out completely. Thus the European countries and Japan have been reluctant to shift too rapidly from bilateral to multilateral assistance because of the special commercial and foreign policy interests served by their bilateral programs—such as France's interest in French-speaking Africa. The United States has these special interests, too, exemplified by its agricultural surplus disposal programs and by its development assistance to Turkey, which is tied to helping farmers shift out of poppy cultivation. For these reasons of special interests alone, therefore, bilateral assistance will be continued for many years to come.

Furthermore, in the interest of advancing development progress, it is also important to remember that the U.S. bilateral development assistance program can tap U.S. professional and academic talents better than can the international agencies. For all its many limitations, the American bilateral program has demonstrated greater administrative flexibility and ability to solve major problems than multilateral and international agencies have done so far.

However, because of the real benefits of both a truly cooperative effort and of a lower U.S. profile in the sensitive business of helping a developing country with change and progress, there is much to be said for supporting as rapid a development and expansion of the multilateral institutions as they are able to handle effectively, and without their becoming, in effect, U.S. "fronts" because of a predominance in funding by the United States.

This last point is an important one. After all, shifting U.S. aid to multilateral institutions too rapidly relative to increases in funding by other contributors, would raise the percentage of U.S. funding. Such a change would increase substantially the danger that both the U.S. Administration and Congress would insist that the multilateral institutions adhere to U.S. policy positions and operate in conformity with standards set for U.S. Government departments—both of which demands, if acceded to, could cripple these institutions.

Therefore, the principal limitation on expanding funds for the International Development Association (IDA)—the "soft" loan window of the World Bank—is the willingness of all member governments to increase their funding proportionately. For the next IDA replenishment period, beginning in fiscal year 1975, the United States should be prepared to support another doubling of funds, to an annual level of $1.6 billion. The U.S. funding share might go down slightly below its traditional 40 per cent to reflect primarily Japan's greater share of the total output of the Western industrial nations. However, it bears remembering that the United States still produces more than 40 per cent of this total, and U.S. per capita income is still double the average for the other developed countries. There is certainly a need in the developing world for this aid, and its expansion would increase the already high capacity of the World Bank to perform a leadership and administrative role which increases the efficiency of the entire development effort. Both the Inter-American Development Bank and the Asian Development Bank—the latter of which has yet to receive its first U.S. soft-loan appropriation of $100 million to cover a three-year period—should also be candidates for expanded support.

By contrast, most of the U.N. technical assistance programs should have their funding increased at a slower rate for the immediate future. This conclusion follows from the study prepared by Sir Robert Jackson for the United Nations in 1969. His report describes some of the limitations of these programs after their recent rapid expansion, including the slowness with which decisions are made to start projects, and the delays in execution. Many of these problems still remain today.

Yet even if the maximum feasible support is provided to multilateral institutions, by 1975 their needs for U.S. funds will still total less than one third of the American disbursements needed to maintain U.S. aid at its present low state—a mere 0.31 per cent of GNP, slated to drop even lower under funding commitments already made. Thus, if the United States desired to support a major development effort, it would have to channel this effort mainly through bilateral programs for years to come. It is worth taking the time in the next two years, therefore, to devise a U.S. bileral economic aid program adequate for the major needs of the 1970s.

8. *What is the best way to organize for the reconstruction of Indochina?* The ending of the war in the Indochina countries will bring with it the need for a major reconstruction effort. President Nixon has specifically mentioned a $7.5 billion reconstruction fund for North Vietnam, South Vietnam, Cambodia, and Laos. Whether this was envisioned as the total for all contributions, or merely the U.S. share of an international effort, the U.S. share clearly will be large. There will be many difficulties. Will there be substantial low-level violence in any of these countries? Will traditionally hostile countries work with one another? Will Japan and other developed countries play a major role in reconstruction?

These questions highlight the problem of finding the best way to work on reconstruction with the countries of Indochina. There are several principal alternatives. One would be to create a special United Nations entity, as was done successfully in 1971 in the case of Bangladesh relief, to administer the assistance program for each of the Indochina countries.

A second approach would be to provide aid through country consortia—a proven and effective technique which has been used in such countries as India, Pakistan, Turkey, and Indonesia. In this arrangement, the World Bank chairs and staffs the India consortium, which on behalf of its members carries out the major dialogue with India on policy issues. The World Bank also provides the mechanism for reaching agreement on the common guidelines under which the individual countries and the World Bank provide their assistance. The OECD performs the same function for the Turkey consortium. In general, the consortium approach combines the benefits of multilateral policy development and negotiation with the implementation benefits of bilateral aid.

A third approach would be to provide assistance under some form of relationship to a United Nations-sponsored regional organization created by the affected countries, such as a new Mekong Commission or a broadened and strengthened Mekong Committee, which would serve a role somewhat analogous to that of the Organization for European Economic Co-operation (OEEC) in Europe for the Marshall Plan. All aid could be provided under its auspices, with bilateral aid from the United States and other countries provided to individual countries through consortia authorized and operating

under guidelines established by the regional structure. There could be different groupings of donors for each country. Thus, the Asian Development Bank might serve in the managerial role for the South Vietnam consortium, the World Bank for the Cambodia consortium, and a single country—such as Russia, China, or Japan—for the North Vietnam consortium. And there might be a sizable special fund for major Mekong River projects benefiting two or more countries directly under the supervision of the regional mechanism, and administered for it by either the World Bank or the Asian Development Bank.

There may now be an opportunity to use the large amount of funds likely to be available not only to reconstruct individual countries, but also to help create and strengthen structures for increasing cooperation by countries of the region, just as the OEEC provided the initial nucleus out of which the Common Market later developed. The regional mechanism might be built around all the countries with a stake in the Mekong River Basin—namely, North and South Vietnam, Laos, Cambodia, and Thailand. While no part of North Vietnam is in the Mekong River Basin, in the past it has been deeply involved economically with the countries of the Basin; North Vietnam could also be a major user of hydroelectric power produced on the Mekong.

The administrative device which is chosen should reflect some estimate of the course of events in Indochina. Thus, if the Indochina settlement is primarily a cease-fire to permit U.S. disengagement, and if the United States wishes to remain as far removed as possible from further involvement in Indochina, U.N. administration of the entire program would offer the major advantage that the United States would not be directly involved. Unfortunately, it is reasonable to expect from past experience that a U.N. agency would be strong in terms of providing relief but relatively weak as a mechanism for long-term reconstruction and development.

Alternatively, if a genuine compromise settlement is reached, and if it is important to implement the reconstruction effort quickly and effectively in order to provide all the parties with a stake in continued peace, then there will be a strong case not only for using the consortium technique, but also for administering the assistance and managerial consortia under the broad umbrella of the U.N.-sponsored, regionally created mechanism described earlier. Reliance solely on the consortium technique could lead to the tragic result of a massive assistance effort, which was successful in individual countries, but which left them at each others' throats, as in the past. If the OEEC type of role is too ambitious for a group of countries which have recently finished warring against each other, an alternative would be an enhanced Mekong Committee, having the major special fund described above and charged, formally or informally, with undertaking an active role in regional planning, exchange of information about country development plans, and the plans and performance of individual country consortia.

Combining the regional and consortium approaches into one of the various forms has the merit of increased self-help through regional cooperation. It would also have the merit of the Mekong label; U.N. sponsorship; burden-sharing with the U.S.S.R. and China (as well as Western Europe and Japan); participation of the World Bank and the Asian Development Bank; and a non-ideological, peaceful forum of cooperation for development which might eventually flower into a permanent regional framework for the five countries of the Mekong Basin area.

But such a mechanism cannot be created instantly, particularly since some time may be required for all local hostilities to end and for passions to subside. To meet immediate needs during the first year, existing U.S. bilateral programs for Vietnam, Cambodia, and Laos probably will need to be continued and a Bangladesh-type U.N. agency created to meet urgent relief and rehabilitation. However, some form of increased regional cooperation will be needed before the first year is out. It will be required not only for the future harmony and progress of the region, but also for generating and sustaining substantial amounts of assistance from countries which may otherwise be inclined to downgrade Indochina aid all too soon before the needed level of reconstruction and development has been achieved.

9. *What short-term and long-term changes are needed in our legislative and managerial structure for development cooperation?* The legislative and managerial structure of the U.S. bilateral economic aid program needs to be reviewed to determine whether it is appropriate to the needs of the new era that lies ahead. However, as stated at the outset, certain obvious steps can be taken now without prejudice to the conclusions of any overall review.

First, with the passing of the cold war era, security assistance should be separated from development assistance, both in legislation and in management (see Chapter VI). This separation is needed not only to help regain support for development aid among many people in the church, academic, and youth communities, but also to avoid the public confusion which stems from endless newspaper stories which subsume the two quite distinct forms of assistance under the single term "foreign aid." Corruption and other misuses of aid are for the most part by-products of security aid, but the resulting press stories tar economic development aid as well. Managerially, no part of security assistance should continue to be the primary responsibility of the development agency.

Second, in view of the growing need for an overall development policy, the principal administrator of development assistance (now the Administrator of the U.S. Agency for International Development) should have a major role in formulating all U.S. programs which bear in important ways on development cooperation. There is much to be said for shifting the supervision of U.S. participation in U.N. assistance programs such as UNDP from the Bureau of Internal Organization Affairs in the State Department to AID itself. The AID Administrator should also have a far greater say in U.S. relations with the multilateral development institutions such as the World Bank. Today, relations with these development institutions are virtually a Treasury preserve. The AID Administrator should also sit on the International Economic Policy Council in the White House, which is the coordinating point for all U.S. economic policy affecting developing as well as developed countries. In general, there is a need for a single U.S. spokesman for development, as there was during the Marshall Plan era. This also means that AID itself should pay more attention to major U.S. Government actions, outside AID's current perspective, which affect development. This change will require changes in the composition of its staff.

Third, there should be another two-year authorization for development assistance at a level at least sufficient to encourage the still growing development assistance of Western Europe and Japan. The Congress in 1973 and 1974 should then join with the Executive Branch in studying the future of development assistance. Legislative action could then follow in the relative calm of the new Congress in 1975, with, hopefully, strong leadership from the Executive Branch and particularly from the President. This strong executive leadership is indispensable if Congress is to vote appropriations for development assistance that are both sizable and unencumbered by special provisions that restrict the quality and value of aid.

A major issue to be resolved by 1974 is the way in which the United States should organize its bilateral development assistance program. Should it follow the prescriptions of the Peterson Report and divide further the administration of the program among several agencies? Or should it, as many observers urge, integrate the several existing parts of the program relating primarily to development cooperation (such as the Overseas Private Investment Corporation, the Peace Corps, the Inter-American Foundation, and AID), while separating itself from primary responsibility for administering security assistance, programs for the disposal of agricultural surpluses, and export credits—which do not have development cooperation as their primary purpose? Such an approach would gather about one third to one half of present U.S. official development assistance funds—or about $1.5 billion (not including funding for Indochina reconstruction)—into one administative entity which would be able to focus exclusively on *development* and related reconstruction and humanitarian assistance. The scale of its funding could be reduced by several hundred million dollars if a separate, major, and "soft" export credit capability were established for the poorest developing countries. If such an integrated agency were created, there would be a series of subordinate questions: What operating methods should the bilateral development assistance program follow? For example, should it have more employees on a contract basis and fewer on a direct-hire basis? Should the program be more aggressive or more deferential to the development policy decisions of recipient countries? Should it concentrate on a few fields of activity, such as rural development, family planning, health, and education—as opposed to a broader approach? Should special arrangements be made to give it maximum efficiency in advancing development goals—such as continuity of funding, untying of commodity purchases, and flexibility in determining when to use grants instead of loans?

These are all serious and difficult questions. But only by posing them, and finding answers, can the United States expect to shape a bilateral economic aid program that will be adequate for the next few years, that will avoid many of the problems of the past, and that will again make U.S. leadership possible in this area.

CONCLUSIONS

U.S. development aid funds are grudgingly appropriated by the Congress. At best, they comprise but a small fraction of the external resources available to poor countries. Securing them takes a toll on the President's relations with Congress and—in some instances—on U.S. bilateral relations with poor countries. Is it worth a major effort to set U.S. development assistance programs on a sounder footing? Certainly, if they are to be continued, they should be improved, and the alternative—the unilateral killing of U.S. development assistance—is far too unattractive to be a real alternative at all.

In sum, the case for continuing U.S. development aid rests on four simple propositions:

1. The United States should want the poor countries to succeed, for self-interest as well as humanitarian reasons;

2. Development aid, although small, can help poor countries in ways that other resources cannot do as well;

3. Development assistance costs the United States relatively little, whether the cost is measured in terms of the balance of payments, the U.S. budget, or real resource costs;

4. Providing development assistance gains at least two important windfall benefits for the United States: first, development aid

helps make possible the export surplus which the United States enjoys with the poor countries, and which at present we want in order to maintain high employment in our economy; second, it helps promote an acceptable image for the United States in the world. For whatever it is worth—and many Americans believe this is important even apart from any considerations of increasing interdependence—the opinion other people have of the richest nation on earth would plummet if we did not carry our share of the development assistance programs for the developing world.

FOOTNOTES

[1] *U.S. Foreign Assistance in the 1970's: A New Approach*, Report to the President from the Task Force on International Development (Washington, D.C.: Government Printing Office, March 1970).

[2] See Lester R. Brown, *The Interdependence of Nations*, Development Paper No. 11 (Washington, D.C.: Overseas Development Council, October 1972), reprinted with permission from *Headline Series 212*, October 1972.

[3] See Robert d'A. Shaw, *Jobs and Agricultural Development*, Monograph No. 3 (Washington, D.C.: Overseas Development Council, October 1970).

[4] See Robert E. Hunter, James P. Grant, and William Rich, *A New Development Strategy? Greater Equity, Faster Growth, and Smaller Families*, Development Paper No. 11 (Washington, D.C.: Overseas Development Council, October 1972).

[5] *A Study of the Capacity of the United Nations Development System*, U.N. Publication Sales No. E.70.1.10, 1970.

INTRODUCTION OF LEAD AND ZINC ACT

(Mr. DUNCAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DUNCAN. Mr. Speaker, joined by 16 other Members of the House, I am introducing a bill which would encourage stability in the American lead and zinc industries and which would encourage increased investment in lead and zinc production facilities in this country.

This bill, the Lead and Zinc Act, is almost identical to a bill which was introduced last August by Mr. ASPINALL and a number of cosponsors. Before I explain the main provisions of the bill, I would like to touch briefly on the problems of our lead and zinc industries.

In introducing a bill to suspend for 2 years the duty on zinc contained in ores and concentrates, Representative ULLMAN has noted the difficulties of the American zinc smelting industry. I simply would add that this industry has undergone a 45-percent loss of capacity in several years' time, and that our zinc mining industry, which is losing the processing outlets for its product, produced less ore and concentrates last year than in any year since 1961.

This country has large, good quality lead ore reserves. Domestic lead mine production has increased, but the increase probably would have been greater had investment conditions been better, especially for lead smelting. Healthy mining and healthy smelting industries go hand in hand, and during the last 3 years two out of eight U.S. lead smelters have shut down.

Because of the closure of U.S. lead smelters, U.S. lead mines, in order to keep going, have exported ores and concentrates. At the same time the United States has been importing higher priced lead metal, about 250,000 tons last year. This, of course, is damaging to our balance of payments.

Lead imports now account for about 25 percent of U.S. consumption. Zinc imports account for about 45 percent of consumption. Last year imports of lead and zinc ores, concentrates and metal added over $300 million to our balance-of-payments deficit. During the past 15 years the United States has spent almost $3 billion on such imports, and over the next 15 years an estimated $7 billion will be spent unless corrective action is taken.

While the United States closes facilities and increases its imports, other countries are expanding production, especially of zinc metal. For example, 15 zinc smelters and refineries are scheduled to be expanded or constructed in Canada, Europe, Japan, and less developed countries. Only one very modest zinc smelter expansion has been announced for the United States.

The smelters which have been closed in the United States were older installations confronting, in many instances, environmental problems, although the closures have been hastened by new construction abroad. Our foreign competitors have also closed older installations, but they have been able to replace their facilities and, in effect, many of ours too.

Mr. Speaker, the American lead and zinc markets are the largest national markets in the world, our reserves are larger than those found in the countries of Western Europe and Japan, and our mines are better located than many foreign mines. Why is it, then, that foreign producers are able to undertake new investments when American producers are unable to do so?

A principal reason is that foreign governments encourage their minerals and metals producers through various forms of assistance, including substantial subsidies, tax holidays, and important contributions to exploration costs.

Most of the lead and zinc smelters and refineries which are being constructed in Western Europe, Japan, and Canada are benefiting from government grants or subsidized loans. In Ireland, where important mine expansions are occurring, the government extends to mine operators a 15-year tax holiday from corporate and income taxes. In the United Kingdom the government has announced a large-scale program to subsidize industry and a $120-million program to help meet exploration costs. In still other countries States-owned companies produce lead and zinc at low levels of profitability or perhaps at a loss.

Mr. Speaker, the bill which I am introducing today would help to offset the advantages which foreign lead and zinc producers enjoy as the result of the policies of their governments. It would create fairer conditions for trade in these commodities, and it would allow American producers to compete with foreign producers on a more equitable basis.

The Lead and Zinc Act would amend the tariff schedules of the United States to provide for rates of duty higher than present rates after certain quantitative levels of imports have been reached in a calendar quarter. It would put no absolute limitations on the importation of the lead and zinc materials and articles specified in the act, and it makes no reference to individual exporting countries.

The quantitative levels proposed in this bill are moderate. They bear reasonable relation to current import requirements of metals and of ores needed by our industries to supplement current levels of domestic mine and smelter production.

Consequently, the higher rates of duty would apply only at points where, without their imposition, U.S. production could be displaced by imports in excess of real need. The bill recognizes the unfortunate need for increased imports of zinc metal by raising the quantitative level on zinc metal imports by almost 40 percent over the limitation in the bill introduced last year.

In addition the Lead and Zinc Act would require the quantitative levels on lead and zinc metal imports to be adjusted every 2 years to reflect changes in consumption. Foreign producers, therefore, would share in any increase in consumption in the U.S. market.

The Lead and Zinc Act would not run counter to the zinc ore duty suspension bill introduced by Representative ULLMAN. It would not do so because it provides that imports of zinc contained in ores and concentrates ordinarily shall be entered free of duty up to a quantitative level of 120,000 tons per calendar quarter. Beyond that level the present rate of duty would be reimposed, but I should note that the quantitative level is well above our current import needs for zinc ores and concentrates.

Mr. Speaker, current developments in our lead and zinc industries damage our balance of payments, jeopardizes our national security, and are costing us job opportunities. The bill which I am introducing today would encourage increased investment in American lead and zinc production facilities. It would be, I believe, fully in accord with the Mining and Minerals Policy Act of 1970—Public Law 91-631—which calls for economically sound and stable domestic mining and metals industries and the orderly and economic development of domestic mineral resources.

Mr. Speaker, I hope that many Members of the House will find the bill worthwhile and will give it their support.

HOSPITAL ACCREDITATION PROBLEMS: CONTINUED

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the CONGRESSIONAL RECORD of March 7th, I included material in connection with my several bills providing for a reorganization of the hospital accreditation system of this country. I made particular use of some remarks made by Mr. Kenneth Williamson, who is now the Washington consultant for the American Protestant

Hospital Association. Mr. Williamson has furnished me with a statement of concern by that organization relating to the many problems which face all hospitals across the country, and I bring that statement to your attention today. I am sure our colleagues will find the statement of more than casual interest.

The statement follows:

AMERICAN PROTESTANT HOSPITAL ASSOCIATION—STATEMENT OF CONCERN

Conflict of interest is now being associated directly with a hospital's responsibility to the public. The church affiliated hospital is expected to have an absolutely "pure" record on that score and further, the Protestant church hospital is expected by the public to accept this as a Christian ethic by which they will live.

It is now anticipated that the federal government will begin to take a very hard look at present practices within hospitals. It behooves us all to study immediately all relationships existing in our institutions so as to make sure that they do not in fact permit a conflict of interest to exist. Our measure of possible conflict must be how every relationship would appear to the public and not simply that of a legal justification.

There are at least four primary levels of possible conflict to be considered:

The Board of Trustees (Governing Body); the Administration, the Medical Staff, and the Department Heads.

The pattern and tone of all relationships must be established by the Board of Trustees and in all areas of the Board's activity, the broad question is whether the Trustee's position on the Board is used by him so as to result in profit to him or his company through the purchase of any service or product by the hospital.

At the very least, there should be a full record of open bidding, but in certain circumstances, even this may not be sufficient.

The areas in question may include finances and investments, construction, insurance, laundry, housekeeping, supplies, foods, light and heat, et cetera. The Board may have to consider the very difficult question of members of the medical staff practicing in the hospital, serving on the Board and the obvious conflict of interest that can result.

Any practice by the hospital of providing Free or Part Pay hospital care to Board members, Medical Staff members, the Clergy and their families is seen by the public as constituting a conflict of interest and an unfair practice if the cost of such unpaid service is in any way made up by the paying patients.

The role and interest of the Medical Staff needs to be appraised in light of any possible conflict of interest. The growing patterns of physicians being related to the hospital under various contractural arrangements should be looked at very carefully. This will be especially true where it appears that the hospital contracts with individuals so as to result in substantial profits to such persons.

The rules governing the activities of the Administrator (chief executive officer) should be set by the Board and seen in light of the rules the Board sets for itself. If the Board condones conflict of interest in its own practices, it may well find expression in other relationships in the institutions.

Part time service from an administrator who is employed on a full time salaried basis may be an example of a conflict of interest. If the Board sanctions the administrator supplementing his income by working for others during the regular work week, such earnings should be equated to the remuneration paid him by the hospital. It should further be determined whether such outside activities necessitates the hospital employing additional administrative support with a resultant greater cost to patients.

Any practice of the administrator or other employee selling services or products to the hospital or serving on the boards of organizations which do so should be looked at very carefully as a possible conflict of interest.

The administrator is responsible for judging the activities of department heads. Their full time salaried employment and acceptance of part time service for the hospital so as to permit them to do outside work for pay should be looked at in light of a conflict of interest. Serving as private consultants to other institutions in the area of their particular specialty is an example of questionable practice. The rules guiding such matters should be set forth in any employment agreement agreed to at time of employment.

Every Protestant Church related institution is urged to establish a formal means for a thorough appraisal of all their practices so that if any need for change is found, it is undertaken now.

Approved by the Board of Trustees February 4, 1973.

TELEVISION VIOLENCE

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, for much too long I have shared with other Members of this body and the general public an extreme concern for the amount of violence being thrust upon television viewers. This concern extends to all viewers, but is most acute when thought of in terms of the numbers of children each day who are being exposed to muggings, shoot-outs, and other heinous crimes while innocently sitting in their living rooms. It is estimated that a normal American child is exposed to nearly a million and a quarter of such televised crimes during his childhood and adolescent years. Furthermore, a recent Surgeon General's committee report, released a year ago, has concluded that there exists a "causal link" between violence on television and violence in society.

And yet I am much disturbed to report that in the face of acute concern and mounting scientific verification, there has been no substantial action by the FCC regarding this ongoing problem. I have introduced a joint resolution this session which would direct the FCC to investigate the effects of the display of violence in television programs. There is no doubt that such an investigation would be greatly aided by a universally accepted data base showing the amounts of violence being aired by each individual station across the Nation.

It has come to my attention that there is now pending before the FCC a petition for rulemaking which would require just such a list of violent episodes shown on entertainment programs during a representative week. The list would be incorporated as part of the regular broadcast station requirements for license renewal. Such logs of violent incidents would then be available, not only to the FCC, but also to Members of Congress, social scientists, and any concerned public citizen. The petition was prepared and submitted by a group of George Washington University Law students organized as VIOLENT—viewers intent on listing violent episodes on nationwide television—under the direction of Prof. John Banzhaf III. The FCC is presently accepting letters of comment regarding the petition, and I would like to include it in the RECORD at this time in order that concerned citizens may read it:

[Before the Federal Communications Commission, Washington, D.C. 20554]

IN THE MATTER OF: REVISION OF FORMS 301 AND 303 OF RENEWAL APPLICATION TO REQUIRE A VIOLENCE LISTING SYSTEM SUBMITTED BY THE LICENSEE

To: The Commission.

PETITION FOR RULEMAKING

Precis

Television, America's most important means of mass communication, must share in the responsibility for the current soaring crime rates. Television has made murder seem like child's play; shoot-outs and slugfests are presented as everyday occurrences in modern life.

The adverse effect of televised violence was definitively documented last year for the first time by the report of the Surgeon General's Committee on Televised Violence. The report explicitly stated that televised violence can cause mimicking and imitation in real life among viewers, particularly children. Just as children learn the alphabet from *Sesame Street*, they can learn the violent facts of real life from programs like *Mannix* or *Adam-12*.

Now that it is known that there is a causal link between televised violence and violence in society, a system is needed for the public to learn just how much violence is being broadcast by television stations. In this petition, a self-administered violence listing system is presented for the Commission's consideration. Under the system, stations will be required to list the violent episodes broadcast during the Commission's composite week. The findings of the listing system will then be available to the public.

The proposal steers clear of the censorship prohibitions of Section 326 of the Federal Communications Act. All that is asked for is information. Approval of the proposal should not be seen as a step towards banning all violence on television or limiting it. Rather, the proposal should be seen as a way for the public to learn more about what is being broadcast. Hopefully, armed with that knowledge, everyone will be able to do something about the causes of violence in our society.

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Introduction

Pursuant to 5 U.S.C. S553, the statutory authority, and 47 C.F.R. section 1, 40 (a) the Commission authority, VIOLENT (Viewers Intent On Listing Violent Episodes on Nationwide Television), a group of students from George Washington Law School, as members of the general public, respectfully request that the Commission expand its requirements regarding application for and renewal of television broadcast licenses to include a listing system of all violent episodes aired by each station in the course of entertainment programming during the composite week. VIOLENT is convinced that such a rule would be well within the Commission's power to act in the public interest under S303 (i), (g), (j) of the Communication Act of 1934 and would not be a violation of Section 326 of the Act.

The problem

There now exists a large, long standing, and growing sector of the public concerned over the effects of television violence on the behavior of viewers. For well over a decade, numerous committees and Congressional inquiries have pointed accusing fingers in the direction of televised violence. As early as 1960 and 1964, Senator Thomas Dodd's (D. Conn.) Senate Subcommittee on Juvenile Delinquency conducted hearings on the relationship of television violence to juvenile delinquency. In 1968, the National Commission on the Causes and Prevention of Violence chaired by Milton Eisenhower, suggested that there is "a strong probability that a high incidence of violence in entertainment programs is contributing to undesirable attitudes and even to violence in society." [1]

In 1969, further attention was focused on television in hearings held by Senator John Pastore's Communications Subcommittee. As a result of these hearings, the Surgeon General was instructed to appoint a committee of distinguished men and women from whatever professions and disciplines he deemed appropriate to conduct a study to establish the effects, if any, of televised violence on children.

After nearly three years of study and of continued violence on television, the Surgeon General released his report in January, 1972. The report consisted of five volumes of studies plus one summary volume of conclusions. The Surgeon General's Committee reached two basic but incontrovertable conclusions:

First, violence depicted on television can immediately or shortly thereafter induce mimicking or copying by children. Second, under certain circumstances, television violence can instigate an increase in aggressive acts.[2]

The work of the Surgeon General's Committee centered on both short-run causation studies of aggression among some children and field studies demonstrating that extensive viewing of violence precedes some long-term manifestation of aggressive behavior. In an overview of most recent research on the relationship between children's viewing and their aggressive behavior, Robert M. Liebert in *Television and Social Learning* (Vol. 2 of the Report) states that the following assumptions can be made from the accumulated data:

1. It has been shown convincingly that children are exposed to a substantial amount of violent content on television, and that they can remember and learn from such exposure.

2. Correlational studies have discussed a regular association between aggressive television viewing and a variety of measures of aggression employing impressively broad samples in terms of range of economic background and geographic and family characteristics.

3. Experimental studies preponderantly support the hypothesis that there is a directional, causal link between exposure to television violence and an observer's subsequent behavior.[3]

Additional studies contained in the second volume of the report, *Television and Social Learning,* expand on these conclusions. One study by professors Stein and Friedrich found that the effects of televised violence upon children is subject to certain cultural and sociological factors. Children from lower socio-economic classes with a narrow range of experience respond more to all types of television than do children who have a wider range of experience.[4]

Research done on pre-school children by Harold Stevenson yielded the following results. A child can learn a variety of unique aggressive responses by observing adult aggression. After the initial learning occurs, the degree of response increases with prolonged observation. These effects are not short-term but endure for at least six months past the testing period. Finally, Stevenson concludes that children appear to learn more from observing violence that they are normally willing to display under ordinary circumstances.[5]

Aggression does not appear to be the only response to observation of violent television, although this has been the focus of most testing. An aggressive response is a threat to the individual himself as well as to society. A few studies, however, have explored the adverse effects of televised violence upon children who do not exhibit a highly aggressive response. Scientists have found that televised violence may cause aggression anxiety with a decline in aggressive behavior in some children and adults.[6]

It must be emphasized that most of these studies do not only explore the effects of violence on television. Television has also been studied as an instrument for good. Research shows that children exposed to prosocial programs (i.e. *Misterogers Neighborhood* and *Sesame Street*) showed greater levels of positive behavior than those children exposed to any other type of programming.[7]

The summary volume of the Surgeon General's Committee Report concluded:

Thus, the two sets of findings converse in three respects; a preliminary and tentative indication of causal relation between viewing violence on television and aggressive behavior; an indication that any such causal relation operates only on some children, who are predisposed to be aggressive; and an indication that it operates only in some environmental contexts.[8]

The Report's findings were presented in hearings before Senator Pastore's Subcommittee in March, 1972. During the hearings, the Surgeon General, Dr. Jesse Steinfeld, unequivocally stated regarding the report:

The data on social phenomena such as television and violence and/or aggressive behavior will never be clear enough for all social scientists to agree on the formulation of a succinct statement of causality. But, there comes a time when the data are sufficient to justify action. That time has come.[9]

When asked for specific recommendations as to the course of action to be taken, the Surgeon General suggested the use of a rating system for violence.[10] Senator Pastore endorsed the Surgeon General's proposal and

Footnotes at end of article.

stated, "What has been accomplished will be lost if we do not proceed *expeditiously* and effectively." [11] (emphasis added)

At the same Senate Subcommittee Hearings, Congressman John Murphy (D. New York) commented on the validity of the evidence presented in the Surgeon General's study by saying:

Based on my discussions with the experts in this field, I feel that an objective reading of the scientific evidence will force us to the conclusion that T.V. fare as presently constituted is harmful to our children.[12]

As a possible solution to the harm, a member of the Surgeon General's Committee, Dr. Ithiel de Sola Pool of the Massachusetts Institute of Technology, endorsed the idea of some type of on-going auditing of television violence at the hearings. Dr. de Sola Pool stated, "I would like to associate myself with a suggestion . . . for a continuous monitoring of the amount of violence on television." [13]

Among the representatives of the broadcasting industry to testify in the hearing was Mr. Julian Goodman, President of the National Broadcasting Company. In response to questioning from Senator Pastore, Mr. Goodman stated, "Of course, we agree with you that the time for action has come. And, of course, we are willing to co-operate in any way together with the rest of the industry." [14]

There are others concerned about the level of television violence. In a joint review of the Surgeon General's report, former White House aide, Douglas Cater, and author, Stephen Strickland, write:

In their (program producers) incessant quest for program material, there is a compulsion to supply enough 'action' to keep the TV sets turned on. Violence, it would seem, serves as a punctuation and way of bridling the pause for commercials.[15]

In September of 1972, a presidentially appointed group of advertising executives recommended that advertisers, advertising agencies and broadcasters help reduce violence in programming and advertising. The group, an advertising and promotion subcommittee of the National Business Council for Consumer Affairs, in a report entitled "Violence and the Media," said:

To the extent that depiction of violence in media may contribute to the encouragement of violence, those of us who bear any responsibility for media presentation must be concerned.[16]

What do average Americans think about violence on television and in society? Over 23,000 viewers recently responded to a *Parade Magazine* survey on television violence.[17] The overwhelming response to the survey demonstrates public concern over the violent content of present programming. Such concern is justified and understandable. A look at portions of the Washington area television programming schedule will illustrate this point. On weekday mornings and early afternoons, quiz shows and soap operas dominate the air waves, but by 4:00 the viewing audience is considerably younger. Therefore "action" (i.e. violent) programs take over. On WTOP Channel 9 at 4:00 P.M. children are greeted with the cops and robbers classic of *Dragnet*. On the same channel at 4:30 *Wild, Wild West*, a James Bond-type western, is shown. This program is so violent that it induced the Foundation to Improve Television to attempt to persuade the Commission to revoke the station's license for showing it.

In addition to a regular line-up of violent serials, the Washington area child is exposed to movies replete with violence. On January 6, 1973 at 12:00 noon, a time generally conceded to be prime children's time, WDCA Channel 20 presented a movie called "The Giant Leeches." The basic plot of this movie consisted of showing 20 foot long leeches graphically sucking the blood from a series of human victims.

Are these isolated examples? Unfortunately we have no way of knowing, since there is no nationwide inventory of the amount of violence shown by each individual station.

On the other hand, with regard to violence in real life, figures do exist and these crime figures have been rising steadily in recent years. Such figures stand alongside recent Gallup Poll findings that violence has become a chief concern of the American public. [18] Furthermore, many crimes show a remarkable resemblance to television crimes. On January 4, 1973 this point was driven home to 236 passengers aboard a TWA flight from Madrid to New York. An anonymous caller told airline officials in Madrid that he had placed a pressure bomb on the plane which would detonate on descending to a level of 3,200 ft. Fortunately the plane was directed to high altitude Rapid City, South Dakota where it landed safely. No bomb was found. It was just a sick extortionist's plot. This crime has never been committed as described until the showing of the television program, "The Doomsday Flight" in 1966. The plot of that program, a pressure bomb on a passenger jet, has been copied three times since it was first shown. One of these incidents occurred in Australia, less than a month after the program was first broadcast there. When asked about the most recent attempt at mimicking "The Doomsday Flight," its author, Rod Serling, told reporters, "Yes I wrote the story, but to my undying regret." [19]

Once again there are those who will say that these are isolated examples. The simple truth is that we have no idea how much neighborhood crime is caused by local T.V. because we have no idea how much violent programming exists on each station. The public has a right to such necessary information. Additional time should not be wasted in giving it to them.

Senator Howard Cannon (D. Nev.) summed up many citizens' outrage over the continued saturation of television with violence when he said in the Senate Subcommittee hearings:

So we need to do something affirmatively and specifically and do it now. Not wait until three years from now for the completion of another study. I think this subject has been pretty well studied to death.[20]

The lack of immediate action

Despite the beliefs of the Surgeon General, members of Congress, scientists, and a large sector of the public that the time has come to ascertain the amount of violence on television, no substantial or affirmative action has been taken since the rhetoric of March 1972. Commission Chairman Burch assured Senator Pastore at that time that extensive hearings would be held to inform the Commission on the subject of violence on television.[21] Hearings were held on children's television in October 1972, but they did not address the violence issue.[22]

Therefore, the present situation is that violence on television has long been one of the stated major concerns of the Commission, and yet the Commission remains uninformed as to even the most fundamental data on the quantity of violence shot into living rooms through the tubes of family television sets.

As a belated response to the Pastore hearings in August of 1972, a million dollar study was commissioned by the National Institute of Mental Health to devise a violence indexing system. This report will not be ready until 1976.[23] There is no assurance that the findings of this study will result in any action. Even then, its findings won't be ready for implementation for several more years. The public is being asked again to simply wait. For what and for how long are questions which once again remain unanswered.

Meanwhile the industry's action in this area has been hopelessly inadequate. Although broadcasters appear to have reduced the amount of violence on what is misleadingly labeled "children's television," they have done nothing to curb the general level of violence shown on the air. Children's viewing is not limited to Saturday morning and after school broadcasting. Even pre-school children spend a good deal of time watching programs designed for more mature audiences. Our study has shown that first graders spent 40% of their viewing time watching dramatic programming aired between 4 and 10 P.M.[24] Two researchers for the Surgeon General's Report, Lyle and Hoffman, found that at least one third of sixth graders studied were still watching at 10 P.M., and as many as a quarter might still be viewing until 11 P.M.[25]

Despite the industry's claims that all televised violence has been decreasing, Dr. George Gerbner has recently announced that his measurements show a violence increase in the 1971–1972 television season. This increase reversed the decline in violence levels of previous years.[26] Gerbner's statement supports the findings of the Surgeon General's Committee that television violence "peaks" every four years. The Commission had found that the last violence peak was in 1967.[27] Therefore, the well-publicized decline of violence levels on television since 1967 can be attributed to a cyclical violence trend rather than to positive media control, as can the subsequent rise now noted.

VIOLENT's seeks to represent that portion of the public who, in the best interests of themselves and their children, cannot wait four more years to find out what they already know. In the words of the Surgeon General's mandate: the time for action is now. The two year old child who watched violence on television in 1960 when Senator Dodd held his first hearing has already reached puberty and will be an adult, voting member of society by the projected release date of the NIMH study. By then, one entire generation will have been exposed to the proven ill effects of violent programming without anyone having the knowledge of which stations, programs or time slots have caused this exposure.

The exact effects of televised violence may remain unknown, but the extent of the exposure cannot be underestimated. The average adult watches television for approximately two hours daily.[28] One study by Stein and Friedrich estimates that nursery school children average almost five hours per day viewing time with an increase through elementary school, and then a gradual decrease to the two hour adult level.[29]

Even assuming a conservative estimate of approximately three hours daily and using George Gerbner's 1967–1969 average of 7.4 violent episodes per hour,[30] our two year old child of 1960 will have been exposed to 1,215,450 violent incidents on television by 1975. The cumulative effect of this violence is accentuated by the findings of one researcher that there is a killing every hour on prime time television.[31]

Another social scientist, G. S. Lesser, estimates that by the age of 18 a child born today will have spent more of his life watching television than in any other single activity except sleep.[32]

Undeniably, television is one of the most important factors in a child's development. At the same time, it is the most easily changed. It is difficult to influence the effect of parents, peers, schools and religious institutions. But television unlike the others could be changed. More importantly, television can become a teacher of positive values for the young.

It is VIOLENT's concern for this and future generations of growing citizens which leads it to respectfully request that the following rule be adopted by the Commission.

Footnotes at end of article.

TEXT OF PROPOSED RULE

I. The licensee shall audit all entertainment programming broadcast during the composite week for violent episodes. This audit shall include titles, lead-ins, and actual content of such programming. It shall also include previews shown during the composite week of upcoming entertainment programs. The following auditing system shall be used to determine the violence listing.

II. For the purposes of this rule, entertainment programming is defined in 11(b) of Section IV–B, page ii of the Application for Renewal of Broadcast Station License, FCC Form 303. 11(b) reads as follows: Entertainment programs (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz.

III. The basic measurement for violence listing is the violent episode. It is defined as a continuous action, involving the same set of characters (persons or animals), in which any act or acts, whether intentional or accidental, causing physical injury or death to these characters, takes place. A violent episode also takes place when one or more characters compels another set of characters to act because of fear of being hurt or killed.

IV. Each day during the composite week all audited programming shall be listed and categorized as follows: 1) type of episode, 2) duration of episode, 3) type of characters involved in violent episode, 4) name of program, 5) type of entertainment program, and 6) time when program is shown.

V. In the event there is doubt whether or not an episode should be listed, the doubt should be resolved in favor of listing.

VI. The daily violence listing for the composite weeks of the past three years shall be contained in the licensee's renewal application. The licensee should also have this information available to the public in its local place of business during the time in which its application is pending. The licensee shall announce the availability of this information on the air during prime time evening hours on three different dates prior to filing an application for license renewal.

Explanation of the proposed rule

The listing system proposed by VIOLENT does not support or condemn any type of programming. It simply measures the occurrence of basic units of violence and makes them available to interested citizens and the Commission at renewal time. Responsibility for measuring violence is put squarely where it belongs: on the broadcast licensees themselves. The following commentary aids in interpreting the proposed rule.

Part I

A licensed station's self-conducted listing system during the composite week, proposed in Part I, is the most practical means of assisting the amount of violence broadcast. It will be simple to conduct according to the guidelines set out in Parts II–IV. Self-listing answers government and public demands for monitoring, yet avoids the creation of another federal bureaucracy which many broadcasters as well as private citizens fear.[33]

The composite week now used by the Commission to guage types of programming will adequately serve as a fair sample of the amount of violence broadcast. Because the composite week is announced after programs are broadcast, stations would be unable to juggle programming to distort the accuracy of the listing system.

At least 60% of the programming shown by network affiliated stations is provided by the networks. Other syndicates and movie distributors also provide a great deal of programming to individual stations. Both networks and independent distributors, as a service to stations, may wish to audit programs for violence as called for in this petition. The findings of networks and distributors could then be easily disseminated to individual stations. However, rendering of such service should not in any way lessen the responsibility of the individual stations for the accuracy of its listings.

Part II

Part II employs the definition promulgated by the Commission to define entertainment programming. Entertainment programs are the only type of programs which would be covered by this violence listing. Other program categories include religious, news, public affairs, instructional, sports, educational institutions, political, and editorials. Commercial matter and non-commercial announcements are also exempted. Entertainment programming ranges from cartoons to movies to musical variety shows.

Part III

VIOLENT's proposed definition is based on the definition of violence used by the British Broadcasting Corporation's audience research report, *Violence on Television: Programme Content and Viewer Perception*, the definitive British study of televised violence released in 1971.[34] The definition can best be understood by analyzing its five chief clauses and giving appropriate examples of each. The five clauses are: 1) continuous action, 2) involving the same set of characters, 3) intentional and accidental, 4) persons or animals, and 5) compels another to act.

The "continuous action" clause means uninterrupted violence of the same sort. Therefore, a sword fight between the same two characters is one violent episode, even though the principals may strike each other's sword 25 times and the fight lasts five minutes. However, if the two sword fighters stop fighting for several minutes and then continue their fight, two violent episodes should be listed because there has been a break in the continuous action.

The clause "involving the same set of characters" refers to common sources or instigators of violence and common receivers or recipients of violence. This clause is necessary to separate similar violent acts involving different characters. For example, a sheriff may have fist fights with two different outlaws one after the other. The fist fights should be listed as two episodes because of the involvement of two different sets of characters. A different situation is that of one instigator of violence and two receivers. For example, a cartoon super-hero destroys two underwater beasts with *one* shot of his laser beam pistol. This is listed as only one episode because only one shot was fired between the instigator and the two recipients. Violence between groups is a possible third situation. If there is an air view film of a battle scene without specifying individual combatants, the battle should be recorded as one violent episode.

The clause "intentional or accidental" is included so that all violent incidents depicted on television will be recorded. To the viewer the distinction between intentional and accidental makes little difference. The violence itself makes the impression on him. For example, if a detective accidentally shoots and kills an individual, the man is dead. The detective's intent may be important in a court of law but not to the television viewer.

The clause "persons and animals" has been inserted to insure that all violent episodes with persons or animals are listed. Animals are included because in many television programs they play an important character role, for example, Lassie the dog, Flipper the dolphin, or Ed the talking horse. Harm to these characters can leave as deep an impression on a viewer, especially a child, as harm to a person. Episodes showing animals inflicting violence on persons should be listed. So, for example, if giant leeches attack Everglades explorers the incidents are listed. There are also many cartoon programs with animals depicting human-like roles that should be listed, for instance Huckleberry Hound or the Hair Bear Bunch. However, conventional acts of discipline or play with animals such as picking a dog up by his ears, spurring a horse, or prodding a mule with a stick should not be listed.

The "compelling another to act" clause refers to threats or coercion, either physical or verbal. For example, a robber with a gun is shown ordering a storekeeper to hand over the money in his cash register. Fearing the gun, the storekeeper gives the robber the money. He has been forced to act because of fear of being hurt. There are also expressly physical forms of coercion. For example a detective walking up to a house is shot at. He escapes getting hit by a second shot by getting behind a nearby car. He has been forced to take action because of fear of being hurt or killed.

It should be noted that the definition proposed here requires only the listing of on-screen acts of violence. Implied acts, or off-screen acts should not be listed.

Part IV

Part IV calls for a breakdown of the violent episodes into six elements. Number one, the type of violence, simply means a quick description of the violent episode. Examples are: "a gunfight between a sheriff and outlaw," "bombing of a city" or "strangulation scene." Number two measures the time span of the violent episode. For example, one sword fight may last three minutes while another lasts 15 seconds. They both are categorized as a violent episode, but the differing time span of the two incidents will be of interest to many. Number three calls for the type of characters involved in the violent episode. Descriptive terms which can be used here include major character, minor character, female, male, adolescent, old person. In other words, any short, definitive description may be used to identify the characters involved in the violence. Number four requires the name of the program on which the violent episode occurred. This is included for identification purposes and to determine which programs contain the most violence. It will also serve as an indicator of the level of seriousness or the tone of violence. A slugfest on a show like *Here's Lucy* will be different from one on *Mannix*. Number five asks for the type of program. The Nielson rating system provides a broad category system which may be of some use here to show any generic grouping such as adventure, quiz, detective, or western. Number six asks for the time at which the program was broadcast. The need for this is obvious. If a particularly gory mugging scene is shown on Saturday morning, it is going to affect more children than if it were broadcast after midnight on a weekday.

Part V

The meaning of Part V (which calls for a presumption in favor of listing an episode as violent) is clear on its face. The section is necessary to avoid time consuming, hair splitting arguments.

Part VI

Part VI is the basic public disclosure requirement. Its purpose is to insure that private citizens have the violence listings readily accessible to them. For the convenience of the public the listings should be on hand at the local place of business of the television station. Three on-the-air announcements during evening prime time are needed to insure the widest possible audience awareness of the availability of the listings.

Benefits of the proposal

The auditing system proposed by VIOLENT confers benefits on the public, researchers, the Commission and broadcasters. At the same time, the burden of responsibility for

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the system has been placed in the hands of those most capable of dealing with it, the individual stations. Such an approach is in line with recent statements of Mr. Clay Whitehead of the Office of Telecommunications Policy. Mr. Whitehead has repeatedly stated that individual broadcasters must assume greater responsibility for their programming.[35]

VIOLENT's proposal will benefit the public primarily in that for the first time it will be possible to determine the amount of violent programming for particular time slots and programs in any community. Not everyone has the time, resources or desire to watch lengthy segments of television in an effort to determine the amount of violence present. Yet responsible citizens and parents are concerned about such violent programming and should be allowed access to information about it.

The public will also be benefited in that VIOLENT'S inventory system will not result in another huge outlay of taxpayer money. The proposal places any financial burden for the system within the broadcasting market. Unlike the million dollar study presently being conducted by the NIMH or the expensive Surgeon General's Committee Report, costs incurred by VIOLENT's proposal can be equitably apportioned among sponsors and will eventually be reflected in the price of the sponsor's product.

The Commission and Congress will benefit from the VIOLENT proposal in that no longer will they have to go to the expense and trouble of special studies in order to achieve a readable indicator of the volume and distribution of violence on television. For all their fanfare, these various studies have left both Congress and the Commission in the dark as to the amounts of violence present on television. There are those on the Commission and in Congress, who may fear that such an inventory would be but a first step. They argue that by some "domino theory of regulation," once the amount of violence is determined, we are necessarily on the road to total censorship of violence. Such a theory assumes future irresponsibility on the part of the Commission and Congress, both of whom have been expressly entrusted with the protection of constitutional liberties in communications. On the contrary, VIOLENT's proposal seeks to create a better informed, more responsible Commission and Congress who will not be operating from within a statistical vacuum.

Media social scientists will be aided by VIOLENT's proposal in that they will finally have a broad, standardized, inexpensive data base from which to conduct their research. Presently, without a taxpayer's grant or vested involvement with the broadcasting industry, an independent researcher operates at a distinct disadvantage in his investigations into the effects of televised violence. VIOLENT's proposal would open up the field of research to a larger and more diverse range of media specialists.

Furthermore, broadcasting stations, networks and syndicates will be aided by the proposal. Broadcasters have stated repeatedly that they have an honest and abiding concern for violence on television and that they are, by way of various industry codes, making a good faith effort to curb broadcast violence. But obviously their efforts are failing, since Dr. George Gerbner's recently released figures show that violence is again on the rise. The auditing system proposed will allow the licensees, broadcasters and syndicates to reevaluate the weaknesses of past codes, and formulate more effective codes which will successfully deal with the problem. Publishing the data can act to further benefit the licensees in that they will be able to use the information to authoritatively fend off irresponsible attacks on their programming.

The Commission's Authority

VIOLENT's proposed rule is clearly within the Commission's established powers as expressed in the Communications Act of 1934. The Act gives the Commission the authority to act affirmatively to promote the safety of life and property through the use of wire and radio communications (47 U.S.C. S1).

Specifically, Commission members:

Have the authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communication or signal as *it may deem desirable.* (emphasis added) (47 U.S.C. S303(j)).

The Commission is empowered through this section to promulgate any rule which it thinks desirable. Nothing more need be proven under this standard to justify Commission action. This is not an enforcement provision, but rather a rule aimed at providing the Commission with information gathering power. As such, the standard of proof required to justify Commission action is the minimal standard of desirability.

In response to this authority, the Commission requests extensive information in its Form 301 and Form 303 which applicants must complete to apply for or renew licenses. In them, the applicant or licensee is requested to give such information as a detailed balance sheet of the applicant for 90 days previous; other businesses in which the applicant or any officer, director or principal stockholder has more than a 25% interest; the make and type of transmitting apparatus, modulation monitors, frequency monitors; and even the date of the last tower repainting.

Also included in Forms 301 and 303 is a requirement for disclosure of program content under Section IV–B "Statement of Television Program Services" which requires the applicant to submit (1) exhibits ascertaining the needs of his particular community; (2) a breakdown of hours, minutes and percent of total air time devoted to News, Public Affairs and other programs, along with a composite log and other requisites with regard to past programming, (3) various estimates as to proposed programming policies, (4) total amount of broadcast time devoted to commercial matter during the composite week; (5) proposed commercial practices; (6) a statement of general station policies and procedures which must include the names of station personnel who make programming determinations, whether or not the station has adopted a code of broadcasting standards and practices, and, if so, a description of such policies.

These requests for desired information, and VIOLENT's proposed rule, are simply requests for disclosure. Therefore, the test to be applied in determining Commission authority is that of desirability.

Further, the Commission is mandated to act "as public convenience, interest or necessity requires" (47 U.S.C. S303).

In its general grant of authority under Section 303, the Communications Act does not enumerate a specific regulatory scheme to be carried out by the Commission. Rather, it allows the Commission to fulfill its duty by determining how the public interest might best be served. As Justice Frankfurter spoke for the Supreme Court in *NBC v. U.S.*

But the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic.[36]

As an aid to applicants in conforming with the requirements of Section IV–B of Forms 301 and 303, a policy statement was issued in 1960. The Commission said in that statement:

The regulatory responsibility of the Commission in the broadcast field essentially involves the maintenance of a balance between the preservation of a free, competitive broadcast system, on the one hand, and the reasonable restriction of that freedom inherent in the public interest standard provided in the Communications Act on the other.[37]

The listing system proposed by VIOLENT, like the other requirements of Forms 301 and 303, allows the Commission to obtain factual data to fulfill its public interest mandate without threatening the First Amendment rights of the broadcasters, because there is no system of censorship, judgment or evaluation of data involved in the VIOLENT proposal. The responsibility for measuring program content is left to a free, competitive broadcasting industry.

When the Commission moves into the area of enforcement, S303 contains two tests, (1) public interest and convenience and (2) necessity, for determining whether the Commission may regulate in a given area in a given manner. Under a public interest test, the standard which the Commission uses is that of whether there is a controversial issue of sufficient public importance involved to justify action.

The Commission explained the industry's responsibility to issues of public concern in a series of notices on drug related musical lyrics in 1971. In these notices the Commission referred to the "epidemic of illegal drug use" to which the licensee could not be indifferent to the potential of his facilities to compound the problem.

The plain fact is that the licensee is not a common carrier—that the Act makes him a public trustee who is called upon to make thousands of programming decisions over his license terms. The thrust of the Notice is simply that this concept of licensee responsibility extends to the question of records which may promote or glorify the use of illegal drugs. A licensee should know whether his facilities are being used to present again and again a record which urges youth to take heroin or cocaine—that it is a joyous experience.[38]

Certainly the public concern wtih encouragement of drug use should be no less than the public's concern with the subtle encouragement of violence in this nation. Therefore, even using the higher public interest test, VIOLENT's proposal meets the standard set for Commission action.

The final test devised by S303 is that of necessity. This standard requires proof of necessity before positive action can be taken by the Commission. Commission action need only be based on a preponderance of the evidence test. With cigarette smoking, *Banzhaf v F.C.C.*, as with television violence, the danger is "documented by a compelling accumulation of statistical evidence." [39] All the proof necessary to support VIOLENT's proposal can be found in the six volumes of the Surgeon General's report. It is neither necessary nor practical to allow the effects of televised violence to go unchecked while more incontrovertible data is sought.

VIOLENT's proposal, therefore, meeets each of the 3 tests devised to judge the appropriateness of Commission Action. The listing system, like the other requirements of Forms 301 and 303, allows the Commission to obtain desired factual data through reasonable regulation. The Commission can act to fulfill its public interest mandate without threatening the 1st Amendment rights of the broadcasters, because there is no system of censorship, judgment or evaluation of data involved in the VIOLENT proposal. No specific method of regulation is proposed to come under the challenge of S326. The responsibility for measuring program content is left to a free, competitive broadcasting industry.

VIOLENT'S petition distinguished from other proposals

VIOLENT'S proposal is unlike all previous petitions made to the Commission and the

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courts concerning televised violence. Foremost among such actions were the 1972 petition of O. R. Grace, Mr. George Corey's petition in the same year, the petition of the Foundation to Improve Television (F.I.T) in 1970 and a subsequent court suit by three individual members of F.I.T. VIOLENT has steered clear of legal pitfalls in these actions while at the same time attempting to improve the basic theme underlying them.

The *O. R. Grace* petition charged that much programming is "vulgar and violent." [40] It urged immediate review of all licensees as well as network practices and policies. This attempted solution does not concern itself on a practical level with the intricate relationship between the Commission and the industry. The Commission has no direct control of network policy and the word "network" appears nowhere in the Communications Act of 1934. Neither does the *O. R. Grace* proposal work within the well established procedures of review followed by the Commission. In its letter of response to O. R. Grace, the Commission states that the proper time for licensee review is at license renewal, and it is at that time that such matters may rightly be discussed. VIOLENT has followed the Commission's recommendations and has geared any considerations regarding violent content of programing to the license renewal forum.

In the *Corey* complaint, petitioner requested two actions from the Commission.[41] First, he sought intervention into license renewal proceedings and the withholding of licenses from three New England stations until either hearings could be held to determine the amount of violence broadcast or until the Commission could establish violence guidelines. Second, he suggested the institution, under the fairness doctrine, of a public service violence warning before the airing of violent programs. Mr. Corey assumes in his petition that stations which broadcast violence are necessarily operating against the public interest. Further, he assumes that the Commission could create a violence standard and then use this standard to justify license revocation and programming control.

VIOLENT's proposal makes no such assumption. It does not create a standard of violence nor is it a rating of violence. It is merely a listing of violent incidents. Clearly such a listing does not of itself create a rating standard by which to justify the revocation of a station's license. Violent has followed the Commission's refusal to deal with the issue in the manner sought in the *Corey* petition. In addition VIOLENT has followed the Commission's recommendations in its response to *Corey* that it is more appropriate to consider industry-wide issues through the rule making forum. VIOLENT's petition, therefore, does not seek to search out violent stations in a "witch hunt" approach to the problem, but rather seeks a rule applicable to all stations.

The *Foundation to Improve Television* (F.I.T.) petition [42] proposed to ban all violence on television during certain evening hours, and to refuse license renewals on the basis of a violence determination. The Commission chose not to deal with the violence question at the time because it was awaiting the results of the Surgeon General's Report before acting on the issue. Although the report has been out for nearly a year, there has been no action on the violence issue.

In a subsequent suit brought by three individual members of F.I.T., *Mary Maguire et. al.* v. *Post-Newsweek stations, et al.*,[43] the complainants sought to restrict the telecast of specific programs which it termed excessively violent. This request was rejected by the Federal District Court for the District of Columbia and on appeal. The rationale for the rejection was that the appropriate forum for such an action is the Commission itself.

VIOLENT suggests none of the above proposals. It does not seek to censor, restrict, or ban questionable entertainment programming. Nor does it desire to deny license renewal on the basis of the amount of violence aired. No value is attached to televised violence, either positive or negative. Nor is the Commission asked to sit in judgement of any or all programming. VIOLENT's proposed rule is restricted to a request for information on programming services from all licensees at the appropriate time of license renewal.

CONCLUSION

VIOLENT's proposal speaks for itself: there is a causal link between televised violence and violence in society. The link has been scientifically proven and attested to by congressional leaders, citizens groups, and members of the broadcasting industry themselves. Despite this overwhelming concern, there has been no real effort made to ascertain the amount of violence broadcast over the nation's air waves.

VIOLENT proposes a system to list violent incidents broadcast during the composite week. Such a listing conforms with and does not significantly differ from other information now requested on the license renewal form. The information so provided will be made accessible to any citizen or group. If approved, the proposal could be put into effect immediately, with a minimum of effort by the Commission.

Such a listing system would benefit the public, Congress, researchers and broadcasters themselves. All will be given a data base from which to discuss and evaluate the detrimental effects of violent programming. No similar data base presently exists. It is inconceivable that a thorough investigation of televised violence can proceed without this data.

VIOLENT's proposal is within the Commission's authority. It does not abridge the statutory guarantees of freedom of expression in section 326 of the Communications Act of 1934. Enactment of the proposal should not be seen as a first step towards censorship, but rather as a means of providing information to stimulate lively public debate.

VIOLENT respectfully requests the Commission to carefully consider its proposal, taking whatever action it deems appropriate.

FOOTNOTES

[1] R. K. Baker and S. J. Ball, *To Establish Justice To Insure Tranquility: A Staff Report to the National Commission on the Causes and Prevention of Violence*, (Washington, D.C., U.S. Government Printing Office, 1969), pp. 201–202.

[2] Surgeon General's Scientific Advisory Committee on Television and Social Behavior, *Television and Growing Up: The Impact of Televised Violence*, (Washington, D.C., U.S. Government Printing Office, 1972), p. 17.

[3] Robert M. Liebert, "Television and Social Learning. Some Relationships Between Viewing Violence and Behaving Aggressively," in *Television and Social Behavior*, Vol. II *Television and Social Learning*, ed. by J. P. Murray, E. A. Rubenstein and G. A. Comstock, Washington, D.C., U.S. Government Printing Office, 1971), p. 29.

[4] Aletha Huston Stein and Lynette Kohn Fredrich, "Television Content and Young Children's Behavior," *Ibid.*, p. 206.

[5] Harold Stevenson, "Television and the Behavior of Preschool Children," *Ibid.*, p. 363.

[6] Stein and Friedrich, *Ibid.*, p. 247.

[7] *Ibid.*, p. 273.

[8] Surgeon General's Committee, *Television and Growing Up*, p. 18.

[9] *Hearings, Subcommittee on Communications of the Committee on Commerce, United States Senate*, 92nd. Cong. 2nd. Session 1972, (Washington, D.C., U.S. Government Printing Office, 1972), p. 29.

[10] *Ibid.*, p. 31.

[11] *Ibid.*, p. 243.

[12] *Hearings, Subcommittee on Communications*, p. 11.

[13] *Ibid.*, p. 50.

[14] *Ibid.*, p. 182.

[15] Douglas Cater and Stephen Strickland, "A First Hard Look at the Surgeon General's Report on Television and Violence," *Hearings, Subcommittee on Communications*, p. 170.

[16] "Ad Leaders urge Self-Restraint on T.V. Violence," *Broadcasting Magazine*, (September 25, 1972), p. 24. (See also National Business Council for Consumer Affairs, *Violence and the Media*, Washington, D.C., U.S. Government Printing Office, 1972.)

[17] Herbert Kupferberg, "Children's TV—your Voice Can Help," *Parade Magazine*, (December 3, 1972), p. 19.

[18] W. Watts and L. Frei, Editors, *State of the Nation*, (Washington, D.C., Potomac Association, 1973), p. 35.

[19] See *Washington Star News*, January 4, 1973, p. 1.

[20] *Hearings, Subcommittee on Communications*, p. 184.

[21] *Ibid.*, p. 104.

[22] "Children's T.V.: Much Talk, Few Answers," *Broadcasting Magazine*, (October 9, 1972), p. 39.

[23] "More Research on Violence," *Television Digest*, (August 21, 1972), p. 4.

[24] Stevenson, *Television*, Vol. II, *Social Learning*, p. 350.

[25] Jack Lyle and Heidi Hoffman, "Children's Use of Television and Other Media," in *Television and Social Behavior*, Vol. IV, *Television in Day-to-Day Life: Patterns of Use*, ed. by E. A. Rubenstein, G. A. Comstock and J. P. Murray, (Washington, D.C., U.S. Government Printing Office, 1971), p. 131.

[26] "How Best to Rate Violence on T.V.?" *Broadcasting Magazine*, (August 7, 1972) p. 23.

[27] David Clark and William Blankenburg, "Trends in Violence Content in Selected Mass Media," in *Television and Social Behavior*, Vol. I, *Media Content and Control*, ed. by G. A. Comstock and E. A. Rubenstein, (Washington, D.C., U.S. Government Printing Office, 1971), p. 188.

[28] Leonard LoSciuto, "A National Inventory of Television Viewing Behavior," *Television*, Vol. IV, *Television in Day-to-Day Life*, p. 77.

[29] Jack Lyle, "Television in Daily Life: Patterns of Use (Overview), "*Ibid.*, p. 7.

[30] George Gerbner, "Violence in Television Drama: Trends and Symbolic Functions," *Television*, Vol. I, *Media Content*, p. 66.

[31] Stevenson, *Television*, Vol. II, *Social Learning*, p. 350.

[32] Liebert, *Television*, Vol. II, Social Learning, p. 8.

[33] Edith Ephron, "A Million Dollar Misunderstanding," *T.V. Guide*, (November 25, 1972), p. 36. (See also *T.V. Guide*, November 11 and 18).

[34] British Broadcasting Corporation, *Violence on Television:* Programme Content and Viewer Perception, (London, British Broadcasting System, 1972), pp. 3–4.

[35] See Speech by Clay Whitehead in Indianapolis before Sigma Delta Chi National Journalism Fraternity on December 18, 1972.

[36] *N.B.C. v. United States*, 319 U.S. 190, 215–216 (1943).

[37] *Report and Statement of Policy re Commission En Banc Programming Inquiry*, F.C.C. 60–970, 25 F.R. 7291, 7293 (July 29, 1960).

[38] *In the Matter of Licensee Responsibility to Review Records Before Their Broadcast*, adopted April 16, 1971, F.C.C. 71–428, 21 R.R. 2d. 1698, 1702.

[39] *Banzhaf v. Federal Communications Commission*, 405 F. 2d. 1082, 1097–1098 (D.C. Cir. 1965).

[40] 25 F.C.C. 2d 667, 18 R.R. 2d 437 (1972).

[41] — F.C.C. 2d —, 25 R.R. 2d 437 (1972).

[42] 25 F.C.C. 2d 830 (1970)

[3] U.S.D.C. Docket no. 3348–70, (appeal denied) U.S. App. D.C. Docket no 71–1163.

MIAMI BEACH MUSIC AND ARTS LEAGUE

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, it is my honor to bring to the attention of my distinguished colleagues an outstanding cultural organization, the Miami Beach Music and Arts League, whose esteemed president for 1972–73 is Mr. Lee Reiser.

The league, founded by the noted music laureate, Ruth C. Brotman, in January 1951, annually presents a series of eight public concerts in the Miami Beach Auditorium, Miami Beach, Fla.

The purpose of this organization is to provide scholarships for young, talented musicians and those in the allied arts in the Greater Miami area, to further encourage such artistic endeavors, and to recognize artistic accomplishments publicly and annually in the Dade County area.

This nonprofit organization provides musical, social, and other programs for its members and guests throughout the year. The league raises funds through concert subscription sales and through concert subscription sales and through the generous contributions of its sponsors and friends.

Amateur, talented young people, regardless of race, creed, or color, are recognized by this fine organization which gives them, when selected, the opportunity to perform in concert before the league and the general public. Those performing in these concerts are presented with scholarships and awards to enable them to further their careers and develop their artistry at institutions of their choice.

Of great nostalgia to the members of the league is the first concert organized by the league in 1951, under President Ruth Brotman, which included such national and international artists as Dr. Bertha Foster, Mme. Mana Zucca, Frances Seibel, Anthony Loeb, Florence Kutzen, Olga Bibor Stern, Anyuta Melicov, Edward Mandel, Sholom Asch, and Harold Shapiro.

The league, now in its 22d year, has a total membership of over 2,100 devoted sponsors, contributors, and subscribers. In 1972 the league was able to distribute over $4,000 in scholarships and awards to deserving, talented young musicians and artists of Dade County.

The league and all its worthy members are to be commended for the outstanding job they are doing to promote and encourage the cultural enrichment of our area's young people.

A GRACEFUL TRIBUTE TO PUBLIC MEN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I was privileged to join my distinguished colleague and dear friend, the Honorable ROBERT MOLLOHAN, at a dinner in his honor last fall in his district, at Moundsville, W. Va. The delightful invocation by Father Robert E. Lee of Our Lady of Snows Church-Mount Olivet, Wheeling, W. Va., has stuck in my mind and I thought I might share it with our colleagues on both sides of the aisle. Father Lee has something to say to each of us, I think, as we carry out our responsibilities as elected representatives of all the people:

INVOCATION BY FATHER ROBERT E. LEE

O God, we believe that you are here present with us this evening as we gather to pay tribute to Congressman Robert Mollohan and such public figures as Congressman Claude Pepper, who represent us in the government of county, state, and country. The recognition is for work well done in sharing time and life for the good of constituents, the people, God's people.

Your son Jesus Christ would know about banquets: he attended them while on earth. He ate with sinners as well as saints and He recognized a person's worth as he read a person's soul.

So, we feel very much a community of people, hopefully, as co-creators of good with the Supreme Creator and we say "Well Done" to people who multiply talents for the good of others. Bless, O Lord our representatives for years well spent in our service and God's. Bless and consecrate the minds, ambitions of all in public life . . . Long after election fever has quieted down, may they work for liberty, justice and peace with lofty ambitions, refined consciences and a sense of the Creator's dignity in all people . . .

Finally O God; so that all people can work hand in hand for the good, the true and the beautiful, in the interest of equal time, and for the non-alienation of half my parish, bless also the Republicans.

REMOVING THE RANSOM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, during the last few days some interesting news has come out of the Soviet Union. It appears that in certain selected cases, the Soviet authorities are waiving their infamous education tax imposed on Jews seeking to emigrate to Israel.

Since we are currently engaged in attempts to pass amendments to the administration's trade bill that would have precisely this effect, I must admit that I am encouraged by the Soviets' actions. American public opinion does indeed have an effect on the Russian Government.

And yet, it is precisely this effect that concerns me as well as pleases me. For it it is transparently obvious that the Russians are reacting directly to stimuli from the American Congress. They desperately want their most-favored-nation trading status, so much so that they are willing to make what is for them a major concession on a point of great sensitivity. Were it not for the determination of the Congress in supporting the Freedom of Emigration Act, the 44 Soviet Jews whose ransoms were waived in the past 2 weeks would still be languishing in Russia.

The Soviet Union seems to be giving quite a lot, but is in effect giving very little. The education tax, which officially became Soviet law last December, is still on the books, and will remain so. The tax is being waived in a very few, selected number of cases. There are still many more people being denied visas than there are cases of visas being granted. The excuses for denials become flimsier and flimsier. For example, the Golygorsky family were denied a family visa on the ground that their older son Vladimir, a 25-year-old violinist served in the army. He did serve for 2 years, but his rank was private and he had no access to secret information. Even with the apparent relaxation of emigration restrictions, no activists and very few scientists are being granted permission to emigrate.

All of this indicates that we should not think that the present relaxation of restrictions means very much in the long run. We should be aware that this is just a ploy by the Soviet Government, to lull the Congress into believing that its objective of easing Russian emigration restrictions has been attained. This objective will not be attained, no matter what reports we may read or hear, until there is no longer any barrier to emigration from the Soviet Union.

We must not think that now we can give up on the Freedom of Emigration Act. This legislation is the only leverage we have on the Russians. The threat of the act's passage was what made them ease off in the first place. If we drop the legislation now, what is to keep the Soviet authorities from reimposing the exit tax, or perhaps imposing even harsher restrictions on the Jews seeking their freedom?

It would be shortsighted folly to give up now, just when we taste the first small fruits of victory. We ought not to back down until we have a complete victory, and the doors to Russia are thrown wide open.

I would like to insert in the RECORD an article from last Friday's New York Post. It should serve to remind us of what we are fighting for.

The article follows:

[From the New York Post, Mar. 30, 1973]

SOVIET JEWS: NO EXIT FOR MANY

(By Stephens Broening)

Moscow.—For 60 rubles a month, Lev Libov nails soundproof padding on the apartment doors of people sensitive to noise. As a Ph.D in the chemistry of metallurgy, he is massively overqualified for his work, but it provides a living for his wife Natalya and their 9-year-old son Dan.

He lost the job he was trained for after he applied for permission to leave for Israel nearly two years ago. Since then he's been assigned to a kind of no-exit purgatory created especially for thousands of Soviet Jews the state refuses to yield.

Like many of the well educated Jews who have tried to join the flow of emigrants to Israel—running about 2300 a month this year—Libov has been prevented from working in his specialty and flatly prevented from leaving. For him and others like him the hurdle of the diploma tax seems light years away.

The men who control emigration apparently feel he knows too much, that his departure will subtract from the national sum of knowledge and slow the march toward communism.

In his desperation Libov has turned to a mild sort of activism, the signing of open letters, petitions and the occasional tentative

sit-in at a government office. During the visit of President Nixon last spring, five policemen arrested him at home before dawn and held him in 10 days' preventive detention. Son Dan told his mother: "I said to the kids at school that papa went on a business trip to Leningrad."

Details of Libov's situation emerged from a series of interviews with Moscow Jews who agreed to discuss their difficulties. They claimed there were thousands like them throughout the Soviet Union. Among those interviewed were the families of:

Yuri Kosharovsky, a physicist who was fired when he applied for the "character references" necessary to support any application for an exit visa. Officials said he could go, but his wife Nora's "special qualifications" as a former mathematician at Moscow State University would keep her here.

An official of the Interior Ministry told her last fall: "If you were a shopgirl you could leave." Kosharovsky works now as a stevedore.

Barukh Enbinder, a former physicist at the Institute of Physical Chemistry of the Academy of Sciences. He applied for character references on Dec. 26, 1971. Two days later, he was fired. He hasn't worked since and risks arrest for "parasitism." He has a wife, Orlova, and a 7-month-old son.

Vladimir Slepak, a computer specialist with two sons, 21 and 13. Slepak and his elder son Alex have been arrested, notably during the Nixon visit. "Will my husband and son be at home when I return or will they have been arrested?" Slepak's wife Maria asks. The Slepaks have appealed to the Interior Ministry and the KGB secret police for a way out. Last October a KGB officer told them: "If you want to live among Jewish people go to Birobidzhan." That is the so-called Jewish autonomous republic that Stalin created between Manchuria and the Soviet maritime provinces.

Barukh Orlov, a historian, and his wife Maria have both been fired from their jobs. "We have no work and no money," they complained. Their 15-year-old daughter, one of two children, gets anonymous threatening phone calls. Orlov has a bad heart.

Mikhail Babel, an engineer fired from his job last June. He initiated administrative action for reinstatement but lost. He works as a loader in a bakery for 70 rubles a month. The ruble is worth $1.34 at the official exchange rate. Helen, his wife, says her daughter hears "nothing but bad words about Israel" in her school, "but Israel is her motherland."

THE BEEF ABOUT BEEF

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, last Thursday night, President Nixon brought us some long-overdue news. He was imposing a price ceiling on meats at their present level.

Unfortunately, this is not good news. For the level at which the price ceiling was imposed was the highest level of meat prices in the history of this Nation. It is the level at which most American consumers could no longer afford to buy meat for their dinner table. It is a level that is prohibitively expensive for all but the wealthy.

The alternatives left open to us are none too good. Fish is nearly as expensive as the cheaper cuts of beef. Eggs are selling for 79 cents a dozen. How many dozens of eggs will it take to feed a family of four that cannot afford meat? This is no bargain either. And cheese prices are equally high.

We are now into a nationwide meat boycott. The power of the housewife is pitted against the might of the meat producing and packing industry. It seems, that for a short time, at least, the housewife will prevail. We have already seen meat prices come down a bit in the last few days. But this will be a temporary victory.

Beef cattle growers are threatening to withhold their animals from the market, seeking to keep prices at their current levels and drive them even higher if possible. Unless the Federal Government steps in and takes an active hand in the matter, the housewife will ultimately be defeated in her attempt to get the best food for her family at the lowest possible price.

The President's price freeze shows good intentions, but we all know the famous saying about good intentions. We need more. We need a rollback of food prices to their levels of last November. We need a thorough revamping of the farm subsidy program that will give the farmer a fair return on his investment without penalizing the consumer with inflated prices. We need a detailed study of the food production and distribution industry in this country to find out precisely where the consumer's food dollar goes. We need to find out how food distribution can be accomplished more efficiently, and how we can improve productivity on the farm, in the middlemen's factories and packinghouses, and in the groceries.

Housewives cannot fight their battle alone any longer. They need to know that the President and the Federal Government are fighting on their side, and protecting their interests. Let us go from a price freeze to a price rollback as soon as possible, and restore some sanity to the dinner table.

INCLUDING MASS TRANSIT IN NATIONAL TRANSPORTATION TRUST FUND

(Mr. PODELL asked and was given permission to extend the remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I am today introducing a bill to establish a National Transportation Trust Fund. Each year the proponents of mass transit in the Congress fight for the crumbs left by the highway lobby. This year's fight is already in progress. The Senate recently authorized the discretionary use of $850 million of the highway funds for urban areas. If the Members of the House join in this action—and that is doubtful—the first stage of the battle will be won.

The House must go along with this piecemeal approach to funding to salvage a disastrous situation. However, this folly should be ended as quickly as possible. The Congress created the Department of Transportation in recognition of the central role transportation facilities play in national life. Unfortunately the creation of a new Cabinet post did little to unify all the various aspects of transportation policy in the country. While all come under one purview, highways, railroads, airways, and mass transit all remain in their own separate bailiwicks fighting and struggling with each other for a share of available funds. Mass transit for urban areas has remained the stepchild of the lot.

Why should we wait until the transportation problems of the rest of the country are as severe as those of New York City before we act? One of the daily frustrations of living in New York, or any other major metropolitan area, is the noise, pollution, and congestion caused by automobiles. Finding a parking space is cause for rejoicing, and those who do not fight the traffic suffocate in the subways.

A rational approach to the funding and planning of our transportation needs is for many a question of survival and the numbers increase daily. Under my legislation a National Transportation Trust Fund would absorb the separate trust funds which now exist for highways, airports, airways, and other specific categories. It would require the Secretary of Transportation to formulate within 1 year from the date of enactment a comprehensive plan for the effective implementation of a unified transportation program.

It should be clear that this is not an attack on the automobile or the extension and repair of the highway system where needed. It is a call for policies tailored to different regional needs. The Secretary would be directed to consult with regional, State, and local agencies in an effort to achieve a better balanced, more effective system.

My district feels the question of mass transit most sharply but other benefits would accrue from this legislation. For example, the railroads of the Northeast are on the verge of collapse and this must be dealt with in the context of the entire transportation system. The interrelationship of freight and passenger service, of rails, highways, waterways, and rapid transit must finally be recognized.

PUBLIC SAFETY OFFICERS AND SURVIVORS WOULD BE PROTECTED AGAINST CRIMINAL ACTS

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, today Messrs. SMITH, SANDMAN, RAILSBACK, FISH, HOGAN, and MOORHEAD of the Committee on the Judiciary are joining me in introducing a legislative proposal drafted by the Attorney General entitled the "Public Safety Officers' Benefits Act of 1973."

The purpose of the bill is to provide a $50,000 Federal payment to the survivors of State and local public safety officers, including firemen, who died in the performance of duty as the direct and proximate result of a criminal act.

This legislation is urgently needed because of the growing risk of death that public safety officers face while carry-

ing out their assigned tasks, and because of the existing disparity in survivors benefits from State to State.

Statistics clearly demonstrate the increasing incidence of violent street crime and support official estimates that the rate of violent street crime increased by 156 percent during the decade of the 1960's. In addition, in recent years, more deaths result from the premeditated design of violent dissenters who have chosen public safety officers as a symbolic target for demonstrating dissatisfaction with society.

Notwithstanding the severe occupational hazards which confront policemen, firemen, correctional officers, and other public safety officers, many States have failed to provide sufficient death benefits for the survivors. For example, a study conducted in October 1970 reported that 18 States provided no such financial assistance and even where States have provided death benefits, they are generally inadequate.

For these cogent reasons we believe Federal minimum payment of $50,000 should be provided to meet the immediate financial needs of survivors of public safety officers who give their lives in the line of duty.

In this bill, "public safety officer" is defined to include persons serving public agencies, with or without compensation, in activities pertaining to law enforcement, corrections, courts with criminal or juvenile delinquent jurisdiction, and firefighting. This gratuity would serve as a Federal floor for survivors benefits and, with certain exceptions, would be in addition to any other benefits due the survivors. Benefits due under this proposal would not be subject to Federal income taxation.

It is estimated that the cost of this legislation would be $9.4 million annually, based upon recent statistics on assaults against public safety officers. This cost would consist of approximately $8.3 million in awards and $1.1 million in administrative expenses.

The text of the bill and a section-by-section analysis follows. I urge speedy action by the House to provide these much needed benefits which will help significantly in combating crime.

The material follows:

H.R. 6449

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 "Public Safety Officers' Benefits Act of 1973."

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new part:

"PART J—DEATH BENEFITS FOR PUBLIC SAFETY OFFICERS

"DEFINITIONS

"SEC. 701. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child, or stepchild of a deceased public safety officer who is—

"(A) under eighteen years of age; or

"(B) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(C) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code;

"(2) 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime;

"(3) 'dependent' means wholly or substantially reliant for support upon the income of a deceased public safety officer;

"(4) 'line of duty' means within the scope of employment or service;

"(5) 'public safety officer' means a person serving a public agency, with or without compensation, in any activity pertaining to—

"(A) the enforcement of the criminal laws, or the prevention, control, reduction or investigation of crime; or

"(B) a correctional program, facility or institution where the activity is determined by the Administration to be potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers or parolees; or

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is determined by the Administration to be potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers or parolees; or

"(D) firefighting

"RECIPIENTS

"SEC. 702. Upon a finding by the Administration that a public safety officer has been killed in the line of duty and the proximate cause of such death was a criminal act or apparent criminal act, the Administration shall pay a gratuity of $50,000 to the eligible survivor or survivors in the following order of precedence:

"(1) if there is no surviving dependent child of such officer to the surviving dependent spouse of such officer;

"(2) if there is a surviving dependent child or children and a surviving dependent spouse of such officer, one-half to the surviving dependent child or children of such officer in equal shares and one-half to the surviving dependent spouse of such officer;

"(3) if there is no surviving dependent spouse, to the dependent child or children of such officer in equal shares;

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares; or

"(5) if none of the above, to the dependent person or persons in equal shares who are blood relatives of the such officer or who were living in his household.

"INTERIM BENEFITS

"SEC. 703. (a) Whenever the Administration determines, upon a showing of need and prior to taking final action, that a death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $3,000 to the person or persons entitled to receive a benefit under section 702 of this part.

"(b) The amount of any interim benefit paid under subsection (a) of this section shall be deducted from the amount of any final benefit paid to such person or persons.

"(c) Where there is no final benefit paid, the recipient of any interim benefit paid under subsection (a) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, and shall consider for this purpose the hardship which would result from repayment.

"LIMITATIONS

"SEC. 704. (a) No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by the officer's intention to bring about his death; or

"(2) if the actions of any person who would otherwise be entitled to a benefit under this part were a substantial contributing factor to the death of the public safety officer.

"(b) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 8191 of title 5, United States Code;

"(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, § 4–531(1));

"(3) gratuitous lump-sum death benefits authorized by a State, or unit of general local government without contribution by the public safety officer, but not including insurance or workmen's compensation benefits;

"(4) amounts authorized under any Federal program, or program of a State or unit of general local government receiving Federal assistance under this title which provides for the compensation of victims of crime.

"(c) No benefit paid under this part shall be subject to execution or attachment.

"PROCEDURE

"SEC. 705. (a) In the event of the death of a public safety officer serving a State or unit of general local government, the notification of such death shall be filed with the Governor or the highest executive officer of the State.

"(b) The Governor or the highest executive officer of a State upon receipt of notification of the death of a public safety officer, shall promptly notify the Administration of the pendency of a certification, and, after due investigation, shall certify to the Administration all facts relevant to the death upon which the benefit may be paid.

"(c) The Administration upon receipt of certification by a Governor of the highest executive officer of a State shall determine if a benefit is due, and, if so, to whom and in what amounts.

"REGULATIONS

"SEC. 706. The Administration is authorized to establish such rules, regulations and procedures as may be necessary to carry out the purposes of this Act.

MISCELLANEOUS PROVISIONS

SEC. 3. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "520" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of Part J."

SEC. 4. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

SEC. 5. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 6. This Act shall become effective and apply to acts and deaths occurring on or after the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

The title of the legislation is the "Public Safety Officers' Benefits Act of 1973".

Section 2 amends Title I of the Omnibus Crime Control and Safe Streets Act of 1968,

as amended, by adding at the end thereof a new Part J entitled "Death Benefits for Public Safety Officers". Title I of the Safe Streets Act established, among other things, the Law Enforcement Assistance Administration, and under this proposal LEAA would be given the responsibility of administering the benefits program.

The definitions of terms used in the legislation are set out in section 701 of the new Part J.

The term "child" is defined in subsection (1) to include any natural, illegitimate, adopted, or posthumous child, or stepchild of a deceased public safety officer who is under eighteen years of age, or over eighteen and either incapable of self-support due to mental or physical disability or a student as defined in 5 U.S.C. § 8101. (Section 8101 defines a "student" to be an individual under 23 years of age who has not completed four years of education beyond the high school level and is regularly pursuing a full-time course of study or training at certain types of institutions.) The term "child" is defined broadly (the child may be married, for example) because he must be dependent upon the public safety officer in order to be an eligible survivor. So long as a child is dependent, he would be eligible to recover regardless of certain other conditions such as marital status.

The term "criminal act" is defined in subsection (2) of section 701. The term is relevant because the death of a public safety officer must result proximately from a criminal act or an apparent criminal act before his survivors would be eligible for benefits. "Criminal act" means any crime under the laws of the United States or a state or unit of general local government which poses a substantial threat of personal injury, and includes any act, omission or possession. Even if the individual perpetrating the offense were legally incapable of committing a crime because of age, insanity or intoxication, for example, the officer's survivors would still be eligible for benefits.

The term "dependent" means wholly or substantially reliant for support upon the income of the deceased officer. A survivor must be determined to be financially dependent before he is eligible to recover benefits. The term is intended to be flexible enough to prevent a rigid application of the statute.

"Line of duty" means within the scope of employment or service. An officer must be killed in the line of duty as the proximate result of a criminal act or apparent criminal act before eligibility attaches.

Subsection 5 defines the term "public safety officer". A "public safety officer" is a person serving a public agency, with or without compensation, in any activity pertaining to: (A) the enforcement of the criminal laws, or the prevention, control, reduction or investigation of crime; (B) a correctional program, facility or institution; (C) a court having criminal or juvenile delinquent jurisdiction; or (D) firefighting. With respect to (B) and (C), the activity would have to be determined by the Administration (LEAA) to be potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers or parolees. The intent of the definition is to include only those public servants who risk death from criminal acts because of the inherent nature of their work. (The term "public agency" as used in this definition is itself defined in section 601(i) of the Safe Streets Act, and means generally any state or unit of local government, or any department or agency of such state or unit. It does not include the federal government or federal agencies.)

Section 702 of the new Part J establishes the criteria for eligibility, and delineates the order of precedence among those who may be recipients of benefits under the Act. The section provides that LEAA will pay a gratuity of $50,000 to eligible survivors upon a finding that a public safety officer has been killed in the line of duty and the proximate cause of death was a criminal act or apparent criminal act. To be eligible, survivors would have to be financially dependent upon the deceased public safety officer. The following dependent individuals would be eligible for benefits: a spouse; or if there is a child or children, the spouse and the child or children; or if there is no surviving spouse or children, the parent or parents; or if none of the above, certain blood relatives or household members.

Section 703 provides for the payment of interim benefits not to exceed $3,000 to eligible survivors upon a showing of need before final action is taken by the Administration. ($3,000 would be the maximum amount per case regardless of the number of survivors). Any such interim benefits would be deducted from the amount of the final benefit. Where no final benefit is awarded the recipient of an interim benefit would be liable for repayment. The Administration could waive repayment of any or all of the amount, however. In making this determination, the Administration would be required to consider the hardship which would result from repayment.

Section 704(a) enumerates those situations in which no benefit shall be paid. No benefit shall be paid if death was caused by the officer's international misconduct or by his intention to bring about his own death, or if the actions of any person who would otherwise be an eligible survivor were a substantial contributing factor of the death.

Section 704(b) states that the death gratuity shall be in addition to any other benefit that may be forthcoming from any other source. However, the benefit would be reduced by payments authorized under: (1) 5 U.S.C. § 8191 which makes a non-federal officer eligible for benefits under the Federal Employees Compensation Act when the officer is killed or injured while performing a federal or quasi-federal function; (2) section 4–531(1) of the District of Columbia Code, which provides for similar but not identical benefits to those provided herein for deceased D.C. police and firemen; (3) any state or local program providing gratuitous lump-sum death benefits which are not contingent upon contributions by the officer; and (4) any federal or federally assisted program to comepnsate the victims of crime. These reductions are intended to minimize the inequities that could result from an officer's survivors recovering benefits from more than one program when such programs are designed for essentially the same purpose.

Subsection (c) provides that no benefit paid pursuant to the provisions of the legislation shall be the subject of execution or attachment.

The new section 705 establishes the procedure to be followed with respect to an application for death benefits. Notification of an officer's death must first be filed with the Governor or the highest executive officer of the particular State (subsection (a)). The Governor or executive officer is then required to notify the Administration of the pendency of a certification. After investigation, all relevant facts surrounding the death shall be certified to the Administration. (Subsection (b)). The Administration, upon receipt of certification, then determines if a benefit is due, and if so, to whom and in what amounts. (subsection (c)).

Section 706 authorizes the Administration to establish such rules, regulations and procedures as may be necessary to carry out the purposes of the Act.

Sections 3, 4, 5 and 6 of the legislation are miscellaneous provisions. Section 3 authorizes such sums as may be necessary to carry out the Act; section 4 provides that any appropriation made to the Department of Justice or LEAA may be used to make benefit payments until specific appropriations are made; section 5 makes the provisions of the Act severable; and section 6 provides that the Act shall be effective and apply to acts and deaths occurring on or after the date of enactment.

NIXON'S MEAT PRICE FREEZE IS TOTALLY INADEQUATE

(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, the President's imposition of a ceiling on the price of meat last week was a hollow gesture which, in my opinion, is a totally inadequate approach to the present price crisis confronting the American consumer.

This freeze on the price of beef, lamb, and pork alone is insufficient for two basic reasons.

First, the President delayed taking action until meat prices had reached such astronomical levels that consumer boycotts and public outrage had made headlines in every newspaper and magazine. The level at which he froze prices is a level which is far too high for public acceptance.

Second, a freeze on the price of meat alone is an economic absurdity which is doomed to disaster from its inception. What the country needs is an immediate freeze on the price of all goods and services, not just on the price of meat, and a gradual rollback of all consumer prices to lower levels. Any future price increases must be subject to strict guidelines and controls. Price controls on meat alone cannot work, for if the costs of the goods and services which farmers must pay in order to produce meat continue to rise, meat production will become unprofitable for them, they will sharply reduce their output, and rationing and black markets may result.

Last week, prior to the President's announcement of meat price controls. I submitted a statement to the House Banking and Currency Committee during the course of that distinguished committee's hearings on the Economic Stabilization Act and the price spiral which has struck our Nation. I am attaching the statement to my remarks of today.

This statement does not reflect the subsequently imposed meat price controls, but I feel that it represents a fair analysis of the factors underlying the shocking rise in national food prices. I have cosponsored the legislation which the Banking and Currency Committee proposed as a solution to our current price crisis—an immediate freeze on interest rates and on the price of all goods, services, and rents, a rollback of those prices within 60 days, and a strict control of all future proposed price rises. I shall continue to support this proposal as a far more realistic and effective course of action than the apparently futile meat price freeze imposed by the President.

I am also attaching an excellent column by Rowland Evans and Robert Novak which appeared nationwide to-

day, entitled "Meat Price Ceiling: Too Little, Too Late."

The statement and article follow:

STATEMENT OF CONGRESSMAN JONATHAN B. BINGHAM

Mr. Chairman, I thank you for this opportunity to discuss the issue of skyrocketing food prices. I would like to commend you and your Committee for the leadership and initiative which you have shown in conducting hearings on the Economic Stabilization Act and in the formulaiton of new legislation aimed at controlling the growing increases in the cost of living which are so adversely affecting the American consumer. The deliberations of this Committee can have a tremendous impact on the American standard of living for years to come.

Mr. Chairman, I am deeply troubled by the rise in food prices which has taken place in the U.S. since the summer of last year. These increased consumer costs have struck particularly hard the elderly, persons living on fixed incomes and pensions, the poor, and families with growing children. The trip to the supermarket or the corner grocery store has turned into a nightmare for many Americans. In urban areas, where in normal times food costs are invariably higher than in rural areas, price rises have been devastating.

This Committee will certainly dig deep in its efforts to answer the questions behind the food cost hikes and to find solutions to this complex problem. I wish to emphasize my own opinion that existing agricultural policy, the failure of the President to impose price controls on raw agricultural products, and the increased export of American food products to foreign markets are among the basic factors which underlie these staggering food price increases. A glance at the record reveals the severity of these increases.

Since January of 1972, eggs have gone up 40 per cent in price, onions are up 33 per cent, bacon is up 29 per cent, and potatoes and milk are up 25 per cent. Hamburger has climbed from 71 cents to 78 cents per pound, bologna from $1.14 to $1.29 and chuck roast from 79 cents to 86 cents. Nationwide wholesale food prices rose by 5 per cent in December, and almost 3 per cent in January.

According to the U.S. Bureau of Labor Statistics, retail food costs in the New York area rose .3 per cent in December, 1.9 per cent in January, and 2.5 per cent in February. The price of meat, poultry, and fish jumped 4.5 per cent in the New York area last month—if that continued for a year, the annual price increase would be a staggering 54 per cent. All existing price rise records are being broken as prices go right through the ceiling.

This is the problem, and Congress must address itself without delay to the development of solutions.

I suggest that there are three courses of action which we should take at once.

First, Congress should press for price controls on food. In 1970, we gave the President authority to control wages and prices, but he committed a number of grave mistakes in the exercise of those powers. He delayed a year in exercising his authority to impose mandatory controls, and when he finally acted, his controls were unfair and out of balance. For example, controls were never established for the prices of raw food. Then, on January 10th of this year, the President abandoned the compulsory wage-price controls of "Phase II," which were at least partially effective in holding down the cost of living and embarked, instead, upon a voluntary system known as "Phase III,"' which has been a dismal failure.

The present wage and price control program includes price restraints on food once it enters the processing stage, but those controls have no effect on the basic cost of food. Congress should formally require the President to exercise his power to control basic food prices. If he is unwilling to take this step, then we as a Congress must legislate a price freeze on food. I am aware that there is conflicting opinion on the effect which a freeze on food prices would have in this country. Some warn that the result would be a farmers' resistance movement, cutbacks in agricultural production, rationing, and black markets. Others contend that business would go on as usual. Congress has alternative actions available which must be explored. A temporary food price freeze could be legislated which might last for a period of several months, a selective freeze on certain products could be enacted, or across the board price controls on all agricultural products could be legislated. What is important is that we take action now which will alleviate the plight of the consumer.

Second, Congress should eliminate subsidy payments to farmers who hold their land out of production. This anachronistic payment system began two generations ago and was initiated to improve an agricultural situation which since has changed drastically. Even with recent reductions in acreage subsidized for non-production, there will still be U.S. Treasury payouts of $2.5 billion for 20 million unused acres this year. A prime factor in the skyrocketing cost of meat is the rise in feed grain prices. Elimination of non-production subsidies and increased grain production would enable ranchers to purchase grain and fatten livestock at lower prices, a saving which could then be passed on to the consumer. Every available acre in the U.S. should be used to increase food production and decrease food costs. Arguments that supply would far exceed demand and farmers would be bankrupted if non-production subsidies were removed ring hollow when the growth of U.S. exports is considered.

In 1972, the U.S. exported over $8 billion in agricultural products, and that figure is expected to rise to at least $10 billion this year. Australia and South Africa have suffered major droughts and will be unable to meet growing demands in Europe and Asia for more food imports. India is in an agricultural crisis and faces a disastrous food shortage. The Soviet Union and China are emerging as potential major importers of U.S. farm products. Both here and abroad the American farmer will surely be able to find adequate markets at a fair price for all the products he can grow on heretofore unutilized land.

The noted economist Charles Schultze has estimated that Federal subsidies to farmers cost the American consumer $4.5 billion annually in hidden food costs. The consumer suffers at the cash register, because of artificially high prices for basic commodities, and again at the hands of the tax collector, who must levy large amounts to pay out farm subsidies.

I do not advocate cutting out all Federal price supports for agricultural products because the consumer could suffer in the long run from an unregulated agricultural market situation. But I do suggest that Congress give very serious consideration to the elimination of wasteful subsidies paid for nonproduction.

Third, Congress must root out and eliminate those taxes on food which are regressive in nature and particularly burdensome to lower-middle income and low income groups. A salient example of this is the so-called "Bread Tax," a 75 cents per bushel tax on wheat which raises the cost of a pound loaf of bread by 2 cents. This tax, incidentally, is levied only upon wheat used for human consumption. In effect, animals get a better shake from the tax collector on wheat than do the consumers of this country.

Mr. Chairman, unless Congress acts decisively and quickly, a full-scale consumer revolt will result.

Housewife and consumer groups have begun organizing food boycotts (my wife and I are participating in such a boycott this coming week), and restaurants are offering discounts to patrons to avoid ordering beef. A recent series of thefts of supermarket meat in Long Island, New York, has been attributed in part to soaring meat prices.

Congress clearly has its work cut out for it. In the development of solutions to the problem, many competing interests must be balanced. Consumers deserve a break, our international balance of payments must be considered, and the price, cost, and profit structure of the enormous American food processing industry must be analyzed. Also, the American farmer must be treated with dignity and understanding, and not be made the whipping boy for our nation's economic and agricultural woes. As is often pointed out, in the past 20 years the prices which farmers receive for crops have risen by only eleven per cent, while retail food rises have climbed 56 per cent. The taxes imposed on farmers grew by 297 per cent, and farm costs climbed by 109 per cent over that period of time, 60 per cent of today's retail cost of food is attributable to the transport, processing and distribution of food, and salaries in those sectors have increased in order to provide improved standards of living for their employees.

Finding solutions and achieving compromises will not be a simple matter, Mr. Chairman. All Americans must be aware of the enormous complexities which confront this distinguished committee and the other concerned organs of Congress which are grappling with the issue of increasing food prices. But all of us must make every effort to come to the rescue of the American consumer and develop a solution to the food price crisis which confronts our nation.

Mr. Chairman, I believe that the legislation you have introduced with a number of Members of this Committee (H.R. 6168), and which I have also introduced (H.R. 6213), requiring the President to impose an immediate freeze on prices—including food prices—and interest rates is one step we simply must take on behalf of the best interests of the American consumer. I congratulate you and the Members of this Committee for your leadership. I urge this Committee to report this legislation out promptly so that it may be enacted into law at the earliest possible date.

[From the Washington Post, Apr. 2, 1973]

MEAT PRICE CEILING: TOO LITTLE, TOO LATE

(By Rowland Evans and Robert Novak)

Invoking meat controls with such typically Nixonian stealth that some high-ranking White House aides were not consulted in advance, President Nixon now confronts a major new political problem: A runaway Congress ready to enact mandatory wage-and-price controls far tougher than he wants.

In the candid words of one presidential assistant, the new ceilings on beef, lamb and pork may only further dramatize the issue of food inflation, "tossing gasoline" on congressional fires already burning furiously in favor of a stringent new controls law.

Thus, Rep. Wilbur Mills of Arkansas, a formidable critic of the permissive Phase III controls program, is now prepared to use his great influence as chairman of the House Ways and Means Committee to force House passage of an across-the-board wage-and-price freeze similar to the historic freeze of Aug. 15, 1971.

Mills had strongly recommended a total retail food-price freeze to Secretary of the Treasury George Shultz. When Mr. Nixon Thursday night bowed to the angry public clamor against soaring food prices by imposing a ceiling severely limited to meat, Mills was both surprised and displeased. He

had expected a much broader emergency program.

Accordingly, Mills is now prepared to take the floor of the House to fully support all aspects (except an interest rate ceiling) of an across-the-board freeze that Rep. Wright Patman of Texas, chairman of the House Banking Committee, will propose when he brings up the bill extending presidential wage-price controls authority.

Moreover, Mr. Nixon's bold appeal to the voters over the head of Congress to back him in the battle over vetoed spending bills which started last week is also likely to stimulate the same congressional demand, particularly among the Democratic majority, for a far tougher controls law than the White House wants. If such a bill went to the White House and were vetoed, the Democrats could use that veto as protection against voting for higher domestic spending.

Even worse for the President than these unwanted congressional repercussions is the mood widely shared among politicians that Mr. Nixon is just groping with, not coming to grips with, the inflation crisis.

Some leading outside economists, for example, were certain that Mr. Nixon shifted ground and trimmed his emergency controls program at the last minute on Thursday. His economic advice still comes mainly from authors of the disastrous Phase III—led by economics czar Shultz, a doctrinaire free-marketeer who has always opposed controls. The Thursday decision is perceived by the outside economists as a sop to public demand—too little, too late—by an administration that isn't sure what to do.

This mood, moreover, may explain the dramatic contrast between Wall Street's tepid reaction Friday, the day after the meat decision, and the record rise in stock prices on Aug. 16, 1971, the day after Mr. Nixon's across-the-board freeze. The probable interpretation: Wall Street's money men, with vast interests at stake in the anti-inflation battle, were left wholly unconvinced that the President's meat decision will help much.

Likewise, if the President's new ceiling on meat was supposed to appease AFL–CIO President George Meany, as many Democrats believed, it was a failure. Meany's blast at the White House for putting a ceiling on meat at the highest prices in history means one thing: His potent lobby will be turned loose for a total effort to persuade the House to impose stringent price controls.

Nor is there any mathematical formula showing that the new meat controls will actually work. Packinghouse operators now cannot bid for choice cattle at higher prices, which means cattle feeders cannot raise their prices to compensate for rising, still uncontrolled, feed costs. This could actually reduce the supply of beef to the market, while keeping prices at their current peak, and lead to rationing, black markets—or both.

In short, Mr. Nixon has taken a high-risk political gamble with a meat-controls program that did not satisfy Congress, consumers and most economists. If the President has restored credibility in his Phase III anti-inflation program, the evidence still lies somewhere off in the future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, for today, on account of official business.

Mr. MATSUNAGA (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. MCCORMACK (at the request of Mr. O'NEILL), for today, on account of death in the family.

Mr. CAMP (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. CRONIN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. YOUNG of South Carolina (at the request of Mr. GERALD R. FORD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROBERT W. DANIEL, JR.), to revise and extend their remarks, and to include extraneous matter:)

Mr. STEELE, today, for 5 minutes.

Mr. ROBISON of New York, on April 4, for 30 minutes.

Mrs. HECKLER of Massachusetts, today, for 5 minutes.

Mr. SARASIN, today, for 5 minutes.

(The following Members (at the request of Mr. STUDDS), to revise and extend their remarks, and to include extraneous matter:)

Mr. MCFALL, today, for 5 minutes.

Mr. DIGGS, today, for 5 minutes.

Mr. GONZALEZ, today, for 5 minutes.

Mr. HARRINGTON, today, for 5 minutes.

Mr. MINISH, today, for 5 minutes.

Mr. BRADEMAS, today, for 5 minutes.

Mr. THORNTON, today, for 5 minutes.

Mr. MATHIS of Georgia, today, for 10 minutes.

Mr. FRASER, today, for 5 minutes.

Ms. ABZUG, today, for 10 minutes.

Mr. DANIELSON, today, for 15 minutes.

Mr. TIERNAN, today, for 5 minutes.

Mr. BIAGGI, on April 3, for 15 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRASER, in the body of the RECORD, and to include extraneous matter, notwithstanding it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $680.

Mr. MURPHY of New York and to include extraneous matter not withstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $850.

Mr. GRAY in two instances, and to include extraneous material.

(The following Members (at the request of ROBERT W. DANIEL, JR.), and to include extraneous matter:)

Mr. HANRAHAN.

Mr. ZION.

Mr. SNYDER.

Mr. DERWINSKI.

Mr. FISH in two instances.

Mr. QUIE.

Mr. YOUNG of Florida in five instances.

Mr. FROEHLICH in two instances.

Mr. ZWACH.

Mr. DENNIS.

Mr. KEMP.

Mr. CLEVELAND.

Mr. BOB WILSON.

Mr. BRAY in two instances.

Mr. HAMMERSCHMIDT in two instances.

Mr. CARTER.

Mr. VEYSEY in two instances.

Mr. WYMAN in two instances.

Mr. WHITEHURST.

Mr. THOMSON of Wisconsin.

Mr. HOGAN in three instances.

Mr. FRENZEL.

Mr. COUGHLIN.

Mr. HOSMER in two instances.

Mr. MOORHEAD of California.

Mr. MCCLOSKEY.

Mr. PRICE of Texas.

(The following Members (at the request of Mr. STUDDS), and to include extraneous matter:)

Mr. LITTON.

Mr. HARRINGTON.

Mr. DE LUGO.

Mr. HELSTOSKI in 10 instances.

Mr. WILLIAM D. FORD.

Mr. O'HARA.

Mr. KASTENMEIER.

Mr. CARNEY of Ohio in two instances.

Mr. CONYERS in 10 instances.

Mrs. GRASSO in 10 instances.

Mr. BRASCO.

Ms. ABZUG in five instances.

Mr. HANNA in three instances.

Mr. VAN DEERLIN.

Mr. BURKE of Massachusetts.

Mr. EVINS of Tennessee in six instances.

Mr. HUNGATE.

Mr. ANNUNZIO in five instances.

Mr. SATTERFIELD.

Mr. CASEY of Texas.

Mr. ROSTENKOWSKI.

Mr. ZABLOCKI in two instances.

Mr. BENNETT.

(The following Members (at the request of Mr. DRINAN) and to include extraneous matter:)

Mr. BINGHAM in two instances.

Mr. FISHER in six instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 13. An act to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes; to the Committee on the Judiciary.

S. 15. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the surviving dependents of public safety officers; to the Committee on the Judiciary.

S. 33. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group life insurance programs for public safety officers and to assist State and local governments to provide such insurance; to the Committee on the Judiciary.

S. 300. An act to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. DRINAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 48 minutes p.m.) the House adjourned until Tuesday, April 3, 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:

692. A communication from the President of the United States, transmitting a draft of proposed legislation to authorize reduction or suspension of import barriers to restrain inflation (H. Doc. No. 93–75); to the Committee on Ways and Means and ordered to be printed.

693. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 14, United States Code, and certain other laws, to modernize the retirement structure relating to members of the uniformed services; to the Committee on Armed Services.

694. A letter from the Director, Central Intelligence Agency, transmitting a draft of proposed legislation to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes; to the Committee on Armed Services.

695. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the proposed donation of certain surplus railroad equipment to the Warren County Chapter of the National Railway Historical Society, Warrenton, N.C., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

696. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting an interim report of the operations of the Corporation during 1972; to the Committee on Banking and Currency.

697. A letter from the Acting Assistant Secretary of State for Congressional Relations transmitting a report on deliveries of excess defense articles during the second quarter of fiscal year 1973, by acquisition cost and value at the time of delivery, pursuant to section 8(d) of Public Law 91–672; to the Committee on Foreign Affairs.

698. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the authorization of appropriations for educational broadcasting facilities grants; to the Committee on Interstate and Foreign Commerce.

699. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a plan for providing hospital care for merchant seamen and other beneficiaries now served by the Public Health Service Hospitals at Baltimore, Boston, Galveston, New Orleans, San Francisco, and Seattle, pursuant to section 3 of Public Law 92–585; to the Committee on Interstate and Foreign Commerce.

700. A letter from the Secretary of Transportation, transmitting a report on the study of the "barge mixing rule problem," pursuant to Public Law 91–590, excluding the comments and views of the Interstate Commerce Commission and the Secretary of the Army; to the Committee on Interstate and Foreign Commerce.

701. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation; transmitting the financial report of the Corporation for December, 1972, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

702. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

703. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(28)(1)(ii)(b)]; to the Committee on the Judiciary.

704. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act [8 U.S.C. 1182(d)(6)]; to the Committee on the Judiciary.

705. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act [8 U.S.C. 1255(c)]; to the Committee on the Judiciary.

706. A letter from the Governor of the Canal Zone, transmitting a draft of proposed legislation to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

707. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to amend section 203 of the National Aeronautics and Space Act of 1958, and for other purposes; to the Committee on Science and Astronautics.

708. A letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration; assist States in the establishment and operation of veterans' cemeteries; to revise eligibility for burial allowance; to eliminate certain duplications in Federal burial benefits; and for other purposes; to the Committee on Veterans' Affairs.

709. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; to the Committee on Ways and Means.

710. A letter from the Chairman of the Council of Economic Advisers, transmitting a report on the repeal of the excise tax on motor vehicles, pursuant to Public Law 92–178; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

711. A letter from the Comptroller General of the United States, transmitting a report on protecting the consumer from potentially harmful shellfish (clams, mussels, and oysters); to the Committee on Government Operations.

712. A letter from the Comptroller General of the United States, transmitting a report on problems in obtaining and enforcing compliance with good manufacturing practices for drugs; to the Committee on Government Operations.

713. A letter from the Comptroller General of the United States, transmitting a report on cost growth in weapon systems in the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on conference, A conference report to accompany H.R. 2107; (Rept. No. 93–101). Ordered to be printed.

Mr. FRASER: Committee on Foreign Affairs. House Joint Resolution 205. Joint resolution to create an Atlantic Union delegation; (Rept. No. 93–102). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 6415. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Ms. ABZUG:

H.R. 6416. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. BADILLO:

H.R. 6417. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 6418. A bill to amend section 9 of title 17 of the United States Code; to the Committee on the Judiciary.

H.R. 6419. A bill to provide for the construction of a Veterans' Administration hospital of 1,000 beds in the county of Queens, New York State; to the Comittee on Veterans' Affairs.

By Mr. BIAGGI (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BROWN of California, Mr. CLARK, Mr. CONYERS, Mr. DAVIS of South Carolina, Mr. EDWARDS of California, Mr. EILBERG, Mr. FISH, Mr. FLOOD, Mr. GAYDOS, Mrs. GREEN of Oregon, Mr. HELSTOSKI, Mr. HOSMER, Mr. HUDNUT, Mr. HUNT, Mr. KYROS, Mr. MAZZOLI, Mr. MEEDS, Mrs. MINK, Mr. MOLLOHAN, Mr. NIX, Mr. PEPPER, and Mr. PETTIS):

H.R. 6420. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROE, Mr. RONCALIO of Wyoming, Mr. ROSENTHAL, Mr. ROYBAL, Mr. STUCKEY, Mr. SYMINGTON, Mr. VIGORITO, Mr. WON PAT, and Mr. YATRON):

H.R. 6421. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral; to the Committee on Education and Labor.

By Mr. BINGHAM:

H.R. 6422. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

H.R. 6423. A bill to amend section 5042(a)(2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. CHARLES H. WILSON of California, and Mr. MAZZOLI):

H.R. 6424. A bill governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. BURKE of Florida (for himself, Mr. ARCHER, Mr. BAFALIS, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CRONIN, Mr. DAVIS of South Carolina, Mr. DERWINSKI, Mr. GREEN of Pennsylvania, Mr. HINSHAW, Mr. HORTON, Mr. JONES of North Carolina, Mr. LEGGETT, Mr. MAYNE, Mr. MCCLOSKEY, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of Illinois, Mr. PETTIS, Mr. PODELL, Mr. ROE, Mr. ROSENTHAL, Mr. ROUSH, Mr. WAMPLER, and Mr. WHITE):

H.R. 6425. A bill to amend title 10 of the United States Code in order to make certain totally and permanently disabled World War II servicemen and their dependents eligible for CHAMPUS medical benefits; to the Committee on Armed Services.

By Mr. BURKE of Florida (for himself, Mr. WHITEHURST, Mr. YATRON, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida):

H.R. 6426. A bill to amend title 10 of the United States Code in order to make certain totally and permanently disabled World War II servicemen and their dependents eligible for CHAMPUS medical benefits; to the Committee on Armed Services.

By Mr. BURKE of Florida (for himself, Mr. ARCHER, Mr. BAFALIS, Mr. BROWN of California, Mrs. CHISHOLM, Mr. COLLIER, Mr. CRONIN, Mr. DAVIS of South Carolina, Mr. DERWINSKI, Mr. HINSHAW, Mr. JONES of North Carolina, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. MOAKLEY, Mr. MURPHY of Illinois, Mr. PODELL, Mr. ROSENTHAL, Mr. ROUSH, Mr. WAMPLER, Mr. WHITEHURST, Mr. YATRON, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida):

H.R. 6427. A bill to amend title 38 of the United States Code in order to provide additional compensation to veterans who are totally disabled as a result of combat injuries; to the Committee on Veterans Affairs.

By Mr. CAREY of New York:

H.R. 6428. A bill to amend the Agricultural Adjustment Act of 1938 to eliminate wheat marketing certificates, and for other purposes; to the Committee on Agriculture.

By Mr. CARTER:

H.R. 6429. A bill to establish Capitol Hill as a historic district; to the Committee on Interior and Insular Affairs.

H.R. 6430. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding supervision; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. GONZALEZ, Mr. DRINAN, Mr. MATSUNAGA, and Mr. WOLFF):

H.R. 6431. A bill to amend the Economic Opportunity Act of 1964 to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. CRANE:

H.R. 6432. A bill to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase (on a revenue-sharing basis) in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, and for other purposes; to the Committee on Banking and Currency.

By Mr. DONOHUE:

H.R. 6433. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 6434. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DULSKI:

H.R. 6435. A bill to amend section 225 of the Postal Revenue and Federal Salary Act of 1967; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.R. 6436. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for depreciation for a taxable year in which a residential property does not comply with requirements of local laws relating to health and safety, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. CAMP, Mr. CLARK, Mr. FLOOD, Mr. FOLEY, Mr. ICHORD, Mr. JOHNSON of California, Mr. MCEWEN, Mr. MCSPADDEN, Mr. QUILLEN, Mr. ROONEY of Pennsylvania, Mr. RUNNELS, Mr. SAYLOR, Mr. SHOUP, Mr. SKUBITZ, Mr. SYMMS, and Mr. UDALL):

H.R. 6437. A bill to protect the domestic economy to promote the general welfare, and to assist in the National defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 6438. A bill to amend the Freedom of Information Act to require that all information be made available to Congress; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 6439. A bill to provide local self-government for the people of Washington, D.C.; to the Committee on the District of Columbia.

By Mr. FUQUA:

H.R. 6440. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to State education agencies; to the Committee on Government Operations.

H.R. 6441. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall be observed in the United States from the first Sunday following Memorial Day to the first Sunday following Labor Day; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE (for himself and Mr. BROYHILL of Virginia):

H.R. 6442. A bill to amend title 5 of the United States Code to provide that supergrade employees (and certain other Federal employees) whose pay is subject to a special statutory limitation shall be credited, for civil service retirement purposes, with the full amount of the basic pay they would be entitled to receive in the absence of such limitation; to the Committee on Post Office and Civil Service.

By Mr. HANNA:

H.R. 6443. A bill to assure that Federal housing assistance programs are carried out to the full extent authorized by Congress; to the Committee on Banking and Currency.

By Mr. HASTINGS (for himself, Mr. GAYDOS, Mr. RONCALLO of New York, Mr. BUCHANAN, Mr. ECKHARDT, Mr. DAVIS of Georgia, Mr. KOCH, Mr. CLEVELAND, Mr. HAMILTON, Mrs. CHISHOLM, Mr. HELSTOSKI, Mr. BURTON, Mr. MATSUNAGA, Mr. STEPHENS, Mr. BRADEMAS, Mr. CARNEY of Ohio, Mr. RONCALIO of Wyoming, Mr. RODINO, Mr. MCDADE, Mr. ROSTENKOWSKI, Mr. WALDIE, Mr. MCCORMACK, Mr. FLYNT, Mr. MCSPADDEN, and Mr. MALLARY):

H.R. 6444. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Development Disabilities Services and Facilities Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 6445. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's consciences be a requirement for hospital eligibility for Federal financial assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 6446. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Ms. HOLTZMAN:

H.R. 6447. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, to full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. KEMP:

H.R. 6448. A bill to extend to volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. MCCLORY (for himself, Mr. SMITH of New York, Mr. SANDMAN, Mr. RAILSBACK, Mr. FISH, Mr. HOGAN, and Mr. MOORHEAD of California):

H.R. 6449. A bill; Public Safety Officers' Benefits Act of 1973; to the Committee on the Judiciary.

By Mr. MCFALL (for himself and Mr. NIX):

H.R. 6450. A bill to amend the Economic Stabilization Act of 1970 to establish a temporary Price-Wage Board, to provide temporary guidelines for the creation of price and pay rate stabilization standards, and for other purposes; to the Committee on Banking and Currency.

By Mr. MATHIAS of California (for himself, Mr. MCFALL, Mr. CHARLES H. WILSON of California, Mr. BURGENER, Mr. MOORHEAD of California, Mr. HINSHAW, Mr. STARK, and Ms. BURKE of California):

H.R. 6451. A bill to provide for the establishment of the California Desert National Conservation Area; to the Committee on Interior and Insular Affairs.

By Mr. MINISH (for himself, Mr. GETTYS, Mr. HANLEY, Mr. BRASCO, Mr. KOCH, Mr. COTTER, Mr. YOUNG of Georgia, Mr. MOAKLEY, and Mr. STARK):

H.R. 6452. A bill to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for

other purposes; to the Committee on Banking and Currency.

By Mrs. MINK:

H.R. 6453. A bill to amend title 10 of the United States Code to deem service as a member of the Women's Airforce Service Pilots during World War II to be active service for purposes of computing retirement and longevity benefits; to the Committee on Armed Services.

By Mr. O'HARA.

H.R. 6454. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 6455. A bill to establish a Transportation Trust Fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 6456. A bill to amend title 38, United States Code, to provide for a special addition to the pension of veterans of World War I and to the pension of widows and children of veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 6457. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. ROGERS (for himself, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 6458. A bill to amend the Public Health Service act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. SATTERFIELD:

H.R. 6459. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. SAYLOR:

H.R. 6460. A bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to encourage and assist the State to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of nearby non-Federal lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6461. A bill to grant a Federal charter to the American Golf Hall of Fame Association; to the Committee on the Judiciary.

H.R. 6462. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.R. 6463. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents; to the Committee on the Judiciary.

H.R. 6464. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 6465. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6466. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6467. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 6468. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H.R. 6469. A bill to amend the Lead-Based Paint Poisoning Prevention Act; to the Committee on Banking and Currency.

By Mr. THONE:

H.R. 6470. A bill to amend the Export Administration Act of 1969, as amended; to the Committee on Banking and Currency.

H.R. 6471. A bill to amend certain provisions of the Land and Water Conservation Fund Act of 1965 relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE (for himself, Mr. STOKES, Mr. MOSS, Mr. EILBERG, and Mr. ST GERMAIN):

H.R. 6472. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WAMPLER:

H.R. 6473. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension will not have the amount of such pension reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. BOB WILSON:

H.R. 6474. A bill to amend title 38, United States Code, to establish a program of insured and direct educational loans for eligible veterans; to the Committee on Veterans Affairs.

By Mr. WINN:

H.R. 6475. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, and Mr. SCHNEEBELI):

H.J. Res. 472. Joint resolution to create an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. HOGAN (for himself, Mr. BEVILL, Mr. CAMP, Mr. HUBER, Mr. KEATING, Mr. LUJAN, Mr. MAZZOLI, and Mr. WON PAT):

H.J. Res. 473. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated; to the Commission on the Judiciary.

By Mr. WINN:

H.J. Res. 474. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. VANIK (for himself, Mr. DIGGS, Mr. DINGELL, Mr. HASTINGS, Mr. MINSHALL of Ohio, Mr. MOSHER, Mr. O'HARA and Mr. YATES):

H. Con. Res. 172. Concurrent resolution requesting the President to negotiate with the Government of Canada to establish water levels for the Great Lakes; to the Committee on Foreign Affairs.

By Mr. FROEHLICH:

H. Res. 336. Resolution to authorize the Committee on Banking and Currency to conduct an investigation and study of all matters relating to the cost and availability of food to the American consumer; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

119. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to the proposed Nantucket Sound Island Trust; to the Committee on Interior and Insular Affairs.

120. Also, memorial of the Legislature of the State of West Virginia, relative to the preservation of the New River Gorge area as a national park; to the Committee on Interior and Insular Affairs.

121. Also, memorial of the House of Representatives of the State of Montana, relative to regional medical programs; to the Committee on Interstate and Foreign Commerce.

122. Also, memorial of the House of Representatives of the State of Montana, requesting Congress to propose an amendment to the Constitution of the United States guaranteeing the right of the States to enact or preserve laws which protect the right to life of unborn human beings; to the Committee on the Judiciary.

123. Also, memorial of the Legislature of the State of Washington, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

124. Also, memorial of the Legislature of the State of Mississippi, relative to support of the commercial fishing industry; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 6476. A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co.; to the Committee on the Judiciary.

By Ms. ABZUG:

H.R. 6477. A bill for the relief of Lucille de Saint Andre; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 6478. A bill for the relief of Cmdr. Andrew F. Jensen, U.S. Navy; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 6479. A bill for the relief of Clyde E. Boyett; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 6480. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

95. By the SPEAKER: Petition of the city council, Elizabeth, N.J., relative to the boycott of meat products; to the Committee on Banking and Currency.

96. Also, petition of the Congress of Micronesia, Trust Territory of the Pacific Islands, relative to the island of Roi-Namur; to the Committee on Foreign Affairs.

97. Also, petition of the Congress of Micronesia, Trust Territory of the Pacific Islands, relative to the future political status of Micronesia; to the Committee on Interior and Insular Affairs.

98. Also, petition of Ronald E. Huffstutler and others, Oneonta, Ala., relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

99. Also, petition of Ronald Hasley and others, Hollywood, Fla., relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

100. Also, petition of John R. Leach and others, Pembroke Pines, Fla., relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

101. Also, petition of William Fearherley, Addison, Ill., and others, relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

102. Also, petition of Mareen A. Lunt and others, Berkeley, Ill., relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

103. Also, petition of David J. Petgen and others, Goshen, Ind., relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

104. Also, petition of Henry Miller and others, Michigan City, Ind., relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

105. Also, petition of Jerry Stoner, Wabash Fraternal Order of Police, Wabash, Ind., and others, relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

106. Also, petition of Ira C. Austin, Sr., and others, New Orleans, La., relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

107. Also, petition of R. E. Humphress and others, Berlin, Md., relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

108. Also, petition of Jack K. Richard, Berlin, Md., and others relative to protection for law-enforcement officers against nuisance suits; to the Committee on the Judiciary.

109. Also, petition of A. J. Aranca, Jr., Bloomfield, N.J., and others, relative to protection for law enforcement officers against nusiance suits; to the Committee on the Judiciary.

110. Also, petition of Vincent Raymond, Garfield Heights, N.J., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

111. Also petition of Carl Wiece, Euclid, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

112. Also, petition of Roger Whiting, Hillsboro, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

113. Also, petition of Leland F. Matuszak, Lorain Fraternal Order of Police, Lorain, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

114. Also, petition of H. K. St. John, Northfield, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

115. Also, petition of Bill Moon and others, Pryor, Okla., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

116. Also, petition of David Rogers, Easton, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Commitee on the Judiciary.

117. Also, petition of David K. Caldwell and others, Latrobe, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

118. Also, petition of Jesse L. Wearer and others, Shamokin, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

119. Also, petition of Gary P. Lenzi, Sharon, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

120. Also, petition of R. W. Spradling, Charleston, W. Va., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

121. Also, petition of Raymond Fraid, Kenosha, Wis., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

122. Also, petition of the common council, Sturgeon Bay, Wis., relative to the Economic Development Administration and the Upper Great Lakes Regional Commission; to the Committee on Public Works.

123. Also, petition of the city council, Holland, Mich., relative to revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE HANDICAPPED AT WORK: TOMORROW'S CHALLENGE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, April 2, 1973

Mr. CHURCH. Mr. President, the winning essay in this year's Idaho State "Ability Counts" contest, sponsored by the Governor's Committee on Employment of the Handicapped, is Susanne Jane Mansell of Boise.

I have just had occasion to read her winning essay, entitled "The Handicapped at Work: Tomorrow's Challenge."

Also winning in the Idaho contest is David Sharp, of Idaho Falls, for his poster on Hire the Handicapped. I wish it were possible to reprint this young man's striking poster in the CONGRESSIONAL RECORD. Since we deprive ourselves of graphic representation in the RECORD, however, I can only say that it is a striking piece of work, which I know will be highly effective.

Reading Miss Mansell's essay, it is easy to see why this young woman was selected as a winner in the contest.

Miss Mansell is the daughter of a disabled veteran, and understands the problems of the handicapped from immediate experience.

In her essay, she notes the problems that had to be overcome by the United States to put a man on the moon, and wonders why—if we can overcome those barriers—we cannot at the same time remove the barriers we put in the way of the handicapped.

It is a very legitimate question. As she states in her essay:

The entire space program illustrates the will of mankind to break down barriers and to strive for the impossible dream. Now we need to prove ourselves in the important area of service to humanity.

Mr. President, I ask unanimous consent that the text of Miss Mansell's essay be printed at this point in the Extensions of Remarks.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE HANDICAPPED AT WORK: TOMORROW'S CHALLENGE

(By Susanne Jane Mansell)

Ten, nine, eight, seven, six, five, four, three, two, one, blast off!

A great roar arose, overpowering all other sounds in the area. The ground shook with the force of the rocket's lifting off the launching pad. It seemed as if the whole earth were being jarred loose from its foundations! The air was electric with excitement. The date was July 20, 1969, and man had undertaken his first excursion to the moon.

Some Americans like Joe Blake, born blind, and Marjorie Adams, confined to a wheelchair by multiple sclerosis, could only listen to radioed reports; yet they too experienced the challenge of man's seeking a goal higher than all others and being willing to pay the price to realize that goal.

Since that dramatic "first," four moon landings have occurred. What seemed impossible yesterday is now within reach in the space program. For man to land on the moon he had to overcome obstacles, previously unsurmountable. Now, man can travel through space at extraordinary speed and dares hope to go beyond the moon to more distant planets.

This question comes to my mind: if mankind has advanced sufficiently to venture into outer space against tremendous odds, why can he not break down the barriers that haunt the handicapped worker?

Seeking answers, I talked first with my father, a disabled veteran. To my surprise, he knew a great deal about such barriers. Though he believes attitudes have greatly improved over the past half-century, he cited a recent magazine survey which revealed that "out of 16,000 adults and 1,000 school age children, 63 per cent of the people questioned wanted to get the handicapped out of sight."[1] Considering that "one out of every seven persons in the United States is disabled in some way"[2] that like hiding our heads in the sand.

What is being done to change attitudes toward the handicapped and what is their hope for the future? "The most effective example I know of is LIVE, Inc., in Boise. LIVE strives to establish dignity and self-worth in the disabled person. By training and employing the handicapped worker, LIVE gives him an opportunity to be self-supporting."[3] This improves his opinion of himself; and, in turn, raises other people's opinion of him. A person who is usefully and gainfully employed is happier and better-adjusted.

"As for the future, there is reason to hope. I believe in the human race and have confidence that, as we become aware of the

Footnotes at end of article.