will have been involved. It was some misguided guys over at CREEP, isn't it?

Z. Oh, The Post called too. Asked if a guy called Liddy works here. His name was spotted by a Pan Am pilot on some unidentified flying object that also had an American flag on it.

H. This is a problem.

P. Oh, uh—oh, ah—well—(Door closes.)

P. Now we have to take a look at our options. Let me say this—

D. You might put it on a national security grounds basis.

P. National security. Liddy had to press the button for national security . . .

D. Then the question is, why didn't you do it?

P. Because, I was busy with—what?

D. Watergate.

D. I think we could get by on that.

P. That is true. With the Watergate cover-up unraveling I didn't have time to—

P. Congratulations, John. The way you have handled all this, it seems to me, has been very skillful.

D. Nothing is going to come crashing down on us to our surprise.

P. Well, shall we head for the bomb shelter?

H. Right.

P. Somebody get Bebe.

H. Sure.

HALF A LOAF OF HOUSING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RANGEL. Mr. Speaker, the housing legislation passed by the House of Representatives would give low- and middle-income families only a half of loaf when they hunger for, and need, a whole loaf. Housing in America is a national disgrace. In both urban and rural areas, there is a shortage of decent housing. That which is available is often beyond the reach of the pocketbook.

The House version of the housing bill, now awaiting action by Senate-House conferees, does contain some important provisions. Nonetheless, it represents an unfortunate knuckling under to the administration from fear of a possible Presidential veto. Congress should have the courage to enact legislation it can be proud of and to fight to override a White House veto.

I would like to include at this point in the RECORD a New York Times editorial on this housing legislation:

THE COST OF A HOUSING ACT

The good news in housing legislation is that for the first time since 1968 there will probably be some comprehensive community development. The bad news is that unless the House conferees and Administration officials approach the Senate-House conference with a good deal of flexibility, the final product is apt to hurt many of the cities that have worked hardest at solving the great urban problems.

The Housing Act of 1968 in the Johnson Administration set major housing goals for the nation: 26 million housing units—six million of them for the poor—were to be built in a decade. Between 1969 and 1973, housing starts averaged over two million per year, and 1.5 million of those eight million units were designated for low-income families. Despite this record, the present Administration declared the subsidized housing programs for poor and moderate income families to be failures and in January 1973 froze new Federal commitments to them.

Last March, the Senate passed an omnibus housing bill which the Administration promptly threatened to veto. Subsequently, the House labored to produce a bill which the President would accept and, in doing so, developed a package differing markedly from the Senate bill.

Both bills adopt the block grant approach to community development, favored both by the Administration and by city executives, who want administrative procedures simplified. But, while the Senate bill sets forth well-defined priorities for the expenditure of community development funds, the Administration opposes them and they have been sharply limited in the House bill.

In addition, there is a vast difference in the fund distribution schemes adopted by the two houses. The Senate bases allotments on the average funding a community received in the period from 1968 through 1972.

The net effect of the House distribution formula would be to reduce dramatically—in some cases by as much as 50 to 60 per cent—the community development funds available to the vast majority of the cities that had been most deeply involved in community development activities in the past. Suburban areas and Southwestern cities which have demonstrated only a limited need for or minimal interest in community development programs would benefit.

Finally, the House in a major break with the past has scrapped the principal housing subsidy programs in favor of a leased housing and direct subsidy program. Opponents of this approach argue that it would drive the poor, unprotected, into an open market with little increase in the housing available to them. The result, it is argued, would be a small increase in housing for the poor but a substantial increase in what they pay for it.

Proponents of the House bill call it a "small city bill" and an achievable compromise. They acknowledge that it edges the Federal Government away from the leadership role it has taken in confronting the most urgent concerns and in alleviating the problems of the urban poor. They argue that the political realities of the Administration's attitudes, increased non-urban representation in Congress and growing problems in suburbia must be faced if legislation is to be achieved this year.

The price of achieving housing legislation this year may be high; but we think the cost which the House approach would extract from the cities and from the poor is far too high.

HOUSE OF REPRESENTATIVES—*Tuesday, July 9, 1974*

The House met at 12 o'clock noon.

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

Serve the Lord with gladness; come before His presence with singing.—Psalms 100: 2.

O God, by whose mercy we are sustained and with whose power we are supported, we turn to Thee at the beginning of a new day seeking renewal for our weary souls, faith for our fearful hearts, and strength for our weak hands. Support us all the day long of this troublous life as we endeavor to do our work for the highest good of our beloved Republic.

May Thy spirit so move within our hearts that we may commit ourselves more fully to Thee in thought, in word, and in deed. Then may we go forth to serve this day doing our best and seeking the best for the best country in all the world.

"O Master, let me walk with Thee
In lowly paths of service free;
Tell me Thy secret; help me bear
The strain of toil, the fret of care."

Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 15074) entitled "An act to regulate certain political campaign finance practices in the District of Columbia, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS to be the conferees on the part of the Senate.

The message also 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. 7130) entitled "An act to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over impoundment of funds by the executive branch, and for other purposes."

THE LATE MRS. CHARLES H. WILSON

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

Mr. MOSS. Mr. Speaker, it is my sad duty to announce the passing on July 5 of Mrs. Betty Wilson, the wife of our Congressman, the gentleman from California (Mr. CHARLES H. WILSON).

Mrs. Wilson died at the National Institute of Health in Bethesda, Md., from cancer. She died after surgery had raised the hopes of all for her ultimate recovery and for a remission of the cancer.

She has been a strong partner to her husband, an effective voice in her community, a woman deeply dedicated to a family. She leaves a very fine family behind. She has four sons; Dr. Stephen Wilson; Donald, Kenneth, and Bill Wilson, and two sisters, Mrs. John Steward and Mrs. Philip Fleeman.

Services for Mrs. Wilson will be held in Inglewood, Calif.

I know that all my colleagues join in expressing our sympathy to the family,

having suffered the loss of their mother, and to her husband.

GENERAL LEAVE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the passing of Mrs. Charles H. Wilson.

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

There was no objection.

JIMMY CONNORS WINS WIMBLEDON CHAMPIONSHIP

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

Mr. PRICE of Illinois. Mr. Speaker, last Saturday, Jimmy Connors of the United States became the new men's singles champion at the All-England Tennis Championships at Wimbledon.

We can all be proud of Jim's victory as an American one, but I am particularly pleased because Jim was born and raised, with a racket in his hand, in my district.

I have known Jim's family for many years, and I have watched with interest and pleasure as he rose in the tennis world. It required a great deal of dedication and hard work, especially in those early years, but now the greatest ambition has been fulfilled. With his victory at Wimbledon, Jim has reached the summit of tennis success.

At only 21 years of age, Jim is certain to reappear in the Wimbledon finals many more times before he ends his career. But this first championship marks his ascendance to the ranks of the tennis great.

I am honored to know Jim and his family, and on behalf of the people of my district I wish to congratulate him on his outstanding play at Wimbledon.

MIA'S IN SOUTHEAST ASIA

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

Mr. MONTGOMERY. Mr. Speaker, I have just returned from Southeast Asia, where I spent my full time working on the missing in action and those Americans who have been killed in Southeast Asia but whose bodies have not been recovered from the Communist zones.

I am sending to each Member of the House a complete report, and I would hope that the Members would take only a few minutes to read this report, which might help updating Members on this sad and frustrating situation.

Also, Mr. Speaker, on July 16, I have asked for a special order, which has been granted, to talk about the missing in action in Southeast Asia. I would hope that my colleagues will participate in this special order.

RECOMMITTAL OF CONFERENCE REPORT ON H.R. 11873 TO COMMITTEE OF CONFERENCE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the conference report on the bill H.R. 11873 to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, be recommitted to the committee of conference.

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

There was no objection.

REPEAL WINTER DAYLIGHT SAVING TIME

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

Mr. JONES of Oklahoma. Mr. Speaker, I want to call the attention of the Members of the House to a report issued by the Department of Transportation at the end of last month concerning the results of the experiment in year-round daylight saving time.

As the Members know, when this Congress passed the law, the Department of Transportation was due to report at the end of June 1974 and June 1975. Its report shows that there is very little—actually less than 1 percent—of fuel savings which has resulted from year-round daylight saving time. The Department strongly recommends that daylight saving time only be included for 8 months of the year, and not have winter daylight saving time.

Mr. Speaker, I am a cosponsor along with several other Members of the House in a bill to repeal winter daylight saving time. I appeal to the Commerce Committee to hold hearings to repeal this mistake. We have made a mistake, and we ought to be willing to admit it and correct it.

Mr. Speaker, all the arguments I expressed in opposition to year-round daylight saving time several months ago, unfortunately, have come true. Small children have been endangered; family schedules have been disrupted; the mobility of our elderly has been restricted, all with no accompanying social or economic value.

I hope very much that this body, before it adjourns, before the winter season takes hold again, will repeal this winter daylight saving time.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 365]

Andrews, N. Dak.	Grasso	Pepper
Archer	Gray	Powell, Ohio
Badillo	Green, Pa.	Price, Tex.
Bafalis	Griffiths	Pritchard
Biaggi	Gunter	Quillen
Bingham	Hammer-schmidt	Reid
Blatnik	Hansen, Idaho	Robison, N.Y.
Brasco	Hansen, Wash.	Roncalio, Wyo.
Breaux	Harrington	Rooney, N.Y.
Buchanan	Hays	Rostenkowski
Burke, Calif.	Hébert	Roybal
Carey, N.Y.	Helstoski	Schroeder
Chappell	Hillis	Shipley
Chisholm	Holifield	Skubitz
Clark	Hosmer	Slack
Clay	Jones, Tenn.	Stark
Collier	Kyros	Steele
Conyers	McEwen	Stokes
Culver	McKay	Thompson, N.J.
Davis, Ga.	McKinney	Tiernan
Dellums	McSpadden	Waggonner
Dennis	Macdonald	Walsh
Dorn	Melcher	Wilson, Charles H., Calif.
Evins, Tenn.	Mills	Wydler
Foley	Mink	Young, Alaska
Forsythe	Minshall, Ohio	Young, Fla.
Giaimo	Murphy, Ill.	
Gibbons	Nix	

The SPEAKER. On this rollcall 352 Members have recorded their presence by electronic device, a quorum.

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

SCHOOL FARE SUBSIDY

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13608) to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 13608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44–214a), as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

With the following committee amendment:

Page 1, after line 9, insert the following:

SEC. 2. Notwithstanding any other provision of law, or any rule of law, nothing in this Act (including the amendment made by this Act) shall be construed as limiting the authority of the Council of the District of Columbia to enact any act or resolution, after January 2, 1975, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act with respect to any matter covered by this Act.

The committee amendment was agreed to.

GENERAL LEAVE

Mr. DIGGS. 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 under consideration.

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

There was no objection.

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

Mr. Speaker, the sole purpose of H.R. 13608, as set forth in House Report 93–1173, is to extend the present subsidy for the transportation of school children in the District of Columbia, established by an Act of Congress approved October 18, 1968 (Public Law 90–605, 82 Stat. 1187; D.C. Code, Title 44, Sec. 214a), which will expire in August of this year, for a period of 3 years or to August 1977.

The present reduced fare for school children is 10 cents, and the regular adult fare is 40 cents; the difference (30 cents) is the amount of the subsidy per pupil presently paid the Washington Metropolitan Transportation Authority under the 1968 Act.

BACKGROUND

For many years, transit companies operating in the District of Columbia were required by law to carry school children at a fare not exceeding one-half the established adult fare. The regulatory Commission (the Washington Metropolitan Area Transit Commission) having jurisdiction over such carriers in the city is responsible for determining the amount of such reduced fares for schoolchildren. This reduced rate has never been sufficient to cover the cost of carrying the schoolchildren, and up until a few years ago, the Commission was compelled to set the adult fare at a level which was high enough to cover the entire cost of the carrier's operation, including the cost of transportation of schoolchildren in excess of the receipts from their reduced fares. Thus, the economic effect was that the adult bus-riding public had to make up the uncovered costs resulting from the reduced fares for the transportation of the schoolchildren.

1968 AMENDMENT

In 1968, the Congress enacted Public Law 90–605 (82 Stat. 1187; D.C. Code, Title 44, Sec. 214a), which made it possible for the cost of carrying schoolchildren in the District to be borne by the community as a whole.

Under the provisions of the 1968 Act, the Washington Metropolitan Area Transit Commission is required to certify to the Commissioner of the District of Columbia for each calendar month, with respect to each bus company transporting schoolchildren in the city, an amount representing the difference between the total of all reduced fares paid to such carrier by schoolchildren and the amount which would have been paid if such fares had been at the lowest adult fare set by the Commission for regular route transportation. Upon receipt of such certification, the Commissioner of the District of Columbia is required to pay each carrier the amount so certified by the Transit Commission.

At the time of enactment of this law, approved on October 18, 1968, the reduced fare for schoolchildren was 10 cents, and has remained at that level to the present time. The lowest adult fare in 1968 was 25 cents, and since that time, as stated, has increased to the present level of 40 cents.

COMMITTEE INTENT

It is the intent of this Committee that for the purposes of this act the term "lowest adult fare" as used in the act is deemed to be the standard, established, regular adult fare, which is to be used in applying the formula set forth in the act for adjustment and payment of the school fare subsidy.

This adult fare is not to be confused with the special citizens' reduced fare (25 cents) established by act of the Council and for part-time use on the local buses, in other than regular weekly commuting hours.

COMMITTEE AMENDMENT

The Committee amendment makes it explicitly clear that the act does not limit the authority of the District of Columbia Council, after January 2, 1975, to legislate respecting any matter covered by this act.

SCHOOL FARE SUBSIDY PAID, 1971–74

The following table, submitted to the Committee by the District of Columbia Government, shows the amount of this subsidy paid to the carriers affected, during the last three fiscal years. It will be seen from these figures that whereas a total of 11,385,845 school passenger rides were subsidized during the first year, at a certified subsidy amount of $3,424,643, during the third such year, ending in June of 1974, it is estimated that 11,736,757 school passenger rides will have been certified, at a total subsidy cost of $3,521,027.10. This increase in the cost shown is attributable to the increase in the number of school passenger rides.

SCHOOL TRANSIT AUTHORITY

Year and month	Rides	Subsidy
1971:		
July	407,421	$122,424.55
August	335,550	100,773.15
September	824,677	248,214.70
October	1,085,998	326,811.95
November	1,142,201	343,653.65
December	943,268	283,796.95
1972:		
January	1,114,016	335,170.75
February	1,176,372	353,866.65
March	1,363,138	409,980.20
April	984,552	296,056.85
May	1,320,088	396,937.70
June	688,564	206,956.75
Total fiscal year 1972	11,385,845	3,424,643.85
1973:		
July	557,240	167,333.65
August	474,582	142,467.30
September	718,199	216,016.90
October	1,205,322	362,471.55
November	1,212,323	364,575.95
December	887,993	267,052.65
January	1,180,617	355,103.80
February	1,085,692	325,792.60
March	1,262,869	378,860.70
April	933,694	280,108.20
May	1,173,567	352,070.10
June	599,238	179,771.30
Total fiscal year 1973	11,291,336	3,391,624.8
1974:		
July	593,591	178,077.30
August	468,181	140,454.30
September	932,606	279,781.80
October	1,272,018	381,605.40
November	1,230,185	369,055.50
December	816,437	244,931.10
January	1,262,172	378,651.60
February	1,158,871	347,661.30
March	1,296,197	388,859.10
April	[1] 933,694	$280,108.20
May	[1] 1,173,567	352,070.10
June[1]	[1] 599,238	179,771.40
Total fiscal year 1974	11,736,757	3,521,027.10

[1] Estimate—based on 1973 passenger figures for month.

Source: District of Columbia government figures.

HEARING

At a public hearing on H.R. 13608 by the full Committee on the District of Columbia on March 22, 1974, the extension of the school fare subsidy was supported by Members of Congress, and by representatives on behalf of the Washington Metropolitan Area Transit Authority; the District of Columbia government; the Washington Metropolitan Area Transit Commission; and the Board of Education of the District of Columbia.

No statements were presented or filed in opposition to the extension of the school fare subsidy.

COSTS

According to estimates of the District of Columbia government, the costs to the District for the school fare subsidies provided in the reported bill are as follows:

[In Millions]

Fiscal year:	
1975	$3.8
1976	3.8
1977	3.7

VOTE

The bill, H.R. 13608, as amended, was ordered favorably reported to the House by voice vote of the committee on July 1, 1974, a quorum being present.

CONCLUSION

The spokesman for the Washington Metropolitan Area Transit Authority expressed at the hearing that subsidizing the cost of transporting schoolchildren to and from school is a legitimate expenditure of funds on the part of local government.

The committee heartily agrees with this opinion, as well as that of the Transit Commission's representative at an earlier hearing on similar legislation:

Philosophically, we at the Commission believe that the 1968 law places the burden of providing transportation for school children where it properly belongs, on the community at large rather than on only those members of the community who happen to ride the bus. Speaking from the standpoint of the practical result, we can report that the shift of that burden has resulted in substantial benefit to the city's bus riders and to the city itself.

DEPARTMENTAL REPORTS

The report of the District Government in support of the objective of H.R. 13608, together with draft of proposed amendments, follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 23, 1974.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 13608, a bill "To amend the Act of August 9, 1955, relating to school fare subsidy for

transportation of schoolchildren within the District of Columbia."

H.R. 13608 would extend for an additional three-year period, to August 1977, the subsidy to common carriers providing reduced fares for the transportation of schoolchildren to and from public, parochial, or like elementary and secondary schools in the District of Columbia. The subsidy authorization expires August 1974.

Under existing law (Act of August 9, 1955, as amended; D.C. Code sec. 44–214(a)), the Washington Metropolitan Area Transit Commission, which succeeded to the jurisdiction of the Public Service Commission over mass transit carriers, is responsible for fixing the rate of fare for transportation by bus of schoolchildren going to and from public, parochial, or like schools in the District of Columbia at not more than one-half of the regular cash fare, and to establish rules and regulations governing the use thereof. The reduced fare for schoolchildren is presently established at ten cents for one-way transportation in lieu of the regular adult fare of forty cents. The District Government is required to fund the difference between the total of all reduced bus fares paid to the carrier for schoolchildren and the amount which would have been paid to the carrier at the lowest regular adult fare.

Extension of the subsidy for transportation of schoolchildren is a recognition of the fact that such transportation is a public responsibility and the cost should be shared by all taxpayers, not just those who ride the buses. Consequently, the District Government supports the objective of H.R. 13608.

We would, however, suggest that the Committee give consideration to certain additional amendments to existing law which are contained in a substitute draft bill attached to this report and explained in the following paragraphs.

The draft bill would transfer the authority to set the reduced fare rate for schoolchildren from the Washington Metropolitan Area Transit Commission to the District of Columbia Council and would authorize the Council to establish rules and regulations governing the administration of the school fare subsidy program. This change is consistent with the District of Columbia Self-Government and Governmental Reorganization Act and with the fact that the District Government pays for the costs of the subsidy out of its revenues. It is especially appropriate at this time because the Transit Commission is no longer actively involved in the mass transit ratemaking process. The bill also does not provide a maximum or minimum limit on the school fare rate, thus enabling the Council to effectively control the amount of the subsidy.

Additionally, the proposed draft bill would eliminate the role of the Transit Commission as certifying agent with respect to the amount of the monthly subsidy payment. With the acquisition of the former privately-owned D.C. Transit and WMA Transit Company bus lines by the Washington Metropolitan Area Transit Authority, a government agency, and the subsequent reduction in the Transit Commission's staff, it does not now appear necessary that the Transit Commission continue to exercise this function. These proposals have the support of the Transit Commission.

The draft bill also would delete the present age limitation of eighteen upon the use of school fare tickets and allow all students to utilize the reduced fare plan for so long as they remain in attendance at an elementary or secondary school. There appears to be no compelling reason why students, regardless of age, who are regularly attending elementary and secondary schools should not be permitted to travel at a reduced fare, at least until they cease their enrollment or graduate from the twelfth grade. This proposed amendment may further serve as an inducement to encourage students to remain in school until such time as they complete all academic requirements. It is intended that this proposal would be limited to schoolchildren pursuing a regular elementary and secondary school program and would not be available to adults or students enrolled in colleges or proprietary schools.

While H.R. 13608 authorizes only a three-year extension of the subsidy, the draft bill contains no limitation as to time. With transfer to the Council of the authority to set the reduced fare rate and to establish rules and regulations for administration of the subsidy program, there appears to be no further reason to limit the authorization to a three-year period.

The draft bill further contains amendments which would permit subway as well as bus transportation; allow the orderly conclusion of the functions and authorities of the Transit Commission and Transit Authority under present law; eliminate certain obsolete legal references in the present statute; and provides an effective date of September 1, 1974 to enable the rate to be timely set by the Council.

The actual cost to the District of Columbia Government for schoolchildren's bus fares in fiscal year 1973 was $3,391,000, and for fiscal year 1974, $4,112,300 has been budgeted for this purpose. With regard to the anticipated costs involved in a three-year extension of the existing law, the District Government is requesting $3,812,300 in its fiscal year 1975 budget estimates and, assuming a constant fare structure, it is expected that the cost to the District for fiscal years 1976 and 1977 will also be $3,812,300 each year.

It is anticipated that the amendments contained in the proposed draft bill may increase the foregoing cost estimates. Because of the unavailability of data indicating the number of students of the age of eighteen and over who are in regular attendance at public and private schools, we are unable to provide an estimate of additional costs that may result from elimination of the age limitation. In addition, any change in the reduced fare for schoolchildren or in the adult fare will affect the cost of the subsidy program.

We believe the amendments contained in the draft bill will materially improve the administration of the school fare subsidy program and urge their favorable consideration by the Congress. As the current statutory authorization for the subsidy will expire in August 1974, we urge early enactment of legislation to allow continuation of this important program.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

The report of the Washington Metropolitan Area Transit Authority, and proposed amendment, follows:

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY,
Washington, D.C., April 12, 1974.

Hon. CHARLES C. DIGGS, JR.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for extending to us the opportunity to make recommendations and report on H.R. 13608.

We recognize that the public interest is served by a continuation through August 1977 of the long-standing policy of transportation of District of Columbia school children not over eighteen years of age at reduced fares.

WMATA is pleased to recommend approval of H.R. 13608; however, in the interest of clarity, we believe it is necessary to point out that the term "lowest adult fare" contained in the 1971 amendment (P.L. 92–90, 85 Stat. 315) should not be confused with the Metrobus "Golden Age" fare, which is also a reduced fare, of course. We feel that this clarification can be attained by striking the period after "1977" in the last line of H.R. 13608 and adding the following: and by providing that the term "lowest adult fare" as used in section 2 shall be construed as the standard adult fare in applying the formula for adjustment and payment of the fare subsidy.

Sincerely,

JACKSON GRAHAM.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

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

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the bill H.R. 13608, the purpose of which is to extend the present law with respect to subsidy for the transportation of schoolchildren in the District of Columbia for a period of 3 years, or until August 1977.

The present system for school fare subsidy for schoolchildren in the District up to the age of 18 years was enacted in 1968, as Public Law 90–605. Under this system, the D.C. Public Service Commission is required to fix a rate of fare for the transportation of schoolchildren within the District of Columbia at not more than one-half the cash fare established, from time to time, for regular route transportation within the city. Actually, this school fare has been maintained at 10 cents to the present time, although the regular route fare has increased from 25 to 40 cents, the present level. The law further requires that each month, the Washington Metropolitan Area Transit Commission shall certify to the Commissioner of the District of Columbia an amount which is the difference between the total of all the reduced fares for schoolchildren paid during that month and the amount which would have been paid if such fares had been paid at the lowest adult fare rate for regular route transportation. Upon receiving this certification, the D.C. Commissioner is required to pay the certified amount to the carrier providing the service, which at present of course is the Metro system.

At the present time, with the schoolchildren's fare set at 10 cents and the regular route fare at 40 cents, the actual subsidy for the transportation of schoolchildren amounts to 30 cents per ride. I am advised that the total cost of this subsidy for fiscal year 1973 was $3,392,000, and that the estimated cost for fiscal year 1974 is $4,112,000 and for fiscal year 1975 some $3,812,000.

Prior to 1968, when this present system for subsidy was established, the reduced rate fares for schoolchildren were set by the regulatory commission as at present; and since these reduced fares were never sufficient to defray the actual cost involved in transporting the school-

children, the commission had to establish the adult fare rates high enough to liquidate the total cost of the carrier's operation including the deficit resulting from the reduced fares for schoolchildren. Thus, the actual subsidy for the schoolchildren's transportation was borne by the adult bus-riding public.

In 1968, however, this obligation was quite properly placed upon the entire taxpaying community by the enactment of Public Law 90–605, to which I have referred. I supported this measure at that time, and also gave my support to the enactment of Public Law 97–90 in 1971, which extended this present subsidy system for 3 years to August 1974.

Mr. Speaker, this bill H.R. 13608 is indeed worthy of our approval, and I am pleased to recommend this proposed legislation to my colleagues for their favorable action at this time, to extend this subsidy for another 3-year period.

Mr. DIGGS. Mr. Speaker, I know of no objection to this particular measure.

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

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

Mr. GROSS. Mr. Speaker, what is the subsidy in other cities of comparable size?

Mr. DIGGS. We do not have any figures of comparability, I will say to the gentleman from Iowa.

Mr. GROSS. And enactment of this would result in a 10-cent fare for schoolchildren?

Mr. DIGGS. It would result in a continuation of the 10-cent fare if we authorize this legislation.

Mr. GROSS. The regular adult fare is what?

Mr. DIGGS. It is 40 cents.

Mr. GROSS. Anywhere in the District of Columbia?

Mr. DIGGS. That is correct.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

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

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the Senate bill (S. 3477) to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia, and I ask for immediate consideration of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 3477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44–214a), as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

AMENDMENT OFFERED BY MR. DIGGS

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

The Clerk read as follows:

Amendment offered by Mr. DIGGS: strike out all after the enacting clause of S. 3477 and insert in lieu thereof the text of H.R. 13608 as passed, as follows:

That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44–214a) as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

SEC. 2. Notwithstanding any other provision of law, or any rule of law nothing in this Act (including the amendment made by this Act) shall be construed as limiting the authority of the Council of the District of Columbia to enact any act or resolution, after January 2, 1975, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act with respect to any matter covered by this Act.

The amendment was agreed to.

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

A similar House bill, H.R. 13608, was laid on the table.

DISTRICT OF COLUMBIA MOTOR VEHICLE ACT

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 5686) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5686

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 "District of Columbia Motor Vehicle Act".

TITLE I—APPLICATION OF ADMINISTRATIVE PROCEDURE ACT TO CASES INVOLVING SUSPENSION OR REVOCATION OF OPERATORS' PERMITS AND OWNERS' REGISTRATIONS

SEC. 101. Section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 121), as amended (D.C. Code, sec. 40–420), is amended to read as follows:

"SEC. 4. HEARINGS BY COMMISSIONER.—(a) Any person aggrieved by any order or act of the Commissioner under the provisions of this Act shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the order or act was done in accordance with the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after such order or act.

"(b) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension. Such stay shall be allowed for such period as will enable the Commissioner to afford the petitioner due notice and an opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order shall become effective immediately."

SEC. 102. Section 13 of the District of Columbia Traffic Act, 1925 (43 Stat. 1125), as amended (D.C. Code, sec. 40–302), is amended to read as follows:

"SEC. 13. (a) As used in this section—

"(1) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agent.

"(2) The term 'license' means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of the District including: (A) any temporary license or instruction permit; (B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and (C) any nonresident's operating privilege as defined herein.

"(3) The term 'nonresident's operating privilege' means the privilege conferred upon a nonresident by the laws of the District pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

"(b) The Commissioner is hereby authorized to suspend or revoke without a preliminary hearing the operator's permit of any person for any reason which he may deem sufficient.

"(c) Whenever the operator's permit of any person is revoked or suspended, no new operator's permit shall be issued nor shall the operating privilege of any person be reinstated for at least six months after the revocation or suspension, except in the discretion of the Commissioner.

"(d) Whenever the Commissioner suspends or revokes the operator's permit of any person, the reasons therefor shall be set out in the order of suspension or revocation.

"(e) Any person denied an operator's permit or whose operator's permit has been suspended or revoked by the Commissioner, except where such revocation is mandatory under the provisions of this Act, shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner, and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the petitioner is entitled to an operator's permit or is subject to suspension or revocation of such operator's permit under the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after the person has been denied an operator's permit or an order of suspension or revocation has been issued.

"(f) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension or revocation except when such order has been issued revoking or suspending the operator's permit of any person on account of mental or physical incapacity, or following a conviction for an offense for which mandatory revocation of a motor vehicle operator's permit is required under this Act. Such stay shall be allowed for such period as will enable the Commissioner to afford petitioner due notice and opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order of suspension or revocation shall become effective immediately.

"(g) Any individual found guilty of oper-

ating a motor vehicle in the District during the period for which his motor vehicle operator's permit is revoked or suspended under this Act shall, for each such offense, be fined not less than $100 nor more than $500, or imprisoned not less than thirty days nor more than one year, or both."

TITLE II—ISSUANCE OF SPECIAL IDENTIFICATION CARDS TO RESIDENTS OF THE DISTRICT OF COLUMBIA

SEC. 201. Section 7 of the District of Columbia Traffic Act, 1925 (43 Stat. 1121), as amended (D.C. Code, sec. 40–301), is amended by adding at the end thereof the following new subsection:

"(f)(1) Upon request of any person who is a resident of the District of Columbia and who does not possess an operator's permit, the Commissioner shall issue a special identification card to such person.

"(2) Such special identification card shall be accepted as valid identification of the person to whom it is issued when the card is presented for the purpose of furnishing proof of the person's identification.

"(3) The fees for the issuance and renewal of the special identification card shall be established by the District of Columbia Council.

"(4) Such special identification card shall expire every two years, but may be renewed upon request and payment of the fee for renewal.

"(5) The special identification card issued under this subsection shall be similar in size, shape, and design to an operator's permit, but said card shall clearly state thereon that it does not authorize the person to whom it is issued to operate a motor vehicle.

"(6) Any person who shall use fraud or misrepresentation in the application for or for use of a special identification card issued under this subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $300; or imprisoned for a period not exceeding ninety days, or both.

"(7) The District of Columbia Council is authorized to promulgate such regulations as it deems necessary for the effective implementation of this subsection."

SEC. 202. The amendments made by section 201 shall take effect ninety days after the enactment of this Act.

SEC. 203. The District of Columbia Traffic Act, 1925, is amended as follows:

(a) Paragraph (d) of section 2 of such Act (D.C. Code, sec. 40–602) is amended to read as follows: "(d) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agent."

(b) Section 7 of such Act (D.C. Code, sec. 40–301) is amended by striking out "Commissioners or their designated agent" each place such words appear therein and inserting in lieu thereof "Commissioner."

TITLE III—ISSUANCE OF OPERATOR'S PERMITS TO POLICE OFFICERS AND FIREMEN OPERATING GOVERNMENT VEHICLES IN THE DISTRICT OF COLUMBIA

SEC. 301. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–301(a)), is amended by adding at the end thereof the following new paragraph:

"(7) Officers and members of any police force operating in the District of Columbia and of the Fire Department of the District shall be issued, without charge, a permit to operate government-owned vehicles, while engaged in the performance of official duties, upon the presentation of a certificate from the Chief of such police force or the Fire Chief, or their designated agents, to the effect that such officer or member is assigned to operate a government vehicle and is qualified to operate such vehicle, and upon being examined by the Commissioner as to his knowledge of the traffic regulations of the District of Columbia."

TITLE IV—AMENDMENT OF REGISTRATION, TAG, AND TRANSFER REQUIREMENTS

SEC. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (50 Stat. 680; D.C. Code, sec. 40–102) is amended—

(1) by striking out "Commissioners of the District of Columbia" in subsection (b) and inserting in lieu thereof "District of Columbia Council";

(2) by striking out "Commissioners" in paragraph (1) of subsection (b) and inserting in lieu thereof "Council";

(3) by amending paragraph (2) of subsection (b) to read as follows:

"(2) of certificates of registration, and identification tags, without charge, for all motor vehicles and trailers owned by the United States or by the District of Columbia;";

(4) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and by adding the following new paragraph (3):

"(3) annually, without charge, of certificates of registration and identification tags for all motor vehicles and trailers officially used by any duly accredited representative of a foreign government;"; (5) by striking out "Commissioners" in paragraph (5) of subsection (b) (as redesignated by this section), and inserting in lieu thereof "Council";

(6) by striking out "Commissioners" in subsection (c) and inserting in lieu thereof "Council";

(7) by adding in subsection (d) immediately after the second sentence the following new sentence: "In the case of joint ownership, upon consent of all the joint owners, such transfer may be made in the manner prescribed above to any person formerly a party to the joint ownership.";

(8) by striking out "Commissioners of the District of Columbia are" in subsection (e) and inserting in lieu thereof "District of Columbia Council is";

(9) by striking out "Commissioners of the District of Columbia are", "Commissioners", and "Commissioners under rules and regulations prescribed by them" in the first sentence of subsection (f) and inserting in lieu thereof "District of Columbia Council is", "Council", and "Commissioner or his designated representative", respectively;

(10) by striking out "Commissioners" in the second sentence of such subsection (f) and inserting in lieu thereof "Commissioner"; and

(11) by striking out "Commissioners" in the third sentence of such subsection (f) and inserting in lieu thereof "Commissioner".

With the following committee amendments:

On page 5, strike out line 19 and all that follows down through line 15 on page 7.

On page 7, line 16, strike out "III" and insert in lieu thereof "II".

On page 7, line 20, strike out "301" and insert in lieu thereof "201".

On page 8, line 10, strike out "IV" and insert in lieu thereof "III".

On page 8, line 12, strike out "401" and insert in lieu thereof "301".

On page 9, insert a semicolon at the end of line 2.

On page 9, line 9, insert a semicolon immediately after "government;' ".

On page 9, beginning in line 9, strike out "(5) by striking out" and all that follows down through line 12, and insert in lieu thereof the following:

(5) by striking out "Commissioners" in paragraph (5) of subsection (b) (as redesignated by this section), and inserting in lieu thereof "Council";

On page 9, insert a semicolon at the end of line 20.

On page 10, after line 11, insert the following:

TITLE IV—AMENDMENTS RELATING TO JUDGMENTS AND TRAFFIC REGULATIONS

SEC. 401. Section 47 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40–463) is amended by inserting immediately before the period at the end of such section a comma and the following: "except that if the right to enforce such judgment by docketing and revival, or by revival, shall have expired without such docketing and revival, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the Commissioner, the suspension of the license or registration of the judgment debtor shall be terminated".

SEC. 402. The first sentence of subsection (h) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec, 40–603(h)) is amended to read as follows: "All regulations promulgated under the authority of this Act shall be published in accordance with the requirements of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1–1501 et seq.), but no penalty shall be enforced for any violation of any such regulation which occurs within ten days after the date of such publication, except that whenever the District of Columbia Council deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation.".

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

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

There was no objection.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

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

Mr. Speaker, the purposes of the reported bill (H.R. 5686), as set forth in House Report 93–1174, are to streamline the procedures of the operation of the Motor Vehicle Safety Responsibility Act and the District of Columbia Traffic Act of 1925. The legislation seeks to eliminate some of the procedures which may be redundant and also to safeguard rights of individuals who face the loss of privileges to operate motor vehicles in the city. This legislation will complement and strengthen existing motor vehicle and traffic laws in the District of Columbia.

NEED FOR LEGISLATION

The Safety Responsibility Act and the Traffic Safety Act do not provide for hearings prior to the suspension or revocation of privileges, and consequently hearings are not afforded in the practical administration of this law. The reported bill, H.R. 5686, requires that any person whose right or privilege has been suspended under either or both acts must be afforded an opportunity for a hearing. The bill also relieves police officers and firemen of the necessity and expense of securing licenses to operate specialized

equipment and apparatus. Members of the Armed Forces are currently relieved of this responsibility. The yearly reregistration of Federal and District of Columbia government vehicles is not deemed to be necessary and costs time and money. This bill would abolish the annual registration. The difficulty in transferring title from a jointly owned motor vehicle would be lessened by this legislation.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

TITLE I

Title I of the bill amends the D.C. Motor Vehicle Safety Responsibility Act and the D.C. Traffic Act of 1925 to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations to permit effective application of the D.C. Administrative Procedure Act.

TITLE II

Title II of the bill authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles on official business.

TITLE III

Title III of the bill amends registration, tag and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government-owned vehicles and the dropping of a name from a jointly owned vehicle would be permitted when license tags are transferred to a newly acquired vehicle.

TITLE IV

Title IV of the bill amends existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations.

HISTORY

Hearings on H.R. 5686 were held by the Subcommittee on Business, Commerce and Taxation on May 8, 1974. Witnesses included the Honorable GILBERT GUDE; representatives of the District government, National Retired Teachers Association, American Association of Retired Persons; and private citizens. No testimony was received or statements filed in opposition to the bill.

VOTE

The bill, H.R. 5686, was ordered favorably reported to the House on July 1, 1974, by a voice vote, a quorum being present.

CONCLUSION

The Committee on the District of Columbia believes that each of the proposed amendments will strengthen and improve the motor vehicle laws of the District and urge that H.R. 5686 be enacted.

COST

The D.C. government indicates that there will be no cost involved in the adoption of title I, approximately $9,500 loss of revenue involved in title II, and virtually no cost involved in the adoption of titles III and IV.

COMMITTEE AMENDMENTS

The committee amended the bill to strike the second title of the bill as referred to the committee. Since the hearing on this legislation, the City Council passed and the Mayor signed into law legislation which effectuated the legislative intent of the original second title relating to issuance of identification cards upon request to those residents of the District who do not possess a motor vehicle operator's permit. Therefore, this title was no longer necessary in H.R. 5686.

The major committee amendment, to title IV, amends existing laws relating to the finality of court judgments arising out of motor vehicle accidents. The amendment permits the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law, the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances, the judgment creditor is no longer available to be paid the judgment or cannot be located. However, as a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing and revival by the judgment creditor, and the number is ever increasing.

Furthermore, it appears inconsistent to punish someone when the court itself will not enforce the judgment. The plaintiff is protected since he has the right to revive the judgment. Thus, only the files of those plaintiffs actively pursuing their judgments will be kept open, and thus will be more equitable to those who come within the purview of the motor vehicle Safety Responsibility Act.

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

Mr. Speaker, the purpose of H.R. 5686 is to streamline the procedures of the operation of the Motor Vehicle Safety Responsibility Act and the District of Columbia Traffic Act of 1925. The bill seeks to eliminate unnecessary procedures and to safeguard rights of individuals who face the loss of privileges to operate motor vehicles in the city. This legislation will complement and strengthen motor vehicle and traffic laws in the District of Columbia.

Title I provides for hearings in cases involving the suspension or revocation of operators' permits and owners' registration.

Title II authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles on official business.

Title III amends registration, tag and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government-owned vehicles, and the dropping of a name from a jointly owned vehicle would be permitted when license tags are transferred to a newly acquired vehicle.

Title IV would permit the lifting of the suspension of a judgment debtor's license or registration when the judgment of which such action was based has expired. Title IV would also delete the present requirement that traffic regulations, when adopted, be printed in one or more daily newspapers.

The Committee on the District of Columbia believes that each of the proposed amendments will strengthen and improve the motor vehicle laws of the District and urge that H.R. 5686 be enacted.

DISTRICT GOVERNMENT REPORTS

The reports of the Mayor-Commissioner of the District government, dated May 7 and May 29, 1974, on H.R. 5686, follow:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 7, 1974.

Hon. CHARLES C. DIGGS, JR.,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 5686, a bill "To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes."

H.R. 5686 is identical to draft legislation submitted to the Congress by the District Government on February 7, 1973. Since our submission of this legislation, we have developed two additional proposals which should be included in the proposed "District of Columbia Motor Vehicle Act." These proposals, which we recommend be added to H.R. 5686 as a new Title V, are attached to this report.

The proposed Title V would amend existing law relating to the finality of court judgments arising out of motor vehicle accidents and the promulgation of traffic regulations. Section 502 of this proposed title would amend section 47 of the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment, has expired without docketing and revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases and thereby increase the operating efficiency of the Department of Motor Vehicles.

Section 502 of the proposed amendments would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District Government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. The proposed amendment, however, retains the ten-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

We urge favorable consideration of these proposed additional amendments to H.R. 5686.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 29, 1974.

Hon. W. S. STUCKEY, Jr.,
Chairman, Subcommittee on Business, Commerce and Taxation, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. STUCKEY: At the hearing of May 8, 1974 on H.R. 5686, the proposed "District of Columbia Motor Vehicle Act", the District Government was requested to furnish your Subcommittee with certain cost estimates and other information relating to the various proposals contained in the bill.

First, you inquired as to the probable loss of revenue to the District of Columbia should the proposal in section 401(7) of the bill relating to the transfer of motor vehicle identification tags from joint to single ownership be approved. Although many motorists inquire each year as to the removal of a name from the title to a jointly-owned motor vehicle, less than a hundred persons actually apply for such transfers because of the inequitable cost and cumbersome procedures involved. If license tags could be transferred to a newly-acquired vehicle upon the payment of a $2.00 transfer fee, as authorized by the proposal, we anticipate approximately 250 such applications annually. In such cases the District would not collect a license fee of either $30 or $50, depending on the weight of the automobile. Based upon an average charge of $40, therefore, the annual revenue loss is estimated at $10,000, offset in part by the charging of a $200 transfer fee, for a total of $9,500. Both neighboring jurisdictions of Maryland and Virginia handle joint ownership transfers as proposed in H.R. 5686.

Second, you requested an estimate of the costs to the District of issuing identification cards to residents as proposed by Title II of H.R. 5686. The District's budget request for fiscal year 1975 includes an increase of $1,200 for implementation of the program. The added resources will be needed primarily for printing costs and supplies. The Department of Motor Vehicles has estimated that 2,500 identification cards will be issued during the next fiscal year at a cost of approximately 50 cents for each card. A total of 5,000 identification cards are expected to be issued in the first several years of program operation. The program costs will be recovered by the establishment and charging of a nominal fee to the applicant.

The cost to the District for the issuance of operators' permits pursuant to Title III of the bill would be minimal. The remaining proposals would entail no costs to the District Government.

Finally, inquiry was made as to the average amount of money involved in the approximately 6,000 dormant but outstanding judgments pending in the Department of Motor Vehicles. Under section 501 of Title V, as added to H.R. 5686 by the Subcommittee, these inactive cases would be terminated and removed from the files. A sampling of these judgments indicated a range from $30 to $50,000. Twenty-five percent were for amounts under $100 and another 25% were for amounts between $100 and $200. Judgments in the amount of over $500 account for 20% of the total and the remaining 30% were between $200 and $500.

I trust that this information will be useful to the Subcommittee in its further consideration of H.R. 5686.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

SECTION-BY-SECTION ANALYSIS

TITLE I

Title I of H.R. 5686 would amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations so as to permit effective application of the District of Columbia Administrative Procedure Act.

Under the provisions of the Administrative Procedure Act, a contested case is defined as one in which legal rights or privileges of any person are required by law to be determined after a hearing before the Commissioner or any agency of the District government.

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both acts must be afforded an opportunity for a hearing, thus bringing such cases under the purview of the Administrative Procedure Act. The present provisions in both acts providing for "review" procedures are omitted because a formal hearing as prescribed in the Administrative Procedure Act should provide all the due process protection necessary.

TITLE II

Title II would authorize the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles in official business. This proposal would relieve such individuals of the necessity and expense of securing licenses to operate specialized equipment and apparatus, and is similar to the authority afforded by section 40–301(a)(5) of the D.C. Code to members of the Armed Forces who operate official vehicles in the District of Columbia. Under this title the police or fire chief would have to certify that the applicant is qualified to operate the respective department's equipment. Also, the applicant would be examined by the Director of Motor Vehicles as to his knowledge of District traffic regulations.

TITLE III

Title III of H.R. 5686 would amend registration, tag, and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government–owned vehicles. The present annual reregistration provides no advantages for either the United States or the District of Columbia and the elimination of this unnecessary requirement will save time and money now consumed in the annual registration of vehicles for the many Federal and District agencies and departments. Approximately 3,500 Federal and District-owned vehicles would be involved.

Title III would permit the dropping of a name from a jointly owned motor vehicle when the license tags are transferred to a newly acquired vehicle. Present law allows the addition of a spouse's name to the registration when transferring tags to a new automobile, but does not permit the deletion of a joint owner's name. The proposed legislation would permit the remaining owner(s) to have the automobile tags to a newly acquired vehicle transferred, allow the owner(s) to maintain the old tag number, and pay only a $2 transfer fee to cover the administrative record changes involved. Although this proposal would involve some revenue loss, we believe that the proposed legislation offers more equitable treatment to the public.

This title further makes certain technical changes in section 40–102 of the D.C. Code to conform existing law to the present Commissioner-Council form of the District government.

TITLE IV

Title IV would amend existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations. Section 502 of this title would amend the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing the revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases.

Furthermore, it appears inconsistent to punish someone when the court itself will not enforce the judgment. The plaintiff is protected since he has the right to revive the judgment. Thus, only the files of those plaintiffs actively pursuing their judgments will be kept open. It is felt that this amendment would not only promote efficiency within the Department of Motor Vehicles, but also would be more equitable to those who come within the purview of the Safety Responsibility Act.

Section 502 of title IV would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. Title IV, however, retains the 10-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

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

Mr. Speaker, I wish to express my support for the bill, H.R. 5686, the purpose of

which is to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, in several respects so as to improve the procedures prescribed therein and the administration of both acts.

Title I of this bill amends both of the acts referred to above, to provide that any person whose operator's permit or owner's registration has been suspended or revoked by order of the Commissioner of the District of Columbia shall have the right to file a petition for a hearing, within a period of 5 days after such an order of suspension or revocation has been issued. This privilege of a hearing also applies to a person who has been denied an operator's permit in the District of Columbia. This will serve to permit the application of the D.C. Administrative Procedure Act, which defines a contested case as one in which the legal rights of a person are required under law to be determined only after a hearing before the D.C. Commissioner or an agency of the D.C. government.

At present, neither the Safety Responsibility Act nor the Traffic Act requires a hearing in the case of suspension or revocation of driving privileges in the District, although the latter act does make such a hearing optional with the Commissioner. Thus, the language of title I of H.R. 5686 will provide for the first time a requirement under the law that any person whose right or privilege has been suspended under either or both of these acts must be afforded the opportunity of a hearing, at which time it will be the duty of the Commissioner to take testimony and examine into the facts of the case, to determine whether the person actually deserves to suffer the revocation or suspension which is the subject of the order issued.

Inasmuch as the privilege of operating a motor vehicle is extremely important today to most people, both for pleasure and as an adjunct to the conduct of business it is my opinion that this assurance of a right to a hearing in the event of an order of suspension or revocation of this privilege is a "must" in existing codes of law, in the District of Columbia and elsewhere.

As a protection to the public in these cases, however, the bill quite properly provides that this right of a hearing for suspension or revocation of driving privileges does not involve an automatic stay of an order of suspension or revocation when such order has been issued revoking or suspending the operator's permit on account of mental or physical incapacity or following a conviction for an offense for which mandatory revocation of the operator's permit is required under the law. In other cases, however, the filing of a petition for a hearing shall operate as a stay of the Commissioner's order.

Title II of the bill provides that officers and members of the D.C. Police and Fire Departments shall be issued, without charge, permits to operate government-owned vehicles while engaged in the performance of their official duties. Such permits shall be issued, however, only after the Chief of Police or the Fire Chief certifies that the officer or member is qualified to operate the vehicle to which he is assigned, and also after the Commissioner has examined the officer's or member's knowledge of the traffic regulations of the District of Columbia. Thus, ample protection of the public interest is assured, and the individuals involved will be spared the expense and difficulty of acquiring licenses to operate the specialized equipment and vehicles used in these services. This is identical to provisions existing in law applying to members of the armed services who operate official vehicles in the District of Columbia.

Title III of H.R. 5686 amends the registration, tag, and transfer operations of the D.C. Department of Motor Vehicles in several respects.

One of these amendments will eliminate the present requirement of annual registration of motor vehicles which are the property of the Federal or District of Columbia governments. The repeal of this meaningless requirement will conserve time and money for the District. I am advised that approximately 3,500 Government-owned vehicles will be affected by this provision.

This title also provides that a name may be dropped from a jointly owned motor vehicle in the District of Columbia, upon the consent of all the joint owners, when the license tags for the vehicle are transferred to a new vehicle. Under the present law, a spouse's or other joint owner's name may be added to the registration when tags are transferred to a new vehicle, but the deletion of such a joint owner's name is cumbersome and relatively expensive. Under the provision in this proposed legislation, this deletion may be accomplished by the payment of a fee of $2.00, and the owner may retain his old tag number. This represents a more equitable procedure, in the public interest, which is well worth the loss of revenue which will be involved.

Title IV provides a badly needed measure of reform in the matter of court judgments arising out of motor vehicle accidents in the District of Columbia.

The D.C. Motor Vehicle Safety Responsibility Act presently provides that the D.C. Commissioner, upon receipt of a certified copy of a judgment or a certificate of facts relative to such judgment, shall forthwith suspend the license and registration of the person against whom the judgment was rendered; or in the case of a nonresident motorist, his privilege of driving in the District shall be suspended.

The present law further provides that such suspension of license, registration, or nonresident's driving privilege shall remain in effect until any such judgment is satisfied and the person gives proof of financial responsibility as required.

The problem in this area is that in many instances, the judgment creditor in these cases disappears and cannot be located, or for other reasons is not available to be paid the judgment. As a result, the D.C. Department of Motor Vehicles has now amassed a backlog of nearly 6,000 cases in which a judgment has expired without docketing and revival by the judgment creditor, and I am informed that the number is constantly increasing.

Thus, under existing law, in 6,000 instances a judgment has expired without being "satisfied", and thus the persons involved in these cases are unable to have the suspension of their licenses or registrations lifted, or in the case of nonresidents their right to operate a vehicle in the District restored. I am advised that the amounts involved in these inactive judgment cases ranges from $30 to $50,000. Twenty-five percent, however, are for amounts less than $100, and another 25 percent between $100 and $200. Only 20 percent of the cases involve amounts greater than $500.

Title IV of the bill will correct this ridiculous inequity by providing that if the right to enforce such a judgment by docketing and revival, or by revival, shall have expired without such action being taken, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the D.C. Commissioner, the suspension of the license or registration of the judgment debtor shall be terminated.

It is important to note that this amendment will in no way affect any creditor's right to recover whatever may be his due in a judgment case. It will serve only to restore a vehicle owner's right to drive in these circumstances where the judgment has expired but has not technically been "satisfied." It is my opinion that this is the way the law originally must have been intended to be administered, because the injustice involved in a person's right to drive not being restored under these circumstances is obvious. Also, I certainly object to any of my constituents, or other nonresidents of the District of Columbia, not being allowed to drive in the District under these circumstances.

Title IV of H.R. 5686 also repeals the present requirement that traffic regulations, upon adoption, must be printed in a daily newspaper of general circulation within the District. The D.C. government favors this provision, on the grounds that this expense to the city is no longer justified in view of the recent enactment of publication requirements in the D.C. Administrative Procedure Act. However, this amendment in H.R. 5686 retains the present grace period of 10 days within which no penalty will be imposed for violation of a new traffic regulation. Also, this amendment provides that whenever the D.C. Council deems it advisable to make immediately effective any new regulation relating to parking, diverting of vehicular traffic, or the closing of any street to traffic, the regulation shall become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the new regulation.

All the provisions of this bill, as amended and reported by our committee, are endorsed by the government of the District of Columbia. No objection to any of the provisions of this proposed legislation has been expressed from any source whatever, and I commend the bill to my colleagues at this time for their favorable action.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I have but one question concerning this bill. It provides a 5-day period in which one deprived of a license may appeal. Is that not correct?

Mr. STUCKEY. Yes; that is correct.

Mr. GROSS. The person who loses an operator's license may appeal to the Commissioner; is that correct?

Mr. STUCKEY. Yes; that is correct.

Mr. GROSS. What happens to the license in the meantime? May I assume that the license is revoked or suspended and the driver suspended during the 5-day period?

Mr. STUCKEY. That is correct, during the 5-day period.

Mr. NELSEN. Mr. Speaker, I urge my colleagues to vote favorably on H.R. 5686, to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes, H.R. 13608, a bill to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia; and S. 3703, an act to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes.

The amendments to the motor vehicle laws of the District of Columbia have been urged upon the committee by the District of Columbia and other individuals testifying before the subcommittee.

The school subsidy bill merely extends the provisions of this law through 1977. The appropriations for the D.C. school fare subsidy and the funding for the local Criminal Justice Act, S. 3703, were passed by the House on Friday, June 29, 1974. This is the authorization for those two bills.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

AMENDMENT TO THE TITLE OFFERED BY MR. STUCKEY

Mr. STUCKEY. Mr. Speaker, I offer an amendment to the title.

The SPEAKER. The clerk will report the amendment.

The clerk reads as follows:

Amendment offered by Mr. STUCKEY: Amend the title so as to read: "A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, and for other purposes."

The amendment was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA CRIMINAL JUSTICE ACT

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the Senate bill (S. 3703) to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3703

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 "District of Columbia Criminal Justice Act".

SEC. 2. Title 11 of the District of Columbia Code (1973 edition) is amended by adding at the end thereof the following new chapter:

"Chapter 26.—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

"Sec.

"§ 11–2601. Plan for furnishing representation of indigents in criminal cases

"The Joint Committee on Judicial Administration shall place in operation in the District of Columbia a plan for furnishing representation to any person in the District of Columbia who is financially unable to obtain adequate representation—

"(1) who is charged with a felony, or misdemeanor, or other offense for which the sixth amendment to the Constitution requires the appointment of counsel or for whom, in a case which he faces loss of liberty, any law of the District of Columbia requires the appointment of counsel;

"(2) who is under arrest, when such representation is required by law;

"(3) who is charged with violating a condition of probation or parole, in custody as a material witness, or seeking collateral relief, as provided in—

"(A) Section 23–110 of the District of Columbia Code (remedies on motion attacking sentence),

"(B) Chapter 7 of title 23 of the District of Columbia Code (extradition and fugitives from justice),

"(C) Chapter 19 of title 16 of the District of Columbia Code (habeas corpus),

"(D) Section 928 of the Act of March 8, 1901 (D.C. Code, sec. 24–302) (commitment of mentally ill person while serving sentence);

"(4) who is subject to proceedings pursuant to chapter 5, title 21, of the District of Columbia Code (hospitalization of the mentally ill);

"(5) who is a juvenile and alleged to be delinquent or in need of superivsion.

Representation under the plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. The plan shall include a provision for private attorneys, attorneys furnished by the Public Defender Service, and attorneys and qualified students participating in clinical programs.

"§ 11–2602. Appointment of counsel

"Counsel furnishing representation under the plan shall in every case be selected from panels of attorneys designated and approved by the court. In all cases where a person faces a loss of liberty and the Constitution or any other law requires the appointment of counsel, the court shall advise the defendant or respondent that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant or respondent waives representation by counsel, the court, if satisfied after appropriate inquiry that the defendant or respondent is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The court shall appoint separate counsel for defendants or respondents having interests that cannot properly be represented by the same counsel, or when other good cause is shown. In all cases covered by this Act where the appointment of counsel is discretionary, the defendant or respondent shall be advised that counsel may be appointed to represent him if he is financially unable to obtain counsel, and the court shall in all such cases advise the defendant or respondent of the manner and procedures by which he may request the appointment of counsel.

"§ 11–2603. Duration and substitution of appointments

"A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the court through appeals, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in section 2606 of this chapter, as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in section 2602, and authorize payment as provided in section 2604, as the interests of justice may dictate. The court may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

"§ 11–2604. Payment for representation

"(1) HOURLY RATE.—Any attorney appointed pursuant to this chapter shall, at the conclusion of the representation or any segment thereof, be compensated at a rate fixed by the Joint Committee on Judicial Administration, not to exceed the hourly scale established by the provisions of section 3006A(d)(1) of title 18, United States Code. Such attorney shall be reimbursed for expenses reasonably incurred.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the Superior Court or before the District of Columbia Court of Appeals, as the case may be, the compensation to be paid to an attorney shall not exceed the maximum amounts established by section 3006A(d)(2) of title 18, United States Code, in the corresponding kind of case or proceeding.

"(3) WAIVING MAXIMUM AMOUNTS.—Claims for compensation and reimbursement in excess of any maximum amount provided in subsection (2) of this section may be approved for extended or complex representation whenever such payment is necessary to provide fair compensation. Any such request for payment shall be submitted by the attorney for approval by the chief judge of the Superior Court upon recommendation of the presiding judge in the case or, in cases before the District of Columbia Court of Appeals, approval by the chief judge of the

Court of Appeals upon recommendations of the presiding judge in the case. A decision shall be made by the appropriate chief judge in the case of every claim filed under this subsection.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the Superior Court for representation before that court, and to the District of Columbia Court of Appeals for representation before that court. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney. In cases where representation is furnished other than before the Superior Court or the District of Columbia Court of Appeals, claims shall be submitted to the Superior Court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APPELLATE COURT.—If a person for whom counsel is appointed under this section appeals to the District of Columbia Court of Appeals, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28, United States Code.

"§ 11–2605. Services other than counsel

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services, excluding the preparation of reporter's transcript, without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 or the rate provided by section 3006A(e)(2) of title 18, United States Code, whichever is higher, and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection shall not exceed $300, or the rate provided by section 3006A(e)(3) of title 18, United States Code, whichever is higher, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the presiding judge in the case.

"§ 11–2606. Receipt of other payments

"(a) Whenever the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, or to any person or organization authorized pursuant to section 2605 of this title to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.

"(b) Any person compensated, or entitled to be compensated, for any services rendered under this chapter who shall seek, ask, demand, receive, or offer to receive, any money, goods, or services in return therefor from or on behalf of a defendant or respondent shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"§ 11–2607. Preparation of Budget

"The joint committee shall prepare and annually submit to the Commissioner of the District of Columbia, in conformity with section 11–1743 of this title, or to his successor in accordance with section 445 of the District of Columbia Self-Government and Governmental Reorganization Act, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for furnishing representation by private attorneys to persons entitled to representation in accordance with section 2601 of this title.

"§ 11–2608. Authorization of appropriations

"There are hereby authorized to be appropriated to the District of Columbia such funds as may be necessary for the administration of this chapter for fiscal years 1975 and 1976. When so specified in appropriation Acts, such appropriations shall remain available until expended.

SEC. 3. (a) Paragraph (1) of section 3006A, title 18, United States Code, as amended, is amended to read:

"(1) APPLICABILITY IN THE DISTRICT OF COLUMBIA. The provisions of this Act, other than subsection (h) of section 1, shall apply in the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit. The provisions of this Act shall not apply to the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.".

SEC. 4. This Act shall take effect upon the date of its enactment. Any person appointed on or after July 1, 1974, but prior to the commencing date of the plan referred to in section 11–2601 of the District of Columbia Code (as added by section 2 of this Act), by a judge of the Superior Court or the District of Columbia Court of Appeals to furnish to any person in the District of Columbia, who is financially unable to obtain adequate representation, that representation and those services referred to in such section 11–2601, may be compensated and reimbursed for such representation and services rendered, including expenses incurred therewith, upon filing a claim for payment. Payment shall not be allowed in excess of the amounts authorized in accordance with those sections added to the District of Columbia Code by such section 2.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "District of Columbia Criminal Justice Act".

SEC. 2. Title 11 of the District of Columbia Code (1973 edition) is amended by the addition of the following new sections:

"Chapter 26.—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

"Sec.

"11–2601. Plan for furnishing representation to indigents in criminal cases.

"11–2602. Appointment of counsel.

"11–2603. Duration and substitution of appointments.

"11–2604. Payment for representation.

"11–2605. Services other than counsel.

"11–2606. Receipt of other payments.

"11–2607. Preparation of budget.

"11–2608. Authorization of appropriations.

"§ 11–2601. Plan for furnishing representation of indigents in criminal cases

"The Joint Committee on Judicial Administration shall place in operation in the District of Columbia a plan for furnishing representation to a person in the District of Columbia who is financially unable to obtain adequate representation—

"(1) who is charged with a felony or misdemeanor and the United States Attorney prosecutes, or with juvenile delinquency by the commission of an act which if committed by an adult, would be prosecuted by the United States Attorney;

"(2) who is under arrest, when such representation is required by law;

"(3) who is charged with violating a condition of probation or parole, in custody as a material witness, or seeking collateral relief, as provided in—

"(a) section 110 of title 23 of the District of Columbia Code (remedies on motion attacking sentence),

"(b) chapter 7 of title 23 of the District of Columbia Code (extradition and fugitives from justice),

"(c) chapter 19 of title 16 of the District of Columbia Code (habeas corpus),

"(d) section 928 of the Act of March 8, 1901 (D.C. Code, sec. 24–302) (commitment of mentally ill person while serving sentence), or

"(4) for whom the sixth amendment to the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any local law requires the appointment of counsel. Representation under the plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. The plan shall include a provision for private attorneys, attorneys furnished by the Public Defender Service, and attorneys and qualified students participating in clinical programs.

"§ 11–2602. Appointment of counsel

"Counsel furnishing representation under the plan shall be selected from panels of attorneys designated or approved by the courts. In every criminal case in which a person may be appointed counsel under this chapter the court shall advise the defendant that he is entitled to be represented by counsel and that counsel will be appointed for him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"§ 11–2603. Duration and substitution of appointments

"A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the court through appeals, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in section 2606 of this chapter, as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the court finds that the person is financially unable to pay counsel whom he had retained, it may

appoint counsel as provided in section 2602, and authorize payment as provided in section 2604, as the interests of justice may dictate. The court may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

"§ 11–2604. Payment for representation

"(1) HOURLY RATE.—Any attorney appointed pursuant to this chapter shall, at the conclusion of the representation or any segment thereof, be compensated at a rate fixed by the Joint Committee on Judicial Administration, not to exceed the hourly scale established by the provisions of title 18, United States Code, section 3006A(d). Such attorney shall be reimbursed for expenses reasonably incurred.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the Superior Court or before the District of Columbia Court of Appeals, as the case may be, the compensation to be paid to an attorney shall not exceed the maximum amounts established by title 18, United States Code, section 3006A(d)(2) in the corresponding kind of case or proceeding.

"(3) WAIVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in subsection (2) of this section may be made for extended or complex representation whenever the Superior Court in which the representation was rendered, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the District of Columbia Court of Appeals.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the Superior Court for representation before that court, and to the District of Columbia Court of Appeals for representation before that court. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney. In cases where representation is furnished other than before the Superior Court or the District of Columbia Court of Appeals, claims shall be submitted to the Superior Court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APELLATE COURT.—If a person for whom counsel is appointed under this section appeals to the District of Columbia Court of Appeals, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by 1915(a) of title 28 of the United States Code.

"§ 11–2605. Services other than counsel

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services, excluding the preparation of reporter's transcript, without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 or the rate provided by title 18, United States Code, section 3006A(e)(2) whichever is higher, and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection shall not exceed $300, or the rate provided by title 18, United States Code, section 3006A(e)(3), whichever is higher, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the District of Columbia Court of Appeals.

"§ 11–2606. Receipt of other payments

"Whenever the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, or to any person or organization authorized by section 2605 to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.

"§ 11–2607. Preparation of budget

"(a) The Joint Committee shall annually prepare and submit to the Commissioner of the District of Columbia, or to his successor in accordance with section 445 of the District of Columbia Self-Government and Governmental Reorganization Act, its estimate of the amount needed for furnishing representation by private attorneys to persons entitled to representation in accordance with section 2601(b) of this title.

"(b) In making its computation of such estimate, the Joint Committee shall—

"(1) issue and follow definitional standards with respect to financial inability to obtain adequate legal representation;

"(2) estimate the respective percentage of indigent defendant cases which can be effectively handled by the Public Defender Service, private attorneys, and qualified law students participating in clinical programs under attorney supervision;

"(3) take into account the number of cases in the United States courts for which payment was made under the last appropriation for the administration of the Criminal Justice Act in such courts and the proportion which such number bears to the estimated number of such cases in the District of Columbia courts for the particular fiscal year;

"(4) shall not request an amount to be paid private attorneys for representation pursuant to section 2601 of this title in excess of the estimated appropriation for the prosecution of those persons thus represented.

"§ 11–2608. Authorization of appropriations

"There are authorized to be appropriated for each fiscal year, out of any moneys in the Treasury credited to the District of Columbia, such sums as are necessary to carry out the purposes of his chapter. Unless otherwise specified in appropriations Acts, such appropriations shall remain available until expended. Disbursements from such appropriations to persons entitled to payments, pursuant to orders of the courts, under this Act, shall be made by the executive officer of said courts, subject to the supervision of the fiscal officer of the District of Columbia.".

"§ 11–2609. Authority of Council

"Section 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act shall not apply to this chapter."

SEC. 3. Section 3006A(1) of title 18 of the United States Code is repealed.

SEC. 4. This Act shall take effect at the end of thirty days following enactment.

Mr. DIGGS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. Speaker, the purpose of the bill (S. 3703), as set forth in House Report 93–1172, is to provide a plan to insure that persons charged with crimes in the District of Columbia, who are financially unable to obtain an adequate defense in the courts of the District of Columbia are provided with legal representation. The bill establishes a plan for furnishing such representation and a mechanism for appointment and compensation of counsel.

BACKGROUND

In previous years payments for lawyers representing indigent defendants under a court appointment were reimbursed through the plan established by the Criminal Justice Act (18 U.S.C. 3006A). That Act was specifically applicable to the District of Columbia. Since the Court Reform and Criminal Procedure Act of 1970 (84 Stat. 473) with its transfer of local criminal jurisdiction from the United States District Court to the local District of Columbia Court system, it has been the position of the Administrative Office of the United States Courts and the Judicial Conference of the United States to transfer the responsibility for the indigent defenders program to that local court system. The Administrative Office of the United States Courts took the position in Committee hearings held on the need for funds for the Criminal Justice Act, that it was willing to fund the program until the end of the 1974 fiscal year. At that point the program would have to be included in the District of Columbia budget for fiscal 1975. The District of Columbia Government agreed to this proposal. Accordingly, authorizing legislation (H.R. 14376 and S. 3703) was required to legitimate the transfer.

NEED FOR LEGISLATION

The United States Supreme Court in its 1972 decision, in the case of *Argersinger* v. *Hamlin* (407 U.S. 25), required that counsel be appointed in any case where there exists the possibility of the deprivation of liberty. With the full implementation of the District of Columbia Court Reform and Criminal Procedure Act however, the Administrative Office of the United States Courts, the United States Judicial Conference, and the Chief Justice of the United States have taken the position that the Superior Court of the District of Columbia

and the District of Columbia Court of Appeals are not the rightful beneficiaries of the Criminal Justice Act of 1964 (18 U.S.C. 3006A), which has, up until now, been the source of funds for reimbursement of counsel appearing before the local D.C. courts.

In March of this year the available funds were exhausted from which counsel for indigent defendants could be paid. As a result, the D.C. Superior Court Trial Lawyers Association announced that they would be unable to accept appointments to defend an indigent unless there was some assurance of compensation. The D.C. courts, responding in the best way that they could, asked for volunteers, and decided that they would order the private bar to provide counsel for defense if volunteers were insufficient. Such a system, however, is an emergency system and cannot be expected to work or be relied upon in the long run. The reported legislation is intended to provide authorization for a viable, local, indigent-defender in the District of Columbia.

The Constitution, as interpreted by the Supreme Court, requires that every defendant in a criminal or juvenile delinquent proceeding be represented by counsel. If counsel is not available, the court will ultimately have to discontinue the conduct of criminal and juvenile delinquent proceedings. Whether this action would mean that all individuals affected would be held in confinement until counsel were found or, as appears more likely, that they would be released pending solution of this problem—both alternatives are highly unpalatable. This legislation seeks to prevent the necessity of dealing with either of those possibilities.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

The bill creates a new chapter 26, Title II of the District of Columbia Code to provide for representation of indigents in criminal cases in the District of Columbia courts. It creates a plan for the furnishing of legal representation to indigents in cases where they are subject to the possibility of loss of liberty or where Federal or local law requires such representation. Counsel furnishing representation under the plan shall be selected from panels designated or approved by the courts. Counsel is to be provided for the duration of the complete judicial process with compensation to be fixed approximately parallel to that of the Federal Criminal Justice Act (18 U.S.C. 3006A). The bill also provides for compensation for ancillary services necessitated by the defense. The bill specifically provides for qualified law students to be included in its coverage in the light of Mr. Justice Powell's concurring opinion in the Argersinger case wherein he cited the availability of such student-in-court programs as being an excellent resource to tap.

The budget estimate for the program will be submitted by the Joint Committee on Judicial Administration.

The legislation repeals the applicability of the Federal Criminal Justice Act (18 U.S.C. 3006A) to the District of Columbia. The District of Columbia Council is given the authority to make modifications in only this chapter of title II.

HISTORY

Hearings on the proposed legislation (H.R. 14374 and H.R. 14376) were held by the Subcommittee on the Judiciary on June 13, 1974. Testimony in support of the legislation was presented by representatives of the Administrative Office of the United States Courts, the Chief Judges of the District of Columbia Court of Appeals, and the District of Columbia Superior Court, the District of Columbia Corporation Council, the Director of the Public Defender Service, and by representatives of the District of Columbia Unified Bar, the District of Columbia Bar Association, and the Washington Bar Association. No testimony was given nor statements filed in opposition to the objective of providing counsel for indigent defendants.

The subcommittee reported the bill, H.R. 14376, as amended, on June 24, 1974.

H.R. 14374 provides for a complete overhaul of the system by which indigent defendants are provided legal representation. On the other hand, the reported bill, S. 3703 (companion to H.R. 14376) merely provides the authorization for a continuation of the current system under the auspices of the Joint Committee on Judicial Administration. The Subcommittee agreed to S. 3703 as a temporary measure to provide legislative authorization for the pending appropriation item in the D.C. budget providing funds urgently required to continue the counsel program. The Full Committee concurred in this recommendation and ordered, reported S. 3703 in lieu of H.R. 14376.

VOTE

The bill, S. 3703, was ordered favorably reported to the House on July 1, 1974, by a voice vote, a quorum being present.

COST

The District of Columbia estimates the cost of this program for fiscal year 1975 will be $2.3 million, and approximately such an amount is included in the D.C. appropriation bill which recently passed the House. The Committee anticipates similar amounts for the ensuing fiscal years.

CONCLUSION

By this legislation, the Committee has endeavored to insure that indigent persons in the District of Columbia will receive adequate legal representation in the courts as is guaranteed by the Constitution.

It is important to note that the representation of indigents is a crucial part of the criminal justice system, and it is the view of this Committee that budgetary priorities should be effectively arranged to underscore the necessity for defender services to all indigents in the District and to insure that they are adequately funded. Failure to do so may well have a deleterious effect on the criminal justice system in the District of Columbia, to the detriment of the community as a whole.

JUDICIAL RECOMMENDATIONS ON THE LEGISLATION

The recommendations of the Joint Committee on Judicial Administration in the District of Columbia, as presented to the Committee by Judge Gerard D. Reilly, Chief Judge of the District of Columbia Court of Appeals, in transmitting the proposed legislation which became H.R. 15376, follows:

DISTRICT OF COLUMBIA COURT OF APPEALS,
Washington, D.C., April 19, 1974.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am herewith transmitting for the consideration of the House Committee on the District of Columbia proposed legislation which would establish a plan for providing representation of defendants who are financially unable to retain defense counsel in criminal cases in the courts of the District. This draft bill has been prepared by the Joint Committee on Judicial Administration in the District of Columbia, established by D.C. Code 1973, § 11–1701. If enacted, it would repeal the provision in the Criminal Justice Act which makes that statute applicable to cases in the District of Columbia courts (*i.e.*, subsection (1) of 18 U.S.C. 3006A) and create in lieu thereof a similar act covering only the District of Columbia Court of Appeals and the Superior Court. Such legislation would provide statutory authorization for a requested appropriation of $2,300,000, now pending before the House Appropriations Committee, as an item included in the Mayor-Commissioner's budget estimate for fiscal year 1975.

The need for this legislation is compelling for the whole system of criminal justice in this jurisdiction is threatened with breakdown as a result of the exhaustion of funds appropriated for the current fiscal year to pay counsel for representing indigent defendants in our courts. Since early March, Chief Judge Greene and I have had to resort to a makeshift plan for drafting lawyers. We are rapidly approaching a day when these efforts will be unavailing, as the staff of the Public Defender Service and experienced private trial counsel are already burdened with an excessive number of assignments. In the meantime, the Federal Judicial Conference has remained adamant in its position against including in its budget estimate any proposal for supplemental appropriations to meet the obligations incurred by our courts for appointments of private counsel in the fiscal years 1973 and 1974.

Continuation of this situation into the next fiscal year would be intolerable. Consequently, in order to expedite passage of an authorization bill the enclosed draft proposes no change in the structure of operation of the Public Defender Service. In other words, the Joint Committee at the present time is making no recommendations for amendments to Chapter 22, Title 2, of the D.C. Code, as the pending D.C. budget estimate for the Service has already been formulated on the basis of this existing statutory framework.

Accordingly, the revised legislative proposal of the Joint Committee simply fills the gap created by the absence of any federal budget estimate for the payment of fees of private counsel, transcripts and other expenses. It follows the same scales of compensation prescribed by the Federal Criminal Justice Act, but by repealing the subsection of that statute making it applicable to the District of Columbia courts and authorizing direct appropriations for this purpose to the District government, it precludes the raising of possible points of order to the 1975 budget estimate.

We recognize, of course, that the proposed bill is something of a stopgap measure, for some revisions of the laws relating to the Public Defender Service should eventually be considered by Congress. At present, however, there are so many conflicting views as to what should be done in this respect, par-

ticularly as the Federal Judicial Conference for this circuit last month authorized appointment of a committee to study the matter, we believe that to include in the authorization bill controversial proposals on this subject might result in postponing until the next fiscal year passage of this much needed legislation.

My colleagues and I shall be available at any time should the Committee decide to set the matter down for hearing.

Faithfully yours,

GERARD D. REILLY,
Chairman, Joint Committee on Judicial Administration in the District of Columbia.

SECTION-BY-SECTION ANALYSIS

SECTION 11–2601. PLAN FOR FURNISHING REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

This section provides a plan for furnishing representation to indigents in criminal cases. The Joint Committee on Judicial Administration of the local courts is required to place into operation in the District of Columbia a plan for furnishing representation to persons in the District of Columbia who are financially unable to obtain adequate representation when they are charged with crimes and for whom the Sixth Amendment of the Constitution requires the appointment of Counsel; or for whom, in a case in which he faces loss of liberty, the local law requires the appointment of counsel.

Representation must be provided to indigents in all felony or misdemeanor cases where the United States Attorney prosecutes or would prosecute were the defendant not a juvenile, and in all cases of indigent persons under arrest where representation is required by law. Representation must also be provided for persons charged with violation of parole or probation, or in custody as a material witness cases or seeking collateral relief. Those classes of collateral relief include remedies on a motion attacking sentence, extradition, habeas corpus and commitment of mentally ill persons while serving sentence. Case representation under the plan includes counsel, investigative, experts and other services, if necessary.

The plan is required to include a provision for private attorneys, attorneys provided by the Public Defender Service, and attorneys and qualified students who are participating in clinical programs.

SECTION 11–2602. APPOINTMENT OF COUNSEL

This section provides a plan for selecting counsel from panels of attorneys designated or approved by the courts. Every defendant in every criminal case must be advised that he is entitled to be represented by counsel, and counsel shall be appointed for him if he is financially unable to afford it. Such appointment may be made retroactive to include representation provided prior to appointment under the plan. Separate counsel may be appointed when appropriate. This is to ensure that when cases of co-defendants should be served for reasons of law that there will be compensation available for separate counsel.

SECTION 11–2603. DURATION AND SUBSTITUTION OF APPOINTMENTS

This section provides that persons for whom counsel is appointed shall be represented at every stage of the proceedings from initial appearance before the court through appeals, including ancillary matters appropriate to the proceeding. It further provides that the court may terminate the appointment of counsel should the individual become financially able to provide it. The court is given the discretion in the interest of justice to substitute one appointed counsel for another at any point in the proceedings.

SECTION 11–2604. PAYMENT FOR REPRESENTATION

This section provides for a payment schedule to be established by the Joint Committee on Judicial Administration, not to exceed the hourly scale established under the Federal Criminal Justice Act, title 18 of the United States Code, section 3006A(d). Attorneys shall be reimbursed for expenses reasonably incurred. This section further provides for maximum amounts to be paid to attorneys, not to exceed the maximum amounts established under the Federal Criminal Justice Act, title 18 of the United States Code, section 3006A(d)(2), unless special circumstances warrant a waiver of the limit. Currently, these maximum amounts are $1,000 for a felony case and $400 for misdemeanors. It also provides a procedure for filing claims for compensation and reimbursement by affidavit. New trials are deemed to be new cases for compensation purposes. Representation in the District of Columbia Court of Appeals will be provided without prepayment of fees and cost.

SECTION 11–2605. SERVICES OTHER THAN COUNSEL

This section provides compensation for services other than legal counsel. Counsel for a person who is financially unable to obtain investigative, expert or other services necessary for adequate defense may request such services in an ex parte application. The court may then, if it finds such services to be necessary, authorize counsel to obtain such services. Counsel appointed under this section may obtain, subject to later review, investigative, expert or other services, excluding the preparation of reporter's transcript, without prior authorization, if necessary for adequate defense. There is a maximum amount schedule established with a waiver if necessary.

SECTION 11–2606. RECEIPT OF OTHER PAYMENTS

Whenever the courts find funds are available for payment for counsel services from a third party, it may direct that such funds be paid to the appointed attorney, or to any person or organization authorized to render investigative, expert or other services or deposited in the Treasury as reimbursement for the appropriation of such funds.

SECTION 11–2607. PREPARATION OF BUDGET

This section requires the Joint Committee on Judicial Administration to annually prepare and submit to the Commissioner of the District of Columbia its estimate of the amount needed for furnishing representation by private attorneys for persons entitled to representation under this act. The Joint Committee is required to establish definitional standards for indigency to qualify for the program and to take into account the number of indigent cases which can be handled by the Public Defender Service, private attorneys, and by law students, and to take into account the number of cases in the United States courts for which payment was made under the last appropriation for the administration of the Criminal Justice Act in those courts. The request shall not exceed the appropriation for the prosecution of those represented.

SECTION 11–2608

The District of Columbia Self-Government and Governmental Reorganization Act prohibits the D.C. Council from modifying any provisions of Title 11 of the D.C. Code. This section, as amended, would give the Council the authorization to change any part of chapter 26 of Title 11 relating to a plan providing for the representation of indigent defendents. It does not permit any other change to be made in any other section of the chapter or of Title 11.

SECTION 11–2609. AUTHORIZATION OF APPROPRIATIONS

The appropriation language authorizes funds to be appropriated out of any money in the Treasury to the credit of the District of Columbia in such sums as may be necessary for the administration of this plan. Such appropriations remain available until expended.

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

Mr. Speaker, the legislation which you have before you is vitally needed to assure that the residents of the District of Columbia are able to secure adequate counsel for their defense when charged with a crime in which a prison sentence is a possibility. A requirement for the provision of counsel is mandatory in every jurisdiction by reason of the Supreme Court's decision in *Argersinger* v. *Hamlin* (407 U.S. 25 (1972)) rendered in 1972.

The District of Columbia government, at the request of the local court requested $2.3 million of which the Committee on Appropriations recommended that $2.1 million be made available. Without the authorization of this bill, however, it is not possible for the funds to be expended.

In previous years, funds were provided to the local courts through the plan of the Federal Criminal Justice Act which is administered by the Administrative Office of the U.S. Courts. With the enactment of the 1970 Court Reorganization Act, and the concomitant transfer of local criminal jurisdiction from the U.S. district court to the newly created Superior Court, which is a local court, both the Administrative Office and the Judicial Conference of the United States determined that the responsibility for continued funding logically rested with the local jurisdiction, in this case, the District of Columbia.

To aid an orderly transfer, the Administrative Office continued to seek and permit the use of funds through fiscal year 1974 if the District government would agree to take over the responsibility in 1975. This proposal was accepted and the bill which is before you today is the result of that understanding and of action by your Committee on the District of Columbia.

Thus, while this is new authorization for the District of Columbia government,

it is not really a new program as a program to provide counsel has been in operation under the auspices of the Federal Criminal Justice Act as administered by the Administrative Office. Both the House and Senate Appropriations Subcommittees for State, Justice, Commerce, and Judiciary, as recently as in this Congress, have emphasized that they believe this to be an activity which should be included in the District of Columbia government's budgetary process as opposed to the prior practice of including it in the Federal judiciary's budget.

The District of Columbia Public Defender Service does provide a substantial portion of the defense offered to indigents; but, it is able to only provide approximately 30 to 40 percent of the needed service. The remainder is provided by the private bar which is reimbursed by CJA moneys. While the Service is currently providing less assistance than it is authorized to provide, the legal community made no expression that the mix should be substantially changed at this time. Rather, it was felt that the better course of action would be to provide the simple authorization of this bill. The city would then be able to provide funds for the defense while examining and enacting an appropriate scheme which would provide a better system of defense utilizing both the private bar and the defender service.

Your committee, after extensive testimony and discussion, believes that this scheme should be placed into operation by the Council within the next 12 to 18 months. While neither the bill nor the committee report carries any directive to the city government, the city is urged to immediately consider a scheme of defense which is similar to the more comprehensive bill which was passed over by your committee. This bill is briefly discussed in the report and is known as H.R. 14374.

The urgency which confronted your committee did not allow for the adequate consideration of the city government's proposal and thus the committee preferred the bill recommended by the Joint Committee on Judicial Administration in the District of Columbia.

There are several important aspects of the bill which I would like to call to your attention. As it is currently written, the bill provides definite ceilings on the amounts which may be paid for any undertaking unless waived and certified, as to need, by the Superior Court in which representation was rendered and approved by the chief judge. These maximum amounts are the same as are provided in the Federal courts: $1,000 for a felony case and $400 for a misdemeanor. I would only parenthetically note that Justice Powell felt that these rates on which the maximums are derived are now by normal American standards—$20 an hour for out-of-court work and $30 an hour for in-court work. Additionally, I want to call to your attention the fact that the local courts have imposed strict limits on the amounts which an attorney may earn from representing indigents. The maximum annual amount is $18,000.

I would also like to note that your committee paid special attention to the concurring opinion laid down by Mr. Justice Brennan in the Argersinger case (407 U.S. 25, 40) where in observation of the discussion of legal resources raised in the Court's opinion he said that "law students as well as practicing attorneys may provide an important source of representation for the indigents." The bill and the report contain language which authorizes the plan and budget to include a provision for qualified students participating in clinical legal education programs as well as provisions for private counsel and the defender service.

Your committee is ever cognizant of the need to assure continuity and sensible program coordination. To that end, your committee voted to enable the District of Columbia government to make changes in the requested CJA funds to assure that the request is consistent with the needs and resources of the defender service. Additionally, your committee determined that it would be appropriate that the city government be given authority to amend this aspect of the code providing indigent defense.

It is impractical to believe that either the private bar or an organized public defender service can provide all of the defense needs in this city. Your committee continues to believe that the process of providing for the defense of indigents is one which must be met by both the public and private sectors through organized defender services, public compensation of the private bar, and free services by the private bar.

That belief stems from strong practical and philosophical considerations which dictate that the public sector can provide better service when challenged in its legal excellence by private practitioners who can also be challenged by the public defender.

Furthermore, your committee does not believe that it is practical to just to look to the private bar without provisions of compensation. In the District of Columbia, more than 15,000 cases are annually prosecuted in which there is a need for provided counsel. While the rolls of the District of Columbia Unified Bar carry some 14,000 lawyers, fewer than 1,000 of them have had any extensive trial experience which would permit them to be considered competent to represent an indigent charged with a crime. Thus, a very small number of lawyers would have to bear the burden of representing these 15,000 persons.

Additionally, it is useful to remember that many firms do provide pro bono services in other areas aside from criminal defense. We would not want these services lost to us by deciding that the efforts which they represent are to be channeled solely into the defense of indigents however important that is.

For these reasons, I urge this body to approve the bill before you today.

Mr. NELSEN. Mr. Speaker, this bill, in codifying section 11–2609 entitled "The Authority of the Council," provides an exemption to section 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 that prohibits the Council of the District of Columbia from amending any of the provisions of title 11 of the District of Columbia Code.

During the debate on the District of Columbia home rule legislation, the House, in my opinion, made it quite clear that Congress, and Congress only, was to amend title 11 of the District of Columbia Code having to do with the organization and jurisdiction of the courts of the District of Columbia, and that provision remained intact throughout the conference on the home rule legislation.

I do not want this bill in any way construed as opening the door to the Council of the District of Columbia that will take office January 2, 1975, to amend other provisions of title 11. I have gone along with this provision because I believe that provisions of the local Criminal Justice Act, which are incorporated in S. 3703, may be in need of amendment within the next 2 years. I would have preferred to see the matter come back to Congress, but, on the other hand, this is a matter that could be handled by the locally elected Council, since it basically does not go to the organization and jurisdiction of the courts, in my view. My preference would have been to place this bill in another title of the District of Columbia Code, possibly title 13. Then there would have been no question but that the locally elected Council could amend that title at will.

I do want to make it abundantly clear that our action here is not in any way to be construed as giving any additional authority to the Council of the District of Columbia to otherwise amend, change, repeal, or otherwise act with respect to title 11 of the District of Columbia Code. I strongly recommend that, if, as, and when the Council of the District of Columbia acts on this matter, they remove the Criminal Justice Act from title 11 of the District of Columbia Code.

In the event this matter were to go to conference with the Senate, I believe that I would support a provision that would take the provisions of this bill out of title 11 of the D.C. Code and place them in some other title that the District of Columbia Self-Government and Governmental Reorganization Act otherwise permits the Council of the District of Columbia to amend and that does not prohibit the locally elected Council from acting such as the provisions contained in section 602(a)(4) of the Self-Government Act.

And I wish to insert this statement on behalf of Congressman WILLIAM H. HARSHA:

I wish to take this opportunity to endorse and support the comments of the Ranking Minority Members of the House District Committee, Congressman Ancher Nelsen, as they relate to S. 3703.

The District of Columbia Self-Government and Governmental Reorganization Act of 1973 as passed by the House prohibited the locally elected Council, which will take office January 2, 1975, the Council of the District of Columbia, from amending, repealing, or otherwise enacting laws as they might affect Titles 11, 22, 23, and 24 of the D.C. Code. The Conference adopted a provision that would prohibit the locally elected Council from acting to repeal, amend, or otherwise act on provisions in Title 11, having to do

with the organization and jurisdiction of the local courts. The Conference, however, did expand on the authority of the local Council as it affects Titles 22, 23, and 24. The Conference Committee agreed to transfer authority to the locally elected Council to make changes in Titles 22, 23, and 24 of the District of Columbia Code, effective January 2, 1977. After that date, changes in Titles 22, 23, and 24 by the Council would be subject to a Congressional veto by either House of Congress within 30 legislative days. *The expedited procedure provided in section 604 shall apply to changes in Titles 22, 23 and 24.*

I wish to take this opportunity to make it quite clear that the provisions in this bill, S. 3703, permitting the District Council to act to amend or repeal Chapter 26 of Title 11 is in no way to be construed as authorizing any other provision in Title 11 which will be amended, repealed or otherwise acted upon by the locally elected Council after January 2, 1975. As Congressman Nelsen has suggested, I would in turn strongly suggest that when, as and if the Congress does act to repeal or otherwise amend the provisions of this enactment that they remove it from Title 11 of the D.C. Code.

AMENDMENT OFFERED BY MR. FAUNTROY TO THE COMMITTEE AMENDMENT

Mr. FAUNTROY. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FAUNTROY to the committee amendment: On page 11, immediately preceding line 14, add a new section heading as follows:

"§ 11–2609. Authority of Council"

The SPEAKER. The question is on the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY) to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I would like to know what is meant by "indigent"; whether this is meant to describe someone who cannot pay or who will not pay for legal services.

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

Mr. GROSS. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, the answer to the question, of course, is that this refers to these people who are unable to pay.

Mr. GROSS. But what is the real definition? Does it mean they have absolutely no money? What is the test of an "indigent" in this case?

Mr. FAUNTROY. Mr. Speaker, under the procedure set up by the courts, that determination is made by the coordinator of the criminal justice administration in the city.

Mr. GROSS. By whom?

Mr. FAUNTROY. By the coordinator of the local CJA program.

Mr. GROSS. What is the "CJA program"?

Mr. FAUNTROY. CJA, the Criminal Justice Act program.

Mr. GROSS. So someone in that program determines who is an indigent; who does not have money or who does have money; who can pay or who cannot pay for legal services; is that correct?

Mr. FAUNTROY. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I will ask the gentleman this further question: What was the average number of indigent cases for the last 5 years in the District of Columbia?

Mr. FAUNTROY. Mr. Speaker, if the gentleman will yield further, I am not able to supply the average figure for the last 5 years. I have previously quoted the number handled last year, and that figure is 15,000.

Mr. GROSS. Fifteen thousand indigent cases?

Mr. FAUNTROY. Yes, requiring either total or partial compensation.

Mr. GROSS. This bill provides for $2.3 million; is that correct?

Mr. FAUNTROY. That is correct.

Mr. GROSS. For the payment of attorneys?

Mr. FAUNTROY. That is right. It authorizes that much. However, the House has already approved the report of the Committee on Appropriations which sets it at $2.1 million.

Mr. GROSS. The House Committee on Appropriations made available for this purpose last year how much?

Mr. FAUNTROY. This year. This action has already been taken, and without this authorization that appropriation could not be spent, really.

May I add that in that connection——

Mr. GROSS. What was spent last year for legal services for so-called indigents?

Mr. FAUNTROY. $1.1 million, according to the report from the superior court. This in light of the fact that as of March of this year we had to discontinue our aid to indigents because the available funds had been exhausted, and since March those services have been provided on a volunteer basis.

Mr. GROSS. Did the gentleman say the Committee on Appropriations has already approved the same amount of money as last year?

Mr. FAUNTROY. No. It has approved $2.1 million.

Mr. GROSS. $2.1 million? Nearly double.

Mr. FAUNTROY. Yes.

Mr. GROSS. As compared to what last year?

Mr. FAUNTROY. As compared to $1.1 million appropriated last year, which funds as I said, were dispensed by March. And, for example, that amount was only 14 percent of the amount available for the Federal courts in the District of Columbia. The superior courts handle with those funds fully one-third——

Mr. GROSS. How do other cities handle indigent legal representation, does the gentleman know?

Mr. FAUNTROY. I am not able to say how all cities do it, but I do know that many cities handle it through an appropriation from local funds. As a matter of fact, the judgment here by the committee of conference is inasmuch as these are local courts, these are superior courts, that they should not be covered totally by CJ funds.

Mr. GROSS. The gentleman does not know what Cleveland, Ohio—a city of comparable size—does?

Mr. FAUNTROY. No.

Mr. GROSS. It is hard to believe that neither in the hearings nor other committee consideration of the bill, there was no attempt to learn what other cities do with respect to legal services in the trials of indigents?

Mr. FAUNTROY. I am sure they did, but I do not recall them at the moment.

The SPEAKER. The time of the gentleman has expired.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

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

The SPEAKER. The time of the passage of the bill.

Mr. MILLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

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

Mr. MILLER. 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 242, nays 120, not voting 72, as follows:

[Roll No. 366]

YEAS—242

Abzug	Conyers	Gubser
Adams	Corman	Gude
Addabbo	Cotter	Haley
Anderson, Calif.	Coughlin	Hamilton
	Cronin	Hanley
Anderson, Ill.	Daniels, Dominick V.	Harsha
Andrews, N.C.		Hastings
Annunzio	Danielson	Hawkins
Ashley	Davis, S.C.	Hechler, W. Va.
Aspin	de la Garza	Heckler, Mass.
Barrett	Delaney	Heinz
Bell	Dellenback	Hicks
Bennett	Dellums	Hogan
Bergland	Dennis	Holtzman
Biester	Dent	Horton
Blatnik	Derwinski	Howard
Boggs	Diggs	Hungate
Boland	Dingell	Hutchinson
Bolling	Donohue	Johnson, Calif.
Brademas	Drinan	Johnson, Pa.
Breckinridge	Dulski	Jones, Ala.
Brooks	du Pont	Jones, Okla.
Broomfield	Eckhardt	Jordan
Brotzman	Edwards, Ala.	Karth
Brown, Calif.	Edwards, Calif.	Kastenmeier
Brown, Mich.	Eilberg	Kazen
Brown, Ohio	Erlenborn	Kluczynski
Broyhill, N.C.	Esch	Koch
Broyhill, Va.	Evans, Colo.	Kyros
Burgener	Fascell	Leggett
Burke, Calif.	Findley	Lehman
Burke, Mass.	Flood	Litton
Burton, John	Fountain	Long, La.
Burton, Phillip	Fraser	Long, Md.
Butler	Frelinghuysen	Luken
Carney, Ohio	Frenzel	McClory
Carter	Frey	McCloskey
Casey, Tex.	Fulton	McCormack
Cederberg	Fuqua	McDade
Chisholm	Gaydos	McFall
Clark	Gibbons	McKinney
Cleveland	Gonzalez	McSpadden
Cohen	Gray	Madden
Collins, Ill.	Green, Oreg.	Mahon
Conable	Griffiths	Mallary
Conte	Grover	Mann

Mathias, Calif.	Regula	Sullivan
Matsunaga	Reuss	Symington
Mazzoli	Rhodes	Thompson, N.J.
Meeds	Riegle	Thomson, Wis.
Melcher	Rinaldo	Treen
Metcalfe	Rodino	Udall
Mezvinsky	Roe	Ullman
Minish	Rogers	Van Deerlin
Minshall, Ohio	Rooney, Pa.	Vander Jagt
Mitchell, Md.	Rose	Vander Veen
Mitchell, N.Y.	Rosenthal	Vanik
Moakley	Roush	Vigorito
Mollohan	Roy	Waldie
Moorhead, Pa.	Ruppe	Walsh
Morgan	Ryan	Wampler
Mosher	St Germain	Whalen
Moss	Sandman	White
Murphy, N.Y.	Sarasin	Whitehurst
Murtha	Sarbanes	Widnall
Natcher	Sebelius	Williams
Nelsen	Seiberling	Wilson, Bob
Obey	Shriver	Wilson, Charles, Tex.
O'Brien	Sisk	Wolff
O'Hara	Slack	Wright
O'Neill	Smith, Iowa	Wyatt
Owens	Smith, N.Y.	Wyman
Patman	Staggers	Yates
Patten	Stanton, J. William	Yatron
Perkins	Stanton, James V.	Young, Ga.
Peyser	Steed	Young, Ill.
Pickle	Steelman	Young, Tex.
Pike	Steiger, Wis.	Zablocki
Preyer	Stratton	Zion
Price, Ill.	Stuckey	Zwach
Quie	Studds	
Railsback		
Rangel		

NAYS—120

Abdnor	Goldwater	Nichols
Alexander	Goodling	Parris
Arends	Gross	Poage
Armstrong	Guyer	Powell, Ohio
Ashbrook	Hanrahan	Price, Tex.
Baker	Hays	Randall
Bauman	Hébert	Rarick
Beard	Henderson	Roberts
Bevill	Hinshaw	Robinson, Va.
Blackburn	Holt	Roncallo, N.Y.
Bowen	Huber	Rousselot
Bray	Hudnut	Runnels
Brinkley	Hunt	Ruth
Burke, Fla.	Ichord	Satterfield
Burleson, Tex.	Jarman	Scherle
Burlison, Mo.	Johnson, Colo.	Schneebeli
Byron	Jones, N.C.	Shoup
Camp	Kemp	Shuster
Chamberlain	Ketchum	Sikes
Clancy	King	Snyder
Clawson, Del	Lagomarsino	Spence
Cochran	Landgrebe	Steiger, Ariz.
Collins, Tex.	Landrum	Stephens
Conlan	Latta	Stubblefield
Crane	Lent	Symms
Daniel, Dan	Lott	Talcott
Daniel, Robert W., Jr.	Lujan	Taylor, Mo.
Davis, Wis.	McCollister	Taylor, N.C.
Denholm	Madigan	Teague
Devine	Maraziti	Thone
Dickinson	Martin, Nebr.	Thornton
Downing	Martin, N.C.	Towell, Nev.
Duncan	Mathis, Ga.	Veysey
Eshleman	Mayne	Ware
Fish	Michel	Whitten
Fisher	Milford	Winn
Flowers	Miller	Wylie
Flynt	Mizell	Young, S.C.
Froehlich	Montgomery	
Gettys	Moorhead, Calif.	
Ginn	Myers	

NOT VOTING—72

Andrews, N. Dak.	Forsythe	Mink
Archer	Giaimo	Murphy, Ill.
Badillo	Gilman	Nedzi
Bafalis	Grasso	Nix
Biaggi	Green, Pa.	Passman
Bingham	Gunter	Pepper
Brasco	Hammer-schmidt	Pettis
Breaux	Hanna	Podell
Buchanan	Hansen, Idaho	Pritchard
Carey, N.Y.	Hansen, Wash.	Quillen
Chappell	Harrington	Rees
Clausen, Don H.	Helstoski	Reid
Clay	Hillis	Robison, N.Y.
Collier	Holifield	Roncalio, Wyo.
Culver	Hosmer	Rooney, N.Y.
Davis, Ga.	Jones, Tenn.	Rostenkowski
Dorn	Kuykendall	Roybal
Evins, Tenn.	McEwen	Schroeder
Foley	McKay	Shipley
Ford	Macdonald	Skubitz
	Mills	Stark
	Stokes	Steele
	Tiernan	Wiggins
	Traxler	Wilson, Charles H., Calif.
	Waggonner	Wydler
		Young, Alaska
		Young, Fla.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Gunter.
Mr. Rostenkowski with Mr. Helstoski.
Mr. Chappell with Mr. Reid.
Mr. Giaimo with Mr. Collier.
Mrs. Grasso with Mr. Hanna.
Mr. Green of Pennsylvania with Mr. Forsythe.
Mr. Macdonald with Mr. Gilman.
Mr. Nix with Mrs. Hansen of Washington.
Mr. Roybal with Mr. Andrews of North Dakota.
Mr. Waggonner with Mr. Dorn.
Mr. Charles H. Wilson of California with Mr. Hansen of Idaho.
Mr. Murphy of Illinois with Mr. Hammerschmidt.
Mr. Bingham with Mr. Don H. Clausen.
Mr. Brasco with Mr. Hillis.
Mr. Davis of Georgia with Mr. Archer.
Mr. Breaux with Mr. Hosmer.
Mr. Evins of Tennessee with Mr. McKay.
Mr. Badillo with Mrs. Schroeder.
Mr. Ford with Mr. Bafalis.
Mr. Jones of Tennessee with Mr. McEwen.
Mr. Holifield with Mr. Mills.
Mr. Harrington with Mr. Kuykendall.
Mr. Rees with Mr. Quillen.
Mr. Podell with Mr. Pritchard.
Mr. Roncalio of Wyoming with Mr. Buchanan.
Mr. Shipley with Mr. Pettis.
Mr. Stark with Mr. Robison of New York.
Mr. Stokes with Mr. Culver.
Mr. Tiernan with Mr. Skubitz.
Mr. Pepper with Mr. Traxler.
Mr. Passman with Mr. Wiggins.
Mr. Nedzi with Mr. Young of Florida.
Mrs. Mink with Mr. Wydler.
Mr. Biaggi with Mr. Young of Alaska.
Mr. Carey of New York with Mr. Steele.
Mr. Clay with Mr. Foley.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2893, NATIONAL CANCER ACT AMENDMENTS OF 1974

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2893) to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 24, 1974).

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before us now is on S. 2893, the National Cancer Act Amendments of 1974. This bill provides a 3-year extension through 1977 of our national cancer program. It originally passed the House on May 2, 1974, by a vote of 390 yeas to 1 nay and the Senate on March 26 by a vote of 89 yeas to 0 nays. The two bills which passed were very close to identical and I can report to you that we have succeeded in working out a very reasonable set of compromises in the conference. The House bill originally authorized $2.765 billion. The Senate bill authorized $2.786 billion, only $21 million more. This small difference we split.

The conference report is otherwise similar to the House bill except for the following changes. The Senate bill called for a large new program of Pap tests and we compromised with the Senate by requiring in the conference report appropriate trials of such programs since we were not aware of answers to questions concerning how, how often, and for whom these programs should be conducted. The Senate bill required that the Senate advise and consent on the Director of NIH and the conference adopted this provision for directors appointed after enactment of this act since officers of the Department of comparable rank are also subject to Senate advice and consent. The Senate bill contained a provision which was not included in the House similar to the expiring provision in section 601 of the Medical Facilities Construction and Modernization Amendments of 1970, and the conference report adopted a compromise position by removing the expiration date from such section 601.

Finally, the Senate bill required the establishment of a permanent Presidential Biomedical Research Panel which was not called for in the House bill. The conference report again contains a compromise which establishes such a Panel with a life of only 18 months and a mandate that the Panel study during its life policy issues concerning the NIH and make recommendations on them to us.

You all know of the importance of the cancer program and I think you are all aware that the House and Senate bills were quite close in their original provisions. This is a good conference report which will allow this vital program to continue, and I urge its adoption.

Mr. CARTER. Mr. Speaker, I just wish to say that I strongly support this conference report. I think it is much needed.

The particular subject which means so much to me and other members of the committee is the finding of the cause, prevention and cure of cancer in its various forms. In the past 10 years, we have seen great progress made in this direction. Victims of this insidious disease now stand a much greater chance of survival. From 70 to 90 percent of the victims of Hodgkin's disease are now cured.

One eminent physician, whose specialty is in the field of leukemia, has been able to secure remissions in 50 of 100 youngsters attacked by lymphatic leu-

kemia. Mr. Speaker, only 10 years ago few if any of these children would have survived as long as 2 months.

I submit that the cost may be considered by some to be heavy—over $600 million per year. But actually, this is a small price to pay for the good which has been accomplished. This cost per year is approximately one-half of the cost of a Trident submarine. I support construction of this submarine, but I support even more strongly the attack which has been launched against cancer.

Already, great gains have been made for the sake of those who are suffering from this dread disease. Let us not be penurious—neither would I ask that we be wasteful. We must persevere, we must authorize and appropriate every cent which can be used to conquer cancer.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I urge the adoption of this report. It is a good one, and it will help in the fight against cancer.

Mr. Speaker, I rise in support of the conference agreement on the National Cancer Amendments of 1974. This measure is essential to the continued progress of the assault on cancer, the second leading cause of death in the United States today.

This legislation would do two things: It would revise and extend the programs under the National Cancer Act for 3 years, and it would establish a Biomedical Research Panel to advise the President on policy issues respecting biomedical and behavioral research conducted and supported by the National Institutes of Health and the National Institute of Mental Health.

Title I of the conference agreement would revise and extend the cancer program, and it is virtually identical to H.R. 13053, which passed the House by a vote of 390 to 1 on May 2, 1974. The only substantive addition is a provision which would permanently prohibit the impoundment of appropriated health moneys.

Title II of the agreement would establish the President's Biomedical Research Panel. The Senate-passed bill would have mandated the establishment of a permanent five-man panel which would monitor the development and execution of biomedical and behavioral research programs of the NIH and NIMH to insure the continued excellence of Federally sponsored research. The House bill contained no such provision, although the committee report expressed serious concern about the dramatic shift in balance among NIH programs, particularly in the support of certain categorical disease areas at the expense of others. The compromise would provide for a seven-man panel to review, assess, identify and make recommendations to the President and the Congress on policy issues concerning the organization and operation of biomedical and behavioral research conducted and supported under the programs of the NIH and the NIMH. The Panel would terminate 18 months after the appointment of its members.

Mr. Speaker, since the passage of the original Cancer Act in 1971, we have made great progress in the control of cancer. We are beginning to unlock the mysteries behind this dread disease. I urge the wholehearted support of every member of this body for this program.

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

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2830, NATIONAL DIABETES MELLITUS RESEARCH AND EDUCATION ACT

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2830), an act to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 25, 1974.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before us today is on S. 2830, the National Diabetes Mellitus Research and Education Act of 1974. This legislation would provide new support for research on diabetes. The bill originally passed the House on March 19 by a vote of 380 yeas to 6 nays and the Senate by a voice vote. The original House bill authorized a total of $22.5 million and the original Senate bill authorizes a total of $62.5 million. This compromise authorizes $40 million, which is a little closer to the House figure than the Senate.

The conference report generally reflects the House bill except that the following changes were made. Both bills call for the preparation of a diabetes plan by a national commission with the House bill allowing 7 months for the preparation of the plan and the Senate bill 9 months. These provisions follow the House bill except that the Commission is allowed the Senate's 9 months in which to prepare the plan. Requirements for the plan were added to the House provision from the Senate bill including a requirement for a balance of basic and applied research, a requirement that the plan speak to diseases related to diabetes and a requirement that the plan give attention to disseminating knowledge of diabetes. The Senate bill required a new program of diabetes prevention and control which was not contained in the House bill. As a compromise the conference report adds diabetes to the diseases for which existing disease control programs are responsible. The Senate bill required the establishment of an Interagency Technical Committee on Diabetes to coordinate Federal diabetes activities and the conference report adds this coordination function to the responsibilities of a diabetes coordinating committee which was contained in each bill.

Finally, the Senate bill required the establishment of an Associate Director for Diabetes in the National Institute of Arthritis, Metabolism, and Digestive Diseases, a provision not contained in the House bill. The conference report authorizes but does not require the establishment of such a position.

This is important legislation which has had overwhelming support in the Congress, and I can assure you that the conference report which you have before you is a reasonable compromise between the House and Senate bills. I urge your support for it.

Mr. CARTER. Mr. Speaker, I strongly support the conference report.

It is essential that we focus greater attention on this particular disease which affects so many of our people. Expanded research, training of professional people in diagnosis and treatment, and dissemination of information will provide meaningful and constructive advances in this area of great concern.

I am particularly interested in section 435(a) since this was an amendment offered to establish 15 diabetic centers throughout the United States to study the causation, detection and treatment of diabetes. I feel that it will be extremely helpful in training physicians and allied health personnel in the problems of diabetes.

I strongly support the legislation.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I am happy to yield to the distinguished gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am grateful to the distinguished gentleman from Kentucky, both for the leadership he has exhibited on this bill and for his yielding of time to me.

There is one question that I would like to ask of the distinguished gentleman from Kentucky and the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS). In the report of the managers, item No. 6, the diabetes plan on page 9 of the statement of the managers indicates that the requirement in the House amendment that the plan contain proposed Federal, State, and local programs for the screening and detection of diabetes and continuing counseling and education of doctors and diabetics—and their relative—was deleted by action of the conference. I wonder if it is possible to get an explanation as to why that particular

item was deleted. Perhaps as importantly, what is the intent of the conferees insofar as attempting to insure that that concept of training medical personnel as well as families is done appropriately within the framework of this legislation?

Mr. CARTER. May I say to the distinguished gentleman from Wisconsin that I was not a member of the group of conferees, and I do not know why that was stricken. I regret it very much.

I am happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. In the conference report we decided the two terms were redundant, and combined them in one. It had the same meaning and carried out the same purposes, and that is the reason that was done.

Mr. STEIGER. of Wisconsin. Am I correct, then, that the distinguished chairman of the Committee on Interstate and Foreign Commerce states that the intent of the conference is to provide that this kind of training, both for medical doctors and families, as well as training and detection, will be authorized and carried forward?

Mr. STAGGERS. The gentleman is correct in his assumption.

Mr. STEIGER of Wisconsin. Mr. Speaker, I must say that this bill has been a long time in coming. I am deeply grateful to the committee for the fact that they were willing to put the time in, bring the bill to the floor, and take it up with the other body. This is a great day for all of us who feel so deeply about the need to expand and enhance our capability in fighting diabetes.

Mr. CARTER. Mr. Speaker, I appreciate the remarks of the distinguished gentleman from Wisconsin. I know of his interest since he himself is a victim of this insidious disease, as are some other Members on this floor at the present time.

It is hoped that through this legislation we will do much to help in detection, determination of cause, and treatment.

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

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

Mr. GROSS. Why did this go from $22.5 million up to $40 million?

Did we not just pass a bill dealing with cancer wherein there is an authorization for the expenditure of $2.5 billion?

Mr. CARTER. This is a different section of the bill to which the gentleman has referred.

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

Mr. CARTER. I will be happy to yield to the gentleman from West Virginia.

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

The gentleman is quite correct. We did pass a cancer research bill. This is the conference report on the diabetes research bill which we have brought up now.

I think the gentleman has answered the question that was asked. This is, I would say, a compromise between what the Senate had provided in its bill, which was $62.5 million, and what we had provided, the figure of $22.5 million. This figure we are speaking of here is closer to the House bill than it is to the Senate appropriation. We had a conference, and that is the reason for the difference in the amounts of money.

Actually, I am not so sure but what the other body is nearer to the fact than we are, and that $62 million is closer to what is really needed. We started out with a smaller figure, and we were willing to compromise. We are ready to compromise in every conference; that is the reason for having a conference.

Mr. GROSS. Mr. Speaker, if the gentleman from Kentucky will yield further, the Senate authorized $45 million, not $62 million. According to the report, they authorized $45 million. We brought the House figure up from $22 million to the conference figure of $40 million.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield further, I am afraid the gentleman from Iowa has been reading from the lower part of the page, the section on "Diabetes research and training centers." If the gentleman will look just immediately above that section, he will find it says, "Diabetes prevention and control program, and it contains the figure of $17.5 million, which is added on to come up to the $62 million.

Mr. Speaker, that is the reason for the compromise.

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

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

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

Mr. Speaker, I urge support of this conference report.

Mr. Speaker, I rise in support of the conference agreement on the National Diabetes Mellitus Research and Education Act, which would amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus.

This measure would establish a 17-member National Commission on Diabetes to formulate a long-range plan to combat diabetes mellitus and submit a proposed budget and final report to the Congress within 9 months after its establishment. It would also provide funding for diabetes research and training centers, located geographically on the basis of population density and in environments with proven research capabilities. The Secretary of Health, Education, and Welfare may establish a new position of Associate Director for Diabetes within the National Institute of Arthritis, Metabolism, and Digestive Diseases who would be responsible for programs with regard to diabetes mellitus within the Institute.

Mr. Speaker, the needs for persons with diabetes in the United States are not being met at the present time. Diabetes affects directly approximately 10 million Americans and is the fifth leading cause of death from disease today. Our lack of knowledge and our inability to prevent or satisfactorily treat the disease itself or the complications thereof emphatically underscore the crucial importance of an expanded research program on and related to diabetes. The Commission which would be established by this measure would be charged with presenting a plan with specific recommendations for the use and organization of national resources to combat diabetes.

Mr. Speaker, I urge the unanimous support of this body for this important measure.

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

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

I am as much interested in economy as the gentleman from Iowa (Mr. GROSS). But let me say there are many, many ways to save money that are meritorious and sometimes it happens we should spend money in the broader sense of investing in better health for our people.

As to the priorities in Federal expenditures, I suppose national defense should be given top consideration—but near the top of everyone's list of priorities should be expenditures for medical research. Diabetes mellitus is a dread killer disease.

The last matter the House considered was the conference report on the National Cancer Act. We all know how important it is to improve the national cancer program. Diabetes is just as serious and an equally dread disease. We never think how deadly it is until it attacks some relative or close friend. Before the victim realizes it, he is in a stage of diabetes that is incurable.

There is much that can be done to control diabetes if we have the money to research the cures and the money to educate those who are victims or potential victims. The time is past that we can rely on voluntary contributions of the United Fund or any other voluntary contributions to control diabetes. It cannot be done by these agencies alone.

Mr. Speaker, I am going to ask for a roll call vote on this conference report so that we may see which of the Members believe that medical research belongs at the very top of our priorities.

Finally, Mr. Speaker, diabetes mellitus is a major health problem that affects as many as 10 million Americans directly and as many as 50 million Americans indirectly. It has been established that there is a tendency to develop diabetes mellitus and to pass it on to one's children or grandchildren or both. Diabetes is a family of diseases that has an impact on all of the biological systems of the human body.

It may be difficult for the casual observer to appreciate and understand the facts that diabetes is the fifth leading cause of death from disease and is the second leading cause of blindness.

There should be no mistake about it that diabetes significantly decreases life expectancy. There is a respectable body of evidence that shows that the prevalence of diabetes has increased within the past decade.

What this measure is about is to im-

prove the understanding among our citizens of the nature of the impact of diabetes and to provide for better methods of diagnosis and treatment. The establishment of reasonable diabetes research and training centers throughout the country is essential for the development of information and therapies to deal with diabetes.

Mr. Speaker, overall the conference report which accompanies S. 2830 should be adopted without a dissenting vote. Early detection, proper control, patient education, and research are some objectives of Federal expenditures which should enjoy the highest priority.

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

Mr. Speaker, I just wish to say that I want to compliment not only the committee, but I want to compliment the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Michigan (Mr. VANDER JAGT). I wish to thank them for their interest in this bill and for proposing it to the committee. I wish also to thank all those Members who have worked on this committee in fighting against this disease. This is a disease which we have neglected too long during the history of our Nation. I think it is time we pay more attention to the prevention of diabetes.

Mr. Speaker, I urge the conference report be adopted, and I ask for a unanimous vote in the affirmative.

Mr. HEINZ. Mr. Speaker, I rise to urge my House colleagues to give their strongest support to S. 2830, "The National Diabetes Mellitus Research and Education Act."

This bill is the final version of H.R. 8194, which I cosponsored on May 29, 1973. It is the product of more than a year's work, first in the Public Health and Environment Subcommittee, then in conference committee. As a member of the House Health Subcommittee, I am proud of my part in shaping this legislation.

With as many as 10 million Americans afflicted with this disease, a strong, well-coordinated national research effort on diabetes is overdue. For too long, this disease has been given short shrift by the leadership of the National Institute of Health. Incredibly, 325,000 new cases of diabetes are diagnosed each year. But, despite the fact that this disease is now known to be an underlying or contributing cause of other illnesses such as heart disease, stroke and kidney disease, and is the second leading cause of blindness, only one-half of 1 percent of the NIH budget has been earmarked for diabetes research. This totals a mere $1.25 per diabetic per year.

The enactment of this legislation, however, will allow us to change this shocking misallocation of health research resources. "The National Diabetes Mellitus Research and Education Act" will establish under the NIH Director a new National Commission on Diabetes. This "blue ribbon Commission" would be charged with formulating a coordinated, comprehensive research plan designed to combat this complex disease. Furthermore, the measure provides for the establishment of new centers for diabetes research and training. These centers shall also provide information services and training programs to physicians and allied health personnel in advanced methods of diagnosing and treating diabetes.

I salute the members of the Public Health and Environment Subcommittee for taking the initiative to develop this badly needed legislation. In addition, however, sincere congratulations and thanks must go to a fine gentleman from my own State of Pennsylvania, Carl Stenzler.

Mr. Stenzler is, in many ways, a unique man. As chairman of the Pennsylvania Commonwealth Committee on Diabetes and Blindness, and as a diabetic for nearly 50 years, he has been in a good position to attest to the need for a national research effort to eradicate this disease. And from this position, Mr. Stenzler has generated a first-class, citizen lobby for a National Diabetes Research Act. So, while I am proud today of my role in this legislation and I compliment the Health Subcommittee on its work on S. 2830, my strongest commendation and congratulations go to Carl Stenzler. Without his determination, his long hours and his perseverance in spearheading the national effort to combat diabetes, I doubt that the House of Representatives would be voting today on this important legislative initiative.

Mr. Speaker, as a salute to Carl Stenzler, I would like to include in the RECORD at this point an article which details the hard work that Mr. Stenzler invests in his battle against diabetes. While he is a diabetic and has been for half a century, his battle is not a selfish, personal one. Rather, he fights for those of the younger generations who face the threat of living their entire lives with this complex and often deadly disease.

I urge all Members to carefully read this April 20, 1974, Philadelphia Inquirer article about Carl Stenzler—the one man who has made a difference. I am certain that the House will then overwhelmingly approve S. 2830, "The National Diabetes Mellitus Research and Education Act."

The article follows:

DIABETIC SHAKES UP SACRED COW, WINS CONCESSIONS

(By William Vance)

WASHINGTON.—Because he is alive at age 60, has all his limbs and can see with the aid of glasses, Carl Stenzler refers to himself as "sort of a freak."

Like about 8 million other Americans, only about half of whom know it, Stenzler is a diabetic.

Unlike most, he has lived with the disease 50 years. By his own reading of the medical odds, Stenzler figures he should have said good-by to this world 15 or 20 years ago.

Or, if not death, then blindness, a stroke, gangrene and subsequent amputations, or any of the other relentless and lethal companions of this common but still mysterious and incurable disease should have touched him.

Stenzler, who lives in Elkins Park, a Philadelphia suburb, showed up in Washington this week to talk about the awful odds of diabetes and to raise a little hell with the Federal health bureaucracy for not paying more attention to it.

He came with an impressive array of medical talent—some of the physicians he has recruited as chairman of Pennsylvania's Commonwealth Committee on Diabetes and Blindness—and a few others, all experts in fields related to the disease.

CONCERNED LAYMAN

Stenzler is not a doctor. He is a former clothing manufacturer who describes himself on the committee roster simply as "concerned layman."

In that job, handed to him two years ago by Gov. Milton Shapp, Stenzler has put together what amounts to a national diabetes lobby.

This week that lobby did something that almost nobody ever does. Armed with more statistics than anyone could digest at one sitting, Stenzler and his allies confronted one of the government's most sacred cows—the National Institutes of Health—and challenged its policies and priorities for combatting diabetes.

Before it was over, the cow blinked.

Stenzler's complaint is that NIH, a $1.8 billion-a-year health conglomerate that spearheads Federal medical research, is investing pathetically small sums in diabetes research—contrary to the intent of Congress—and has failed to coordinate the effort among its myraid institutes.

MEDICAL MUSCLE

The complaint is generally shared by the team Stenzler called together for the lobbying blitz at the sprawling NIH complex in Bethseda, Md.

Among them are Dr. Robert F. Bradley, medical director of Boston's Joslin Clinic; Dr. Richard A. Field, senior scientist of the Retina Foundation and associate professor of medicine at Harvard Medical School; Dr. Addison Scoville Jr., president of the American Diabetes Association; Dr. Christian R. Klimt, professor at University of Maryland School of Medicine and coordinator of a university group diabetes program; Dr. Irving Kessler, of the department of epidemiology; Dr. Arnall Patz, professor of ophthalmology at Johns Hopkins university.

It was an overwhelming show of medical muscle, and Dr. Robert Stone, director of NIH, and officials of four NIH institutes did more listening than talking.

OUTKILLS CANCER

Stenzler has devoured mountains of information about diabetes. He buttressed his arguments with awesome statistics which even some doctors had missed. Examples:

Diabetes kills 200,000 more people each year than does cancer.

Between one-fourth and one-third of all deaths officialy attributed to heart disease are caused by diabetes.

The life span of a diabetic is one-third shorter than that of a nondiabetic. The average lifespan after onset of the disease is about 18 years.

The number of known diabetics doubled between 1960 and 1970, and the rate of diabetes is increasing about 10 percent a year.

Diabetes will blind about 685,000 of today's diagnosed diabetics. Most of them will not be able to learn braille because diabetic neuropathy destroys sensitivity in the fingertips.

NIH officials, unaccustomed to being cross-examined, reacted sharply to assertions that they had ignored a Congressional mandate

to devote "a significant portion" of increased appropriations to diabetes research.

GROSSLY INADEQUATE

"Get your facts straight," snapped Dr. Ronald Lamont-Havers, deputy director of the National Institute of Arthritis, Metabolism and Digestive Diseases, which has primary responsibility for diabetes.

The agency increased its spending from $7.9 million to $10.9 million this year, he said.

"Grossly inadequate," Stenzler retorted, pointing out that more than $1 million of the increase came with the release of impounded funds, and the rest from an $18.6 million budget increase.

After more than an hour of talking, Stenzler and his medical lobby had won a few tentative concessions.

Dr. Theodore Cooper, head of the Heart and Lung Institute, acknowledged that he probably had erred in not giving diabetes more recognition. Only a fraction of that agency's $303 million budget goes into grants for vascular-diabetes research.

"You're dissatisfied with the amount of money, and I'm dissatisfied," said Cooper. "We're with you, Carl. We want to team up with you, but we have to have good applications, good ideas. I won't fund crap—I want to make that very clear to you."

A MODEST SUCCESS

They shook hands on it, and Stenzler told his companions later that he felt the mission was a modest success if for no other reason than getting some fresh air into the rarified atmosphere of the NIH.

"We've got them talking to each other, and that's important," he said. "I think they're aware, for the first time that someone is looking over their shoulders and that they're going to be held accountable."

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

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken.

Mr. RANDALL. 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 356, nays 4, not voting 74, as follows:

[Roll No. 367]

YEAS—356

Abdnor	Blatnik	Burton, Phillip
Abzug	Boggs	Butler
Adams	Boland	Byron
Addabbo	Bolling	Camp
Alexander	Bowen	Carter
Anderson, Calif.	Brademas	Casey, Tex.
	Bray	Cederberg
Anderson, Ill.	Breckinridge	Chamberlain
Andrews, N.C.	Brinkley	Chisholm
Annunzio	Brooks	Clancy
Arends	Broomfield	Clark
Armstrong	Brotzman	Clawson, Del
Ashbrook	Brown, Calif.	Cleveland
Aspin	Brown, Mich.	Cochran
Baker	Brown, Ohio	Cohen
Barrett	Broyhill, N.C.	Collins, Ill.
Bauman	Broyhill, Va.	Conable
Beard	Burgener	Conlan
Bell	Burke, Calif.	Conte
Bennett	Burke, Fla.	Conyers
Bergland	Burke, Mass.	Corman
Bevill	Burleson, Tex.	Cotter
Biester	Burlison, Mo.	Coughlin
Blackburn	Burton, John	Cronin
Daniel, Dan	Karth	Rinaldo
Daniel, Robert W., Jr.	Kastenmeier	Roberts
	Kazen	Robinson, Va.
Daniels, Dominick V.	Kemp	Rodino
	Ketchum	Roe
Danielson	King	Rogers
Davis, S.C.	Kluczynski	Roncallo, N.Y.
Davis, Wis.	Koch	Rooney, Pa.
de la Garza	Kuykendall	Rose
Delaney	Kyros	Rosenthal
Dellenback	Lagomarsino	Roush
Dellums	Landrum	Rousselot
Denholm	Latta	Roy
Dennis	Leggett	Runnels
Dent	Lehman	Ruppe
Derwinski	Lent	Ruth
Devine	Litton	Ryan
Dickinson	Long, La.	St Germain
Dingell	Long, Md.	Sandman
Donohue	Lujan	Sarasin
Downing	Luken	Sarbanes
Drinan	McClory	Satterfield
Dulski	McCloskey	Scherle
Duncan	McCollister	Schneebeli
du Pont	McCormack	Sebelius
Eckhardt	McDade	Seiberling
Edwards, Ala.	McKinney	Shoup
Edwards, Calif.	McSpadden	Shriver
Eilberg	Madden	Shuster
Erlenborn	Madigan	Sisk
Esch	Mahon	Slack
Eshleman	Mallary	Smith, Iowa
Evans, Colo.	Mann	Smith, N.Y.
Fascell	Maraziti	Snyder
Findley	Martin, Nebr.	Spence
Fish	Martin, N.C.	Staggers
Fisher	Mathias, Calif.	Stanton, J. William
Flood	Mathis, Ga.	
Flowers	Matsunaga	Stanton, James V.
Flynt	Mayne	
Ford	Mazzoli	Steed
Fountain	Meeds	Steelman
Fraser	Melcher	Steiger, Ariz.
Frelinghuysen	Metcalfe	Steiger, Wis.
Frenzel	Mezvinsky	Stephens
Frey	Michel	Stratton
Froehlich	Milford	Stubblefield
Fulton	Miller	Studds
Fuqua	Minish	Sullivan
Gaydos	Minshall, Ohio	Symington
Gettys	Mitchell, N.Y.	Talcott
Gibbons	Mizell	Taylor, Mo.
Gilman	Moakley	Taylor, N.C.
Ginn	Mollohan	Teague
Goldwater	Montgomery	Thompson, N.J.
Gonzalez	Moorhead, Calif.	Thomson, Wis.
Goodling		Thone
Green, Oreg.	Moorhead, Pa.	Thornton
Griffiths	Morgan	Towell, Nev.
Gross	Mosher	Traxler
Grover	Moss	Treen
Gubser	Murphy, N.Y.	Ullman
Gude	Murtha	Van Deerlin
Guyer	Myers	Vander Jagt
Haley	Natcher	Vander Veen
Hamilton	Nedzi	Vanik
Hanley	Nelsen	Veysey
Hanna	Nichols	Vigorito
Hanrahan	Obey	Waldie
Hastings	O'Brien	Walsh
Hays	O'Hara	Wampler
Hébert	O'Neill	Ware
Hechler, W. Va.	Owens	Whalen
Heckler, Mass.	Parris	White
Heinz	Passman	Whitehurst
Henderson	Patman	Whitten
Hicks	Patten	Widnall
Hinshaw	Perkins	Wiggins
Hogan	Pettis	Williams
Holt	Peyser	Wilson, Bob
Holtzman	Pickle	Wilson, Charles, Tex.
Horton	Pike	
Howard	Poage	Winn
Huber	Podell	Wolff
Hudnut	Powell, Ohio	Wright
Hungate	Preyer	Wyatt
Hunt	Price, Ill.	Wylie
Hutchinson	Price, Tex.	Wyman
Ichord	Quie	Yates
Jarman	Railsback	Yatron
Johnson, Calif.	Randall	Young, Ga.
Johnson, Colo.	Rangel	Young, Ill.
Johnson, Pa.	Rarick	Young, S.C.
Jones, Ala.	Regula	Young, Tex.
Jones, N.C.	Reuss	Zablocki
Jones, Okla.	Rhodes	Zion
Jordan	Riegle	Zwach

NAYS—4

Collins, Tex.	Landgrebe	Symms
Crane		

NOT VOTING—74

Andrews, N. Dak.	Badillo	Brasco
	Bafalis	Breaux
Archer	Biaggi	Buchanan
Ashley	Bingham	Carey, N.Y.
Carney, Ohio	Harsha	Roncallo, Wyo.
Chappell	Hawkins	Rooney, N.Y.
Clausen, Don H.	Helstoski	Rostenkowski
	Hillis	Roybal
Clay	Holifield	Schroeder
Collier	Hosmer	Shipley
Culver	Jones, Tenn.	Sikes
Davis, Ga.	Lott	Skubitz
Diggs	McEwen	Stark
Dorn	McFall	Steele
Evins, Tenn.	McKay	Stokes
Foley	Macdonald	Stuckey
Forsythe	Mills	Tiernan
Giaimo	Mink	Udall
Grasso	Mitchell, Md.	Waggonner
Gray	Murphy, Ill.	Wilson, Charles H., Calif.
Green, Pa.	Nix	
Gunter	Pepper	
Hammer-schmidt	Pritchard	Wydler
	Quillen	Young, Alaska
Hansen, Idaho	Rees	Young, Fla.
Hansen, Wash.	Reid	
Harrington	Robison, N.Y.	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Helstoski.
Mr. Rooney of New York with Mr. McFall.
Mr. Chappell with Mr. Reid.
Mr. Giaimo with Mr. Andrews of North Dakota.
Mrs. Grasso with Mr. Hanna.
Mr. Green of Pennsylvania with Mr. Biaggi.
Mr. Carey of New York with Mr. Mitchell of Maryland.
Mr. Macdonald with Mr. Gunter.
Mr. Nix with Mrs. Hansen of Washington.
Mr. Roybal with Mr. Pritchard.
Mr. Charles H. Wilson of California with Mr. McEwen.
Mr. Waggonner with Mr. Dorn.
Mr. Murphy of Illinois with Mr. Lott.
Mr. Bingham with Mr. Hammerschmidt.
Mr. Brasco with Mr. Forsythe.
Mr. Davis of Georgia with Mr. Archer.
Mr. Breaux with Mr. Hosmer.
Mr. Evins of Tennessee with Mr. McKay.
Mr. Badillo with Mr. Gray.
Mr. Jones of Tennessee with Mr. Robison of New York.
Mr. Holifield with Mr. Mills.
Mr. Harrington with Mr. Quillen.
Mr. Rees with Mr. Hillis.
Mr. Roncalio of Wyoming with Mr. Bafalis.
Mr. Shipley with Mr. Skubitz.
Mr. Stark with Mr. Collier.
Mr. Stokes with Mr. Hawkins.
Mr. Tiernan with Mr. Buchanan.
Mr. Pepper with Mr. Hansen of Idaho.
Mr. Diggs with Mr. Culver.
Mr. Ashley with Mr. Steele.
Mrs. Mink with Mr. Don H. Clausen.
Mrs. Schroeder with Mr. Sikes.
Mr. Clay with Mr. Foley.
Mr. Carney of Ohio with Mr. Udall.
Mr. Stuckey with Mr. Young of Florida.
Mr. Wydler with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

THE RETIREMENT OF ADM. TOM MOORER

(Mr. NICHOLS asked and was given permission to address the House for 1

minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, last week, my wife Carolyn and I attended the retirement ceremonies for Adm. Tom Moorer, a great Alabamian and an outstanding American.

This was one of the most impressive and moving ceremonies I have ever attended and I only wish that every Member of this body could have attended.

Over the many years, Alabama has had more than her fair share of great military officers in all the branches of the armed services but never before has an Alabama officer attained the highest position offered in the military, Chairman of the Joint Chiefs of Staff. I personally will miss Tom Moorer for he has not only been a good friend but a trusted adviser and counsel.

For the reading of those Representatives unable to attend this stirring and inspiring ceremony, I am submitting for the RECORD of this House a copy of an article from the July 3 edition of the Birmingham News about the retirement ceremony. In addition I am including the statements made at the ceremonies by Secretary of Defense Schlesinger, Vice President FORD, a copy of a personal letter to Admiral Moorer from President Nixon and the remarks by Admiral Moorer. I do hope that all of my colleagues will take an opportunity to read these fine statements about a man who has dedicated his life to the protection of American freedom and liberty.

[From the Birmingham News, July 3, 1974]

RETIRING ADMIRAL MOORER LAUDED BY FORD AT SPECIAL REVIEW

(By James Free)

WASHINGTON.—Admiral Thomas H. Moorer, whose four years service as chairman of the Joint Chiefs of Staff makes him the highest-ranking military officer ever produced by the State of Alabama, has been retired after 41 years of active duty, with the thanks of top officials of a grateful nation.

Vice President Gerald Ford told a gathering of several thousand at a special retirement review at nearby Andrews Air Force Base Tuesday afternoon that he had made a point of being present. "I deeply desired to pay tribute to Tom Moorer as a personal friend", said Ford, himself a former reserve officer in the Navy.

Secretary of Defense James R. Schlesinger said that Moorer has earned the admiration of thousands of service men who served under him, the esteem of his colleagues in the Department of Defense and the gratitude of the American people.

And Secretary Schlesinger read a personal letter to Moorer from his commander-in-chief, President Richard M. Nixon.

Nixon wrote that "since the early days of the Republic Americans have been blessed with leaders of stature, men dedicated to the principle of service and freedom . . . Your place among such leaders is assured.

"Your example of courage and unswerving devotion to duty will long serve as an inspiration to all who would share the responsibilities of national and military leadership."

At the bottom of the typewritten letter, the President added in his own handwriting: "In a personal sense, I want you to know how much I have appreciated your courage and loyal support in some pretty tough situations".

"Mrs. Nixon joins me," the President concluded, "in expressing our affection for your lovely wife."

The colorful "special joint service retirement review" was held at midday in giant hanger number one at Andrews AFB. Temporary stands for invited guests—from the military services, from the government, representatives of foreign nations, the Congress, and friends of the Moorers—were set up on one side. Units from all the armed services, led by the Army Band, marched in and lined up on the other side.

Moorer, in Navy summer white dress uniform, entered to the accompaniment of a 19-gun salute. He walked down the line of assembled troops on a final inspection before the speaking program began.

Prior to his own remarks, Secretary of Defense Schlesinger presented Moorer with the only oak leaf cluster ever awarded with the Department of Defense Distinguished Service Medal. And along with it, Schlesinger pinned on Distinguished Service Medals from both the Army and the Air Force.

All of these were for extraordinary service and accomplishments as Chairman of the Joint Chiefs of Staff during what President Nixon referred to as "some pretty tough situations."

Vice President Ford said that Moorer has "added strength, dignity and feasibility to the military services . . . he deserves an accolade of 'well done' for accomplishments during difficult and terrible times."

These "times" included the final years of the Vietnam War, drastic reduction in U.S. armed services, the end of selective service and the start of the all-volunteer forces.

Moorer's remarks were, to a large extent, addressed to his associates in uniform. But he did have three points of emphasis to the people generally. One was the "will and determination of the American people that stands out in times of stress such as the Japanese attack on Pearl Harbor. This will" the Alabamian said, "must not waver."

Then, observing that "while we all hope and strive for a relief from the burden of maintaining a strong defense posture, let us not forget that wars result from weakness and not from strength."

Thirdly, Moorer commented that somehow the question of whether the United States really has civilian control of its armed forces continues to be raised. "I have never seen, I have never heard, any member of the armed services that does not believe completely and fully in civilian control," he said.

The Moorers will remain in the Washington area for the time being, with one of his first retirement chores being to put in order the official papers of his years as Chairman of the Joint Chiefs and earlier as Chief of Naval Operations. Later, they plan to make their permanent home in Alabama.

REMARKS AT ADM. THOMAS MOORER'S RETIREMENT CEREMONY, ANDREWS AIR FORCE BASE, TUESDAY, JULY 2, 1974

Secretary of Defense Schlesinger: Mr. Vice President, Secretary Clements, Admiral Moorer, Secretaries of the Military Departments, Members of the Joint Chiefs of Staff, distinguished guests, we come together here today to represent both the components of the Department of Defense and the American people. In an expression of gratitude to a man who has devoted more than 45 years of his life to the service of his country. Admiral Tom Moorer's naval career has run a course from a "plank owner" aboard the cruiser USS NEW ORLEANS in 1934, where he served in the gunnery and engineering departments from the day of her commissioning to the highest military office in the land which he now prepares to relinquish.

His career has included service aboard cruisers and aboard aircraft carriers, in fighter squadrons, in patrol squadrons, and in sea plane tenders. He has commanded bombing squadrons and carrier divisions. And for the past two years he has been holder of the Navy's Gray Eagle Trophy as the naval aviator with the longest flying service. He is the only naval officer ever to serve as commander-in-chief of the Atlantic and the Pacific fleets.

Admiral Moorer's service includes action in key events in our recent history. He was at Pearl Harbor on the 7th of December, 1941. As a matter of historic record, he piloted the first PBY to become airborne after that attack. His service in combat almost took a very different and tragic turn soon afterwards. For two months later, while piloting a patrol plane near Darwin, Australia, he was attacked by Japanese aircraft and his own patrol plane was shot down. The odds were not with him that day. The ship which rescued him was sunk by enemy action that very same day.

Admiral Moorer, two Presidents and five Secretaries of Defense, have sought and valued your wise counsel.

In the two terms as Chairman of the Joint Chiefs of Staff and as Chief of Naval Operations, you have played a steady role in the continuing effort to maintain the military strength of the United States as second to none.

Your lifetime of distinguished service has earned for you the admiration of those who follow in your footsteps, the esteem of your colleagues and the gratitude of your nation. I am personally most appreciative for the loyal support and assistance you have so generously provided to me and to Bill Clements during the past twelve months. We all recognize that you will continue to take an active interest in matters of national security and we are sure that there will be occasions when your wealth of experience and wisdom will be called upon by your Government.

I can recall a Navy slogan of some years past that read: "United States Navy—Mark of a Man." It seems appropriate to recall that slogan today as Admiral Moorer leaves active duty. I salute you, Admiral Moorer, as a great officer and statesman. You have earned forever your country's respect, its confidence and its gratitude. As Secretary of Defense, and as an American, I can only say, "Thank you."

Tom, I have a personal letter for you from the President. I would like to read a portion of that letter at this time.

"Dear Tom:

"On the occasion of your retirement from the Navy, I welcome this opportunity to express to you my profound gratitude for your distinguished service to our Nation. Since the earliest beginnings of our republic, Americans have been blessed with leaders of stature, men dedicated to the principles of service and to freedom. Your place amongst such eminent leaders is assured. Your personal examples of courage and unswerving devotion to duty will long serve as an inspiration to all who would share the responsibilities of national and military leadership.

"In a personal sense, I want you to know how much I have appreciated your courageous and loyal support in some pretty tough situations. It is therefore, with a special sense of gratitude, that I extend to you now on behalf of your many friends and colleagues and a thankful Nation my warm and heartfelt wishes for every success and happiness in the years ahead.

"Sincerely,

"RICHARD NIXON."

And now, ladies and gentlemen, I have the very great pleasure in presenting to you on this occasion the Vice President of the United States.

REMARKS BY VICE PRESIDENT FORD

Vice President Ford: Secretary Schlesinger, Secretary Clements, Admiral Moorer, distinguished members of the Department of Defense civilian and military, friends and guests of Admiral Moorer. It's a very great

personal privilege and a very high honor for me to have the opportunity to participate in this retirement ceremony. I can say that because I deeply desired the opportunity to pay tribute to a personal friend, Admiral Moorer. I also wanted to pay proper tribute and respect to a man for 41 years who has added strength, and dignity and stability to the military services of the United States.

Obviously, all of us who are here wanted to pay tribute to a person whose military career, his service in the Navy, has been exemplary. One's reading of this career should certainly indicate that Admiral Moorer, from the beginning to today, has done nothing but the best and deserves the highest Navy accolade of "well done."

It has been mentioned that Admiral Moorer has served in positions of great responsibility during some very difficult and very perilous times. The Secretary of Defense has indicated that he is the only person who has ever commanded both the Atlantic and the Pacific fleets. I think it might be worthwhile to mention that Admiral Moorer was in a position of highest responsibility in the military at the time the decision was made in the war in Vietnam to Vietnamize forces in South Vietnam, a job that was most difficult to accomplish and a difficult assignment under the circumstances that prevailed at that time. I congratulate you, Admiral Moorer, for giving the leadership in this very hard and serious responsibility.

It should also be mentioned that Admiral Moorer was our top military officer at the time the decision was made to move from Selective Service to an All Volunteer military force. Again, it called for tremendous leadership, tremendous guidance, because we were going from an era of almost 25 or 30 years to a period with somewhat uncharted seas. But Admiral Moorer, as he has always done, took on the task, gave it the leadership and guidance that has made it a success.

Probably the highest accolade that can come to Admiral Moorer is the fact that in recent weeks those in the military in not one, but several poles, have been recognized by the American people as that segment of our society that is most highly thought of. A career that was admired the most by a majority of the American people. It is my judgment that Admiral Moorer's example, his record, everything he has done has convinced the American people that he and those in the military deserve this accolade and these plaudits.

And, Tom, let me conclude by saying those of us who have known you will miss you as the leader among the military. Those of us who have known you as a friend will miss your wise counsel and sound advice. We wish you the very best and hope and trust that after you have had a deserved rest you will somehow come back and give us additional advice and counsel in the difficult days ahead. Congratulations and Godspeed.

REMARKS BY ADMIRAL MOORER

Admiral Moorer: Mr. Vice President, Secretary Schlesinger, Secretary Clements, members of the Joint Chiefs of Staff, very distinguished guests and in particular the dedicated men and women of the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard in the United States forces deployed around this globe. As has been said before it's been some time since I took the oath of office and donned my first uniform. And certainly in my wildest dreams I did not anticipate at that time that I would pass a major milestone in my career that is this retirement in the presence of the Vice President, the Secretary of Defense, the Deputy Secretary of Defense as well as so many national leaders in all branches of our Government that are warm friends as well. For this I am highly honored and I am deeply grateful. And, Mr. Vice President, I would ask you please to convey to the President my warm appreciation for those very generous words that were read by Dr. Schlesinger.

As has been said in 19 February 1942, I faced in combat what proved to be a major crisis in my life. I vowed at that time if the good Lord permitted me to survive that I would never look back but would in the future face each major problem as if it was an anticlimax to what had gone before. This I have done through three difficult wars and during many difficult times in our Nation's history. And with clear conscience I can say that I always supported the things I thought were right and I opposed the things that I thought were wrong as viewed in terms of what I thought was best for the people of the United States rather than what was best for me. I apologize to no one, as to the positions I have taken on the critical issues of the times. And as the years have sped by, while participating in meetings of the National Security Council, discussions with the President, working closely with seven Secretaries of Defense, meeting hundreds of times with the Joint Chiefs of Staff and testifying before the Congress frequently, I have had a very unique opportunity to observe the crisis management as well as the less time-sensitive but nevertheless far reaching decisions made in our Government.

I must emphasize that the men and women in our Government are dedicated; they are hard-working; they are competent. The people of the country must realize that the problems that are faced at this level are extremely difficult and they do not always have a clear cut yes-and-no answer. Certainly I have enjoyed this experience, and so today as I pass from the real world of rapid decisions and am now planning to enjoy the dream world of sometimes biased and often uninformed opinion, I would like to pass on some observations and conclusions that I have formed in the process.

First, I would like to emphasize the extreme importance of the will and determination of the American people—the will and determination that is perceived by a potential adversary. It is this perception by others that forms the basis for our deterrence and our defense. The Japanese attacked Pearl Harbor because they had reason to believe that our will was weak.

The North Vietnamese, unfortunately assisted by many in our own country, continually sought to break down the will of the American people. This is something which must be watched very carefully and our will must not waiver.

Secondly, while we all hope and strive for a relief from the burden of maintaining a strong defense posture, let us not forget that wars result from weakness and not from strength. To those who charge the United States with provocation as we earnestly endeavored to maintain a strategic balance and they suggest instead that we unilaterally disarm so that others will follow suit, I say that they are charting a course that our country cannot afford to follow. The people of America simply will not accept a position of military inferiority. What is needed here in ths effort is mutual, not unilateral restraint.

Thirdly, I'd like to speak just a word about civilian control—an issue which is continuously raised for reasons unknown to me. I have never seen, I have never heard any member of our armed services that does not believe completely and fully support civilian control. Nevertheless, one day I read that the Joint Chiefs of Staff are weak and are never consulted and the very next day I read that the Joint Chiefs of Staff control the country and are seeking to frustrate the policies of the Commander-in-Chief. I would like as I leave to assure the American people that both of these allegations are nonsense in its purest form. The men in uniform like the Constitution the way it is. And General George Brown, as he took over from me yesterday, expressed this point very clearly and very succinctly.

I would also like to talk briefly about the wonderful young men and women wearing the uniform of our country today, many of whom are destined to be the key military leaders of the future. We are now moving forward with considerable success towards the achievement of an all volunteer force. The Congress, the Secretary of Defense, the Military Services have all done everything possible to make this program a success. I view this program with hope and optimism but at the same time I do know this: the American people cannot have it both ways. They cannot on one hand demean and degrade the military Services as was so popular during Vietnam war and happily has now been reversed as mentioned by the Vice President. But they cannot do this and also take national security for granted. The young men and women in uniform must be recognized, they must be appreciated, they must be made to feel proud. The public must realize that while there are compensations in terms of personal and patriotic satisfaction, the man in uniform does not enjoy the full freedoms of our great democracy. The uniformed services are not democracies and they never will be. The man in uniform does what he is told, when he is told. In short, he gives up his freedoms so all of the other citizens in our country can have theirs. So recognition and appreciation and pride will go a long way towards insuring that we can avoid the legal demand as a means for raising manpower of our armed services.

So as I think of these many things, and several others, as I now retire from active duty, I would say that I certainly leave without regret but with gratitude in my heart. Gratitude first and foremost for having been born American. Gratitude that during this fleeting moment of history I have had the opportunity to play a small part at the highest levels of our Government.

Gratitude that I and my family have maintained our health over so many years. And gratitude above all for the host of staunch friends that I have made worldwide, in and out of Government.

Yesterday I turned over the Chairmanship of the Joint Chiefs of Staff to General George Brown, an old friend and an officer of superb qualifications for this challenging and interesting assignment. George, I wish you and our colleagues who form the corporate body of the Joint Chiefs of Staff all the best and I am confident of the future in your hands.

In closing, let me extend my best wishes to the thousands and thousands of sailors, airmen and soldiers, retired and on active duty, that I have worked with closely, both afloat and ashore for so many years. As a senior commander, I followed their performance, for instance, round by round and sortie by sortie from the Tonkin Gulf to the release of the POWs in January of last year. Eight and a half years of frustrating, inconclusive and restrained battles of confrontations that have appeared to have no end. The fact that morale and professionalism and performance did not sag under those adverse conditions, I think is a true mark of the top quality of the American fighting man.

So finally, if I may express my appreciation to the Joint Staff, who has supported me so well, I would pass on to my family and I would like to pay a well-deserved tribute to my wife and family who have made my life so worthwhile for so many years. It was four years that I said that my wife, Carrie, was the kind of a person that not only made me happy but I think made me successful. She

has never wavered as the demands of my assignments forced me to spend less and less time with our children during their formative years. She has never complained despite 26 moves to many, many different countries, often to inadequate housing and inadequate schools. She has proved for all to see that she is a great American, a lovely lady, a warm friend, an understanding and loving mother and a perfect wife. No man could ask for any more.

And so, Mr. Vice President, I want to say again how much I appreciate your presence and I would say to all, goodbye, good luck and Godspeed. Thank you.

THE PERSECUTION OF REPRESENTATIVE ANGELO RONCALLO OF NEW YORK

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

Mr. GROVER. Mr. Speaker, the Members of the House are deeply concerned over the abuses of process and violations of civil and constitutional rights of our colleague, Representative ANGELO RONCALLO which appear to have been perpetrated by highly placed officials of the Justice Department. An excellent investigative report in today's New York Times brings the matter into sharp focus and underscores the need for an in-depth but speedy inquiry so that those who have corrupted justice in persecuting our colleague will feel its proper measure.

The Times story follows:

JUDGE'S DOUBTS ON U.S. ATTORNEY'S PROSECUTION OF RONCALLO ARE FOCUS OF INQUIRY ON DRUGGING OF AIDE

(By Fred Ferretti)

A Federal judge's recurring chastisement of the United States Attorney's office here on the grounds of faulty preparation and mishandling of the extortion case against Representative Angelo D. Roncallo last May has provided a focus for the three-way investigation into the drugging of Assistant States Attorney Peter R. Schlam, the Government prosecutor in the case.

The investigation, by the Justice Department, the Federal Bureau of Investigation and the House Judiciary Committee, is reported to be looking into the possibility that the prosecution panicked at the prospect of losing the case or having it thrown out of court, and thus seized upon the drugging of Mr. Schlam during the trial to charge that he had been the victim of foul play.

Representative Roncallo, an Oyster Bay Republican, was eventually acquitted of the extortion charges and demanded a Federal investigation of what he said was a political vendetta against him by the United States Attorney's office for the Eastern District and by its former acting chief, Edward J. Boyd 5th.

FOUL PLAY SUSPECTED

The Justice Department was called in to investigate the drugging of Mr. Schlam, who failed to appear in court on May 9 in the Roncallo trial. In his place, Assistant United States Attorney Thomas P. Puccio told Federal District Judge Edward R. Neaher that investigation had shown that, "as we all suspected," Mr. Schlam "never has taken any drugs." He also said that "the F.B.I. is now convinced, and we are all convinced, that the—his sickness—was the result of foul play."

However, there was a demurrer from the F.B.I. that speculated, according to sources in the Justice Department, that the drugs either were self-administered or had been administered by Mr. Schlam's father, Dr. Isaac Schlam, a Lindenhurst, L.I., physician. This was denied by Dr. Schlam.

Inconsistencies regarding the events of May 9 and 10—when Mr. Schlam was examined by his father and admitted to a Long Island hospital first as a drug-overdose case and then as an exhaustion case—arose and three investigations were begun. The House Judiciary Committee says its inquiry into the preindictment phase of the Roncallo matter is continuing.

The new United States Attorney for the Eastern District, David G. Trager, asked the Justice Department to investigate not only that aspect of the case, but also events leading to the drugging of Mr. Schlam. Then the F.B.I. said it had at last been asked to participate in the investigation. The F.B.I. had maintained all along, contrary to what Mr. Puccio said in court, that it had not conducted an investigation but had merely done some blood sampling of Mr. Schlam, who is still on Mr. Trager's staff.

Spokesmen for all the agencies say it will be some weeks before their inquiries are finished and their findings are released. In the meantime, Mr. Schlam has declined to respond to queries, as has Mr. Trager, who releases statements through his secretary.

Transcripts of sessions of the trial, which took place in Judge Neaher's chambers, show that the judge was highly critical of the Government's handling of the case.

On May 10 he said he had doubts about the Government's ability to put forth a convincing enough case on the question of extortion, saying: "There really may not be enough to enable a court to rule on the question."

JUDGE IS "ASTOUNDED"

On the same day, one day after Mr. Schlam had reportedly been drugged by foul play, Mr. Puccio suggested that Mr. Schlam's assistant, Robert Katzberg, who "spent quite a bit of time with Mr. Schlam," be "examined today and that tests be taken as far as he is concerned."

Judge Neaher exploded. "Wait a minute," he said. "They ought to at least consult with the court . . . I am a judge of the judicial branch and we have judicial business to conduct. I must say I am astounded by what you say."

Later he added: "I must say I have never seen a case so plagued with problems as this one."

Still later, Judge Neaher said: "I feel this case has been terribly mishandled by the U.S. Attorney's office." After Mr. Puccio argued with him, he said, "This case is either a case or it isn't a case," and added: "I just think it an incredible performance."

Continued arguments by Mr. Puccio brought this from Judge Neaher: "I tell you, this case will certainly go down in history as the most unusually conducted trial of a so-called 'important case' that anyone has ever seen or heard of."

In another aspect of the Roncallo case, the indictment of John W. Burke, Supervisor of Oyster Bay, was quashed by Judge Neaher in Brooklyn last June 24. Mr. Trager said he had not had enough evidence for a conviction. The indictment said Mr. Burke had made a false statement to a grand jury in denying that he had met in 1972 with Mr. Roncallo in East Norwich, L.I., along with two town officials.

Before the case even went to trial, Judge Neaher told the Government attorneys in April that the Government's subpoena was "badly worded" and that the Government had failed to provide any justification for the subpoena.

OTHER THEORIES INVESTIGATED

As the inquiries focus on what the judge deemed a poor case, reports from investigative sources are that the former Acting United States Attorney, Mr. Boyd, now an assistant to Mr. Trager, has been questioned by Justice Department investigators, as have Mr. Schlam and Mr. Puccio.

Judge Neaher's comments have increased in significance, investigative sources say, particularly in light of Representative Roncallo's charge that Mr. Boyd indicted him in a "web of deceit" because Nassau County Republicans refused to nominate Mr. Boyd for permanent appointment as the United States Attorney.

One theory advanced and being looked into, F.B.I. sources say, is whether the Schlam drugging was designed to take the heat off the Government's badly drawn-up case.

QUESTIONS REMAIN

The questions still to be answered are: Was Mr. Schlam's collapse a result of drugs—which were known to be in his apartment—or of exhaustion after taking of the drugs? Did he taken them himself, or did his father administer them? Or was he drugged by some unnamed conspirator? If the drugs were self-administered, why did the United States Attorney say in court that foul play was involved? If no foul play was involved, did the United States Attorney's office knowingly lie to Judg Neaher in open court?

A source in the Justice Department estimates that it will be another month before there will be answers. The House Judiciary Committee, already burdened with the Watergate investigation, has had to give the Roncallo inquiry to one staff member. A committee spokesman said it would be "some time" before it had conclusions on the case.

REES INTRODUCES LEGISLATION TO GIVE FEDERAL RESERVE JURISDICTION OVER ISSUANCE OF BANK HOLDING COMPANY NOTES

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

Mr. REES. Mr. Speaker, the Federal banking authorities and the SEC are apparently powerless to stop the major bank holding companies from conducting a massive raid on the Nation's savings markets—thereby siphoning off the funds which support lending to the businessman, the farmer, and the homebuyer, and banking customers seeking personal loans.

Over a billion dollars in super-rate, $1,000 minimum, note issues have been announced thus far by Citicorp, the parent of the First National City Bank, and the Chase Manhattan Corp., holding company for the bank of the same name. According to last Friday's Wall Street Journal, an additional $4 billion is "waiting in the wings" if these financing schemes succeed. These financings are an open invitation for nonbanking business—such as utilities or nationwide retailers to raise capital in the same fashion.

The Citicorp and Chase registration materials are pending at the SEC. The press reports that clearance is expected sometime this week. The securities are cleverly designed to skirt the rate control system and the present rules governing bank holding company activities. The issues carry a floating interest rate which will be readjusted every 6 months. The rate is set 1 percent above the average Treasury bill rates in spe-

cified periods. For the initial 6 months the rate will be 9.70 percent. Since the offerings are made by the holding companies and not the banks themselves, the rate control law is inoperative.

These securities will be sold in $1,000 amounts—following a first purchase of five notes—and are clearly targeted at the small savings account holder. Most significantly, the instruments may be cashed in at full value every 6 months on 30-day notice; this feature exposes the so-called long-term "notes"—15 years for Citicorp; 25 for Chase—as really 6-month savings certificates. Brokerage houses report that the Citicorp issue is already oversubscribed, due, no doubt, to the tremendous publicity these securities have received as well as their attractive terms.

The Federal Reserve has declared that these bank holding company financings are not "in the public interest at this time." In a letter to the SEC last week, Governor Mitchell stated:

> Given the present sensitive state of financial markets and the extent to which savings institutions are already under heavy pressure, the result of the present large offerings—and any other offerings like it, whether issued by bank holding companies or other corporations—can well be to divert the flow of savings from the residential mortgage market and to deprive homebuyers of needed mortgage financing.

However, the Fed concluded that it had "no grounds for objecting, under authority of the Bank Holding Company Act, to the terms of the proposed security issue"; nor could it subject the note issues to the reserve requirements for deposits unless the proceeds could be traced to the banks.

Reportedly, SEC Commissioner Loomis responded to the Fed's letter by saying that the Commission recognizes the ramifications of the bank holding company issues, but "we cannot prevent this registration statement from becoming effective if full and adequate disclosure is made."

This is not the first time that bank holding companies have attempted an end run around rate control and reserve requirements through securities issues. When our committee considered the rate control extension in 1969, we said in House Report 91–755:

> There is a loophole in regulation Q permitting large banks to obtain funds in excess of the ceiling through the bank holding company device. Under this device a bank holding company or its nonbanking subsidiary can issue short-term notes in the commercial paper market at prevailing rates which at the present time are more than 2½ percentage points higher than the regulation Q ceiling. The proceeds can then be channeled by the parent holding company to its subsidiary bank.

In enacting 12 U.S.C. 461(a), we gave the Federal Reserve authority to determine what type of obligations—whether issued by a bank or its holding company—were indeed deposits, at least for reserves purposes. The Fed subsequently defined "deposits" to include obligations of a holding company of 7 years or less, the proceeds of which are used in the banking business.

The present situation differs only slightly from 1969. These notes are supposedly long term—though the semiannual redemption at par feature, as noted above, makes their 15- and 25-year terms highly suspect. And the target audience this time is the retail savings market—not the sophisticated investors in commercial paper.

It may well be a disservice to the public to lure the small saver with these 9.70 percent $1,000 notes. The Treasury bill rate is highly volatile from week to week. Over the past 15 years it has bounced up and down in a range from 2 percent to this year's historic 9 percent. Hopefully, we will not again see the extraordinary rates that the Government had to pay in late April and early May, the averaging period used to determine the 9.70 percent figure. And, the way this formula works, if the rate takes a sudden dip just before the semiannual redemption dates, the 30-day notice provision means that the note holder is "locked in" for another 6 months. These notes, moreover, are not federally insured—though, to the unsophisticated, distinction between Citibank and Citicorp, and Chase Manhattan Corp., and Chase Manhattan Bank is a fine one—nor do they carry the full faith and credit of the United States as do the Treasury bills so prominently referred to in the prospectus. So, over time, the consumer saver might be better served by the generally 5 to 7¼ percent offered by thrift institutions.

More fundamentally, perhaps, is the profound impact which approval of these issues will have on the entire financial system. Bank holding companies already possess enormous financial power. The chairman of this committee recognizes their influence, and the oversight hearings scheduled for the end of July may more fully develop this growing concentration of economic resources.

Consider this data: In 1955, there were 117 bank holding companies, with deposits amounting to about 6 percent of all commercial bank deposits; by 1969, holding companies controlled 57 percent of all deposits in banks; by 1972—the latest year for which I have data—this figure had grown to 61.5 percent. Yet, in 1972, only 19.5 percent of the Nation's 13,927 commercial banks were part of holding companies.

These companies already possess tremendous market power. To permit them to gather in additional deposits under the guise of note issues could threaten the viability of thousands of competing commercial banks, mutual savings banks, and savings and loan associations.

If these funds are destined for the banks themselves, we are permitting a new class of banking institutions totally outside of Federal control and supervision. We would be creating a privileged class of superbanks, infinitely superior in their ability to raise funds from the public and capable of unrestrained expansion and growth.

If, as Citicorp and Chase Manhattan contend, the funds are to be used with their nonbank subsidiaries only, we are permitting capital to be siphoned away from the full range of investment activities of thousands of other commercial banks and the housing-related thrift institutions. These funds will then end up in a selected list of foreign and domestic subsidiaries which provide only limited lending and other services, such as travelers checks and leasing operations.

In my view, we cannot abdicate our responsibilities for orderly control of the banking system to these enterprising holding companies.

Therefore, I am introducing today a bill which would give the Board of Governors of the Federal Reserve clear authority to control the debt offerings of bank holding companies. The legislation is limited to issues with maturities of under 5 years. The language would clearly cover the Citicorp and Chase Manhattan securities, which are, in effect, 6 months in duration. Yet, holding companies, like other business concerns, would not be restrained from raising funds as they have traditionally done in the longer term capital markets.

Further, I would urge my colleagues to give immediate consideration to this legislation. We all know that we are operating under severe time limitations in processing legislation if it is to have any chance of final action in this Congress. Our hearings at the end of this month will explore more fully what may be needed to prevent a recurrence of these events. Hopefully, the hearings will also educate the Congress and the public on the performance of these companies under the Bank Holding Company Amendments of 1970, and lead to appropriate legislation controlling their concentration of economic power. However, if we delay, the damage from these first trendsetting issues will have already been done. As Governor Mitchell pointed out, the loss of $1 billion in deposits will divert funds from other banking and thrift institutions at this particularly difficult period when loans to individuals and businesses are already priced sky-high, and housing is in the depths of a depression.

We cannot risk further disruption in our banking system.

I would therefore ask your immediate support for my bill.

WASHINGTON POST DETAILS DESTRUCTIVE EFFECTS OF HIGH INTEREST RATES

The SPEAKER pro tempore (Mr. MCFALL of California). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, the current high level of interest rates once again has thrown the housing market into a severe depression and today thousands of American families are priced out of a chance for decent homes.

The Washington Post, under the byline of James L. Rowe, Jr., is performing an outstanding public service by detailing the problems of the current high interest rate policies pursued by the Federal Reserve. Once again, we have a severe interest rate war underway and the thrift institutions are experiencing a sharp outflow of funds to the detriment of people seeking mortgages.

The problems have been heightened by recent moves by bank holding companies to issue floating interest rate notes—easily redeemable on short notice—at interest rates ranging to 9 percent and more. These notes are a thinly-disguised circumvention of regulation Q which was designed to provide some cushion for the homebuilding industry during the repeated high interest binges of the Federal Reserve.

For almost a decade the Nation has been faced with repeated cycles of high interest policies which have left the Nation with an ever-increasing backlog of needs for housing and community development. These policies have fostered higher and higher housing costs and builders have constructed more and more housing for the affluent—the only ones who can afford the high downpayments and the high monthly charges imposed by the high interest rates.

The result has been greater and greater gaps in housing for low- and moderate-income families. In fact, today, a $20,000 home will require about $40,000 in interest payments over the life of a 30-year mortgage—that is, the homebuyer must pay three times for the same home with two-thirds of the cost coming in the form of interest payments.

Mr. Speaker, here is the way that the Washington Post article by James Rowe puts the situation:

When the Federal Reserve Board tightens its monetary policy and allows interest rates to rise to fight inflation, those high interest rates invariably choke off home buying and new home building before they batten down prices.

Although most companies face dislocations because of ups and downs in the business cycle, those associated with the housing industry of late seem to be particularly volatile. Home sales are dependent on the availability of financing and the cost of that financing. It is the rare consumer who can buy a home without taking out a mortgage loan.

When interest rates rise, as they are now doing, home buyers are discouraged—not only by the high cost of money—but by its scarcity. Savings and loan associations, which make more than half of the home loan mortgages, discover that, during periods of high interest rates, the flow of new deposits slows substantially and, in some months, customers actually withdraw more money than they put into their accounts.

Mr. Speaker, it is obvious that we are going to have to do something about this situation if we are serious about providing decent homes for all Americans on reasonable terms. The Congress cannot afford to allow these repeated boom and bust cycles in monetary policy. Too often in the past public officials have simply lamented the problem without taking definitive action to remedy the situation. Next week—July 16—the Banking and Currency Committee will be opening hearings on monetary policy and its effect on inflation and high interest rates and I am hopeful that these sessions will help point to some new solutions.

Mr. Speaker, I place in the RECORD a copy of the first in a series of articles by Jim Rowe entitled "Fund Crunch Hits Housing Once Again":

FUND CRUNCH HITS HOUSING ONCE AGAIN

(By James L. Rowe Jr.)

Interest rates have skyrocketed to record levels, mortgage funds are drying up and the home building industry is close to chaos.

While the situation seems more tense than usual, the current housing crunch is only the latest installment in a saga that has been played out four times in the last eight years.

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The Department of Housing and Urban Development estimates that the amount of money available for home loan mortgages fell to $14.8 billion in the first three months of the year from $15.5 billion during the last quarter of 1973. "It's safe to say it fell further during the second quarter," said HUD housing specialist Rudy Penner.

Scarce money first strikes at buyers and sellers of older or previously occupied homes. Before they break ground, new-home builders generally get guarantees from a savings and loan or bank that there will be money available for qualified buyers when the homes are built.

But buyers of older homes cannot go looking for financing until they have found the home they wish to purchase. Today, those buyers face not only high interest rates but financial institutions reluctant to make loans because they are husbanding their funds to make good on commitments made to builders months or even years before.

"We've pretty much been out of the market since last July," said Henry L. Bouscaren, senior vice president of National Permanent Federal Savings and Loan, the area's second biggest S&L.

Serious home buyers, when they can find an institution willing to lend them money, are often faced with interest rates of 9 or 9.5 per cent and down payment requirements of 25 or 30 per cent. It becomes even harder to find loans in states with usury laws that put ceilings on the amount of interest a home buyer may be charged.

Maryland just raised its usury ceiling from 8 to 10 per cent and the District of Columbia is contemplating a similar change.

In addition to scarce money and rapidly rising interest rates, home buyers are shying off because of rapidly rising prices both for previously occupied homes and for new homes.

It is mainly because of the financial obstacles that the homebuilding industry is in its worst shape for decades, according to the chief economist of the National Association of Home Builders, Michael Sumichrast.

One sign of this is the sharp increase in construction firm failures for the first four months of this year to 580 from 433 last year, according to Sumichrast. The impact of those failures totalled $150.8 million compared with $101.1 million in 1973.

Nationwide, builders have 449,000 unsold homes and, as long as prices and interest rates are high, they will have trouble whittling that number down.

Builders, who were starting units at an annual rate of 2.33 million in May 1973, slowed to a 1.45 million pace last month, according to Commerce Department figures. Moreover, building permits, an indication of future housing starts, tapered off to a 1.055 million annual rate in May, down substantially from 1.838 million in May 1973.

The dropoff reflects not only the high inventory of unsold homes, but the inability of savings and loans or other financial institutions to guarantee builders that they will finance purchase of the homes when completed.

The gyrations of home building add other innumerable costs to the economy that are hard to calculate. For example, when skilled laborers take nonconstruction jobs during bust periods, they are often lost to the permanent home-building labor force.

The ups and downs of the housing industry are caused in part by the same factors that produce other industries' good and bad periods. But the normal cycles of the industry are sharply magnified because the builders rely so heavily on financing from the savings and loan industry.

Savings and loan associations, whose assets are primarily tied up in long-term mortgages with fixed interest rates, find themselves ill-equipped to pay competitive rates on deposits during periods of rapidly rising interest rates.

When interest rates zoom, as is now the case, S&Ls have to hold off making new mortgage loans because of the trailoff—and sometimes net decline—in deposits.

According to the United States League of Savings Associations, S&Ls had a net decline in deposits of $204 million in April and a gain of $350 million in May. Early indications are that the S&Ls fell back into a net outflow situation in June.

So far this year, the gain in deposits is 30 per cent below last year's and mortgage loans made by those institutions are off by 20.4 per cent.

Mutual savings banks have lost even more deposits than savings and loan associations.

The Nixon administration has proposed a plan, based on a 1971 report of a Presidential commission, to solve the problems by substantially overhauling the nation's financial structure. But even if the administration's plan would work, it is a long way from fruition.

In the meantime, the effects of tight money on the mortgage market present economic policy makers with the dilemma of how to fight inflation by concentrating on high interest rates without simultaneously upsetting the critical and politically sensitive housing sector.

Arthur F. Burns, whose Federal Reserve Board is primarily responsible for pursuing higher interest rates to fight inflation, told reporters in a rare press conference last April that combatting rising prices is more important than the "fortunes of home building."

The government knows that it cannot sit by and do nothing: the housing lobby is too well organized for that.

The Federal Home Loan Bank Board, which regulates the savings and loan industry in much the same way the Federal Reserve system overseas the nation's banks, has been lending money to S&Ls to help replace the deposits they have lost.

In total, according to bank board chairman Thomas R. Bomar, the system has $17 billion in loans (called advances) outstanding to S&Ls.

The Nixon administration also has announced a special program designed to inject $10.3 billion in various ways to help ease the crunch.

Rick Sullivan, an official of Page Corp., an area builder, said his firm has been able to make use of some of that money promised by the administration. The program that Page, a subsidiary of U.S. Home Corp., uses is a $3 billion commitment by the Federal Home Loan Mortgage Corp. designed to permit home builders to "start houses with confidence."

The FHLMC guarantees that it will buy the mortgage from the S&L which makes the loan up to 12 months from the date the S&L makes its commitment to the home builder. In a sense, then, the savings and loan association acts as a broker.

Sullivan said that, while his sales are not suffering terribly, purchasers are averse to paying 10 per cent for a mortgage. Many savings and loan associations are making it tougher for potential home buyers to "qualify" for a loan, he added.

Sullivan said his company, which builds "starter homes" aimed at young couples, can utilize the special mortgage corporation program because nearly all the mortgages are under the $35,000 ceiling specified by the government. Page built the Cinnamon Tree complex of homes in Columbia, Md.

Other builders, selling more expensive homes, cannot be guaranteed the financing under that program because of the $35,000 limit. They are not beginning new projects.

Most projects, however, have guaranteed financing now, although new projects are having their difficulties. Purchasing a home that is already occupied is getting close to impossible.

Lack of financing has transformed many a would-be seller into a reluctant landlord, often renting his home to the very person who would buy it if mortgage money were available.

"When someone comes to me and tells me he wants to sell his house, the first thing I ask him is if he needs cash," said an official of Shannon and Luchs, a major area real estate firm. If he is moving into an apartment, "I suggest that he finance" the buyer himself.

The situation of a Washington professional who could get normal financing neither for the house he bought nor for the house he sold is illustrative. He became the "reluctant" financer of the couple which bought his house just as the retired chemist he purchased his new house from financed him.

He bought a $68,000 house in Northwest Washington and sold his $57,000 house on which he had $17,300 remaining to pay off on his mortgage. The chemist wanted a down payment of $15,000, a lower one than normal.

After cashing in $2,500 in mutual fund shares and taking out $3,000 in savings, the professional needed $9,500 for the down payment plus $17,300 to pay off his mortgage. He found a couple who put together enough between their savings and loans from their families to come up with nearly half of the $57,000 purchase price. He is financing the rest at 8 per cent interest, the legal limit in the District.

"It was hairy getting down to closing day," he said. "Trying to figure out all your money, to make sure you were getting enough. I had to learn a lot more about real estate financing than I ever wanted to know."

In some sense, he was luckier than most who try to finance their homes. He found a couple with more than $25,000 who was willing to buy a $57,000 house.

"Most people with $25,000 or $30,000 to put down are looking for a $100,000 or a $125,000 home," one real estate agent said. "It's a real scramble to find financing. It used to be if you sell one, you settled one. Now you may sell two, but only settle one because the other one cannot get financing. We're having to work a lot harder."

As a result, homes are remaining on the market for weeks or months, when, two years ago they would have been sold in several weeks.

"We tell 50 people a day that we can't make them a loan," said an official of another major S&L. "We won't make any commitments to home builders and we're scrambling for money to make sure we honor commitments we already made."

SOCIAL SECURITY: STILL A GOOD VALUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SCHNEEBELI) is recognized for 15 minutes.

Mr. SCHNEEBELI. Mr. Speaker, in recent months, a rash of adverse criticism, directed at our social security system, has appeared in public print. One series of articles in particular, distributed through New York Times special features, has drawn a great deal of attention, raising a number of questions about the present value and future viability of the system. At least one authority on the subject, former Health, Education, and Welfare Secretary Wilbur Cohen, has prepared answers to these questions, and his response already has been printed in the RECORD. However, another rebuttal paper has been called to my attention, and I feel it deserves as large an audience as possible.

It was prepared with reference to the newspaper series, but it also serves in a more general way as a reminder of what the social security system was designed to be, how it has worked for 3½ decades, and what its prospects are for the future.

The author of this paper is Dr. Richard E. Johnson, a professor of insurance and risk management at the University of Georgia. In addition to his academic experience, Dr. Johnson has served in sales, sales management, and field training capacities for a major insurance company and is both a certified life underwriter and certified property and casualty underwriter. He has written an excellent rebuttal to a number of charges made against the system, and I ask unanimous consent to have his paper printed in the RECORD at this point.

SOCIAL SECURITY: STILL A GOOD VALUE

(By Richard E. Johnson)

Newspaper readers around the country have recently been exposed to a series of articles condemning the social security program. These articles, written by a Chicago newspaper reporter, Warren Shore, are not only inaccurate and misleading, but an element of viciousness can almost be detected in the manner in which the reader is given isolated half-truths to the exclusion of all other pertinent information. One is prompted to question what motivated this bias.

For example, Mr. Shore writes of Jeff Alfred, who, at the age of 23, contributed $676 (matched by an equal amount by his employer) to the Social Security Administration as a tax on his earnings this year. He then comments that should Jeff die, less than $300 would be paid to his wife as the total settlement of his account. This seems inequitable, but let us look at another possible example of a young married couple. Bob Miller (age 23) is a successful salesman and earns $13,200 both this year and next. At the end of that period he is killed in an auto accident and leaves behind his wife, Mary, and twin children, age one.

It is possible for Mary and the children to receive social security benefits in excess of $1,844,715. This total benefit would only be paid to the Millers if the children were disabled during childhood and continued so until age 65. (An even greater benefit would be paid if they lived longer.)

It is assumed in this calculation that a yearly increase of 3% in benefits is made to offset increased inflation. Thus, for a contribution of slightly over $1,500, Bob's family profited to the extent of $1.8 million. Even if neither child had been disabled, a benefit of $819 per month would have been paid immediately and this monthly benefit would have been increased as the cost of living increased. The mother would have received this until the children were 18 and they would have received almost this amount had they continued their education until age 22, the total benefit paid being about $280,000.

No one will defend the first part of this example as being reasonable or typical—twins being disabled for life. It is, however, just as typical as many of the examples used by Shore in his series. Jeff Alfred's widow would have had to have been childless to have received the benefit stated by Mr. Shore.

Although this is possible, it does not represent the average family being covered by the Social Security Act. Instead of looking at either the "less than $300 pay-off" or the $1,800,000 benefit," let us instead look at the total program and investigate its purpose and what it has done for our society.

In the early 1930s many schemes were developed to solve the crisis of the depression. One of the most popular movements was known as the Townsend Plan. This plan guaranteed $200 per month for all citizens 60 years of age or older. The only obligation on the part of the recipient was to promise not to work and also to spend his $200 within 30 days.

It was assumed that this great influx of dollars into our stagnant economy would lift us up by our bootstraps and solve our economic problems. The requirement that the retiree not work supposedly would guarantee work for many younger people who could not find employment.

Although the Townsend Plan never became law, the Social Security Act did become law and benefits were paid to retirees prior to World War II. Initially only retirement benefits were to be paid and those only if the insured individual did not work in employment covered by social security.

The same philosophy fostered by the Townsend Act permeated the Social Security Act—"Create Jobs for the Young." As the program expanded and started providing survivor benefits to widows with children, the same philosophy was continued. If a mother with small children was widowed, her right to full benefits depended upon her terminating "covered" employment.

Even at this time, however, the benefits paid on the children's behalf were still continued regardless of whether the mother worked or not.

Today, almost 40 years later, the Social Security Administration follows the same pattern laid out initially—"If a parent is lost to a family, the surviving children need a full-time survivor parent as a guardian." If this is no longer the belief or attitude of the population, then the approach can be modified, but not without cost.

The present cost projections of the social security program (OASDHI) consider the fact that some participants will not claim their benefits, preferring to work rather than to receive a social security benefit.

If the "retirement test" were eliminated for all groups, retirees and survivors, the estimated increased cost would be about $4 billion. The ultimate result would be an increase in the social security payroll tax.

Perhaps this is the proper time to look

at the cost of the program. Mr. Shore, in his series, constantly compares the cost of commercial insurance with that provided under OASDHI. His major failing is that he constantly compares the cost or the tax for the whole social security program with the premium charged for isolated coverages by the commercial insurance industry.

Your author would be one of the last to criticize marketing methods used by the commercial insurance industry. Having been a part of it for 20 years and having made my living teaching the intricacies of the discipline for the last 10, I still find it a most viable and necessary component of our society. But, it cannot compete with a social insurance program. Social insurance is mandatory, there are no acquisition expenses in the form of sales commissions and underwriting expenses. Everyone must join the OASDHI system and their tax added to the employer's tax is automatically forwarded to the government.

Due to the great savings generated by the efficiencies mentioned above, social security cash benefits are administered for about 2 percent of the total tax income. Since the tax monies in the trust funds earn 5.6 percent interest per year, over 103 percent of all social security tax revenue is available for benefit payments.

An average of 98% of all social security tax revenue is actually paid out yearly in the form of benefits to its insureds or their dependents. The remaining 5 percent plus has been added to the trust fund in anticipation of further increases in the benefit formula.

For the individual to continue receiving these most favorable rates, the program must continue as a compulsory program. It cannot exist if voluntary choice of participation is extended the public. If free choice were implemented, two groups would discontinue the coverage—the wealthy and the very poor.

The wealthy would discontinue the coverage because they really do not need it and because of the slight redistribution effect of the program (slightly higher benefits per dollar of tax for the lower income). The poor would discontinue because they realize that our society will not let them starve and will take care of them via the welfare route.

Thus, the large group of middle income earners will not only pay for their own future security, but will also be obligated to pay most of the tab for the increased welfare costs.

How does the life insurance industry compare in terms of costs and benefits? On the average, about 85 percent of premium income is returned in the form of benefits. The balance is required for administration and acquisition costs. This is not a large charge in comparison with the rest of the insurance industry. For most segments of the industry, expenses vary between 25 and 45 percent of premium income. Thus, even though the life insurance industry is doing a great job in comparison to the rest of the insurance industry, the Social Security Administration is doing a phenomenal one, almost beyond belief for a governmental agency.

Perhaps one of the biggest problems confronting the individual is that of comparing costs and benefits of the social security program with those provided by the commercial insurance industry. The major benefits provided by the OASDHI program include:

Monthly retirement benefits to retired workers;

Monthly benefits to disabled workers;

Monthly benefits to husbands or wives of retired workers;

Monthly benefits to widows and widowers of covered workers;

Benefits to widowed mothers;

Benefits to disabled widows and widowers;

Benefits for children of retired workers;

Benefits to children of deceased workers;

Benefits to children of disabled workers;

Benefits to parents of workers; and

The entire Medicare benefit program.

Since these benefits are so varied and complex, no insurance company will offer all or duplicate benefits. But even when cost or price comparisons are made with similar contracts, there is no commercial insurance company that can compete, price wise, with the Social Security Administration. Perhaps an example is called for.

When Mr. Shore speaks of the term policy as being the equivalent of the survivor benefit being paid for children under the age of 18, he is incorrect.

When a 20-year term policy is purchased from a life insurance company to protect against premature death during the critical period while his children are young, he receives protection for that period. If, however, he had additional children later in life, the original contract is only good if it is renewable.

Even then, it will only be renewed at a substantially higher price. The Social Security Administration makes no demands upon the individual as to his age or the time in life when he has his children.

The only requirement is that children exist at the time of death, whether this be when he is 25 or 65. How does one compare the premiums charged for these "similar" coverages? It is almost impossible for anyone, let alone the interested insured.

It is now time to answer some of Mr. Shore's charges. In his first article, he comments on the increase in social security taxes during the past 20 years. He mentions an 800 percent increase in the social security tax, while benefits were increased only 300 percent. His figures are faulty. He is correct in that the total tax receipts did, in fact, increase by 800 percent; but, the benefits paid during this same period increased by almost 1,000 percent. Benefits actually increased more than contributions, not less, as his article stated.

Mr. Shore also states that the tax rate of the social security program has discouraged savings. He stressed the fact that in 1942 savings were at a very high level while only 3 years later, in 1945, savings had started to drop. He neglects to mention that in 1942 about the only thing available for sale was a tank or a battleship while in 1945 Germany had already surrendered.

It is very difficult to understand how he finds a causal relationship between the program as now constituted and lack of savings. Many people are not saving today because of a drop in value of the dollar due to inflation. It is not the fault of the social security program that the dollar has depreciated.

It is to the credit of the program that it guards against the failure of the dollar by virtue of its inflationary hedge. (A benefit that increases in value to maintain a relatively constant relationship in purchasing power.) There is no evidence to indicate that larger tax rates or salary bases have caused reduced savings by the individual.

If one income group has profited more than others by the Social Security Act, it is probably the "great middle class." This is the group which would suffer most if required to provide for their aged parents and relatives. As stated previously, it is no major burden for the wealthy, and for the poor it is impossible. The group in the middle would be forced again to provide for their own, and also for those who found it impossible.

When Mr. Shore criticizes the situation where the middle-aged worker must pay the bulk of his security cost during his working years, the question must be asked when does he expect the individual to pay these costs? If he waits until retirement, it is too late. Adequate preparation must be made in advance to guarantee that which our people have come to expect.

Mr. Shore also considers the plight of Mrs. Marion Poteka, whose husband died and, due to low earnings in his early years, had an average taxable income of only $6,600. He states that her benefit check for her two children and herself amounted to only $435 per month (incidentally, this is tax free). For this amount to have been correct, death would have had to occur prior to 1971.

To illustrate the advantages of the "inflation hedge" provided in the Act, the benefit would have been $522 in 1972 and about $580 today. This benefit will continue to increase as the cost of living increases.

Inasmuch as this income is tax free and inasmuch as there is no longer any expense involved in securing this income or in providing for deceased spouse, this should prove to be adequate income, assuming her husband took some steps to supplement it with other private insurance. The reduction in benefits as depicted in the article ($435 reduced to $220 when Mrs. Poteka went to work) is simply not true. If Mrs. Poteka works and earns the total $7,540 cited in the paper, she would still receive about $360 per month if death occurred prior to 1971 and about $480 if death occurred today.

For many years the insurance industry has tried to convince the public that a reasonable aim for retirement is one-half the gross income prior to retirement. It is assumed that the cost of going to work, living away from home, and paying income tax will take 25 to 35 percent of one's gross income. In addition, since a retiree no longer has the financial obligation of paying social security taxes, retirement insurance premiums or other pre-retirement expenses, this income level is usually deemed reasonable.

How is the Social Security Act meeting this challenge? Actually, the benefits promised are very close to that mark. A married insured who has earned an average of $8,000 per year which has been subject to social security taxation will be entitled to $558 per month or about $6,840 per year, probably more than this couple realized on the gross pay of $8,000 prior to retirement. Similarly, a married individual who averaged $6,000 under the Act would be paid $440 monthly or $5,388 per year. If either the retired worker or his spouse died, the survivor would continue to receive about $3,600 per year.

The beauty of the present program is that there is no need for the retiree to worry about inflation. Today an automatic provision of the Act increases benefits as the cost of living increases. No commercial insurance contract can provide that benefit. The closest approximation would be the variable annuity which is offered by some companies. This provides an inflation hedge if the value of common stock keeps pace with the cost of living.

In recent years there has been almost no correlation between the cost of living and the value of common stocks. The Social Security Act removes this worry from our retired citizens.

Primarily due to faulty assumptions and incorrect data, Mr. Shore comes to the conclusion that the program is bad and that it is even bankrupt. There is no way that anyone could consider the social security program bankrupt.

It is true that the trust funds do not have adequate funds on hand to pay all future obligations today, but then neither do most private pension plans. The trust funds contain in excess of 50 billion dollars, sufficient to pay aproximately one year's obligations. During that period they will collect sufficient revenue to pay the following year's benefits. This has been the basic technique over most of the history of the program.

Most people would be far more concerned over some governmental agency having 400 to

700 billion dollars to play with. Disregarding what this might have done to the economy (some suggest that even World War II would not have brought prosperity if burdened by a fully reserved social security trust) think what an enjoyable time our congressmen would have had in increasing the debt limit sufficiently to provide securities for the social security trust to invest in. Perhaps an excerpt from the 1971 Advisory Council on social security's report might make this clear. The advisory board, consisting of economists, businessmen, and at least one executive from a major life insurance company, stated in its report:

"The test of actuarial soundness for a social insurance system is whether the expected future income from contributions and interest or invested assets will be sufficient to meet anticipated expenditures for benefits and administrative costs over the valuation period. The concept of actuarial soundness as it applies to a compulsory social insurance system differs considerably from the concept as it applies to private insurance and private pension plans, although there are certain points of similarity, particularly with the latter. A private insurance company must have sufficient funds on hand so that it will be able to pay all existing obligations. Such funding, however, is not necessary for a national compulsory social insurance system and is frequently not provided for in private pension plans, which may or may not have funded all the liability for prior-service credits toward benefits.

"Because compulsory social insurance is assured of continuing income (new workers must come into the program), it does not have to build up the kind of reserves that are necessary at all times in an institution that cannot count on current income to meet current obligations. It is proper in a social insurance program to count both on receiving contributions from new entrants to the system and on paying benefits to future beneficiaries, as well as those now on the rolls."

Thus, social insurance need only maintain funds sufficient to serve as contingency reserves. The assets of the social security funds serve this purpose.

Throughout this paper, most of the space has been devoted to pointing out the errors and omissions in Mr. Shore's articles. It would be just as much in error for me not to admit the shortcomings of the Social Security Act as that for which I have criticized Mr. Shore. Nothing is ALL good or ALL bad. There are areas in the Social Security Act which need improvement and further study. It is true that the single person or the married couple without children receive far less in protection than the typical married couple with one or more children. By the same token, less benefit for dollar contributed is provided the married couples where both parties work and pay social security taxes.

The problem of having retirement benefits reduced if the retiree continues receiving earned income is also worthy of consideration. Of the 22 million people eligible to receive retirement benefits, only 6.4% are having any amount of their benefit withheld due to the earnings test. Although more people might work if the earnings test did not exist, it is reasonable to assume that the number would not exceed a total of 10%.

Although this does affect the people concerned, the resulting benefit for the other 90% and the effectiveness of accomplishing the basic aim of the program, that of taking older people out of the labor market, is not disputed.

The criticisms levied by Mr. Shore are not new. They have been with us in some fashion since the initial implementation of the Act. Committees are constantly studying the program, its projections, and possible changes. Recently, James B. Cardwell, Commissioner of Social Security, issued the report of the trustees of social security. This 1974 Trustee's Report shows a long-range actuarial deficit for the OASDI program of about 3% of taxable earnings over the next 75 years.

Much of this projected deficit is caused by a change in life style of many of our younger married couples, and the resulting decrease in birth rates for the Nation.

We are now approaching a "no-growth" birth rate and it is important to know what effect zero population growth might have on the future levels of social security income and outgo.

Although no major impact will be experienced until the 21st century, the entire area of financing will be the main subject of study by the new Advisory Council on Social Security. Their recommendations will be submitted to the Congress by the end of the year.

Therefore, by the end of 1975, in all probability, Congress will have enacted legislation to help solve this problem of the 21st century.

Over the history of the Social Security Act, many changes have been made, faults corrected, and more changes will undoubtedly be made in the future. The solution to the problems faced by the Social Security Administration cannot be solved by Mr. Shore's suggestions. Should the government ever make the decision to follow the recommendations of Mr. Shore—discard payroll tax for social security and buy government bonds—the most incredible fiscal confusion imaginable would result. All of the benefits of the social approach to insurance would be lost and all of the problems of Federal bureaucracy would remain.

Social security today is paying $4.6 billion a month in benefits to 30 million people.

Ninety-one percent of the people age 65 and over are receiving social security benefits or are eligible to receive them.

Ninety-five percent of all children under age 18 and their mothers will receive benefits if the family breadwinner dies.

Eighty percent of the population between the ages of 21 and 64 are eligible for disability benefits in case of a severe and prolonged disability.

Anything which can and does provide so much for so many cannot be bad. To the contrary, no better plan has yet been offered to us. Certainly, Mr. Shore's suggestion is not a better alternative.

ON STRATEGIC ARMS ACCORDS: PREDICTABLE AND INCONSEQUENTIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON), is recognized for 15 minutes.

Mr. HARRINGTON. Mr. Speaker, the 1974 summit conference with the Soviet Union has ended without the conclusion of any major agreement curbing the nuclear arms race. The specific agreements announced on underground nuclear testing and on the deployment of a second antiballistic missile system should not be viewed as being of major importance. These agreements are predictable and in many ways inconsequential. Each agreement, moreover, represents a formal ratification of decisions already made unilaterally by both the Soviet Union and the United States. While I applaud the good-faith efforts of President Nixon and Secretary Kissinger to negotiate a more comprehensive accord, the public should not expect the agreements to result in any meaningful reduction in the momentum of the strategic arms race. In fact, false confidence engendered by these agreements may set back the cause of arms control.

I believe the quest for a stable strategic equilibrium is nonpartison and that the initiative of the administration, in focusing on strategic questions during the Moscow summit, is heartening and proper. We are at a critical juncture in the arms race. Neither our country nor the Soviet Union can afford delay in attempting to resolve the complicated questions of the nuclear arms race.

Both sides now stand at the brink of major new weapons development programs. The Soviet Union is developing four new land-based intercontinental ballistic missiles—ICBM's—a new sea-based missile, and is currently testing multiple warhead technology. Soviet leaders have publicly expressed a desire to avoid the expenditures of $30 to $45 billion necessary in the next decade to complete their MIRV program. Such expenditures would represent a considerable strain on the Soviet economy, for the Soviet Union's gross national product is only half that of the United States, and the drain of expensive weapons development programs on the Soviet Union's technological resources is even more severe.

For our part, the United States is also proceeding with major initiatives in the area of strategic arms. The new Trident ballistic-missile submarine, with its new C–4 MIRV'd missile, will cost more than $1 billion each. A new strategic bomber program, the B–1, now awaits production approval. This program will cost at least $15 billion. The Congress has been asked to approve more than $300 million for new strategic "counterforce" and "flexibility" programs to develop the technological capability to fight limited nuclear war and to attack hardened targets—such as missile silos.

Apart from the massive cost of new weapons initiatives, the likelihood is that these developments will further complicate the already difficult task of negotiating arms control agreements. Unfortunately, the Moscow agreements do not provide much in the way of useful accomplishments toward the goal of arms control. The agreements are more illusory than real in their restraining effects, for each nation has agreed to do something it probably would not have done in any case. The momentum of the arms race will only be rechanneled by these agreements, not slowed.

ABM AGREEMENT

The Soviet Union and the United States have agreed that neither nation will deploy the second of the two antiballistic missile—ABM—systems allowed under the SALT I Treaty. In the case of the Soviet Union, this means that no ABM systems, with 100 missiles, will be constructed to protect a portion of the Soviet land-based ICBM fleet. The Soviet ABM now operational around Moscow will be retained.

In the case of the United States, the agreement means that we will forsake construction of an ABM to defend the

"national capital area"—Washington, D.C.—while we retain our ABM now operational at the Minuteman ICBM base near Grand Forks, N. Dak.

The agreement does not appear to change the status quo at all, since neither the Soviet Union nor the United States have demonstrated any real interest in building the second ABM system allowed. The U.S. Congress has specifically rejected the "national capital area" ABM. Deployment of an additional ABM by either the United States or the Union of Soviet Socialist Republics would cost billions of dollars without any improvement in security, since the limited ABM system allowed could be easily overpowered by the multiple-warhead missiles of the other side. And, the need for an ABM system in an era of increasing dependency on relatively invulnerable sea-based deterrent forces is also highly questionable.

Hence, the ABM agreement is more "summit atmospherics" than substance.

UNDERGROUND NUCLEAR TESTING

An agreement has been reached to establish a threshold level restricting nuclear testing underground. Detonation of military devices of a yield larger than 150 kilotons—or 150,000 tons of TNT—are to be prohibited. The agreement is to take effect on March 31, 1976.

On the positive side, this agreement calls for unprecedented cooperation between the superpowers relating to the vertification of compliance with the agreement. The two sides are to exchange technical and geographical information, and are even to conduct calibration tests—in which each side will prenotify the other in advance of the tests for the purpose of determining the reliability and accuracy of verification instruments. In addition, press reports suggest that the two sides have agreed in principle that onsite inspectors will be allowed to observe tests of nuclear devices for peaceful purposes above the 150-kiloton threshold, as allowed by article III of the treaty. If the reports are accurate, this agreement would mark a significant departure from past Soviet opposition to onsite inspection of any kind.

Unfortunately, the weaknesses of this agreement are such that it will have little more than a cosmetic effect. By giving both nations nearly 2 years before even the limited 150-kiloton restriction takes effect, both the United States and the U.S.S.R. will be able to complete testing on the majority of the new strategic weapons programs now in critical development stages.

The Soviet Union should be able to "proof test" its new MIRV'd warheads—for the SS–18, SS–19, and so forth—while the United States will probably be able to complete essential testing of the new high-accuracy, high-yield warheads, such as the Mk. 12A warhead designed to give our Minuteman–III ICBM's a "hard target"—or antisilo—capability. Other U.S. counterforce programs are unlikely to be impeded by the 1976 threshold.

The provisions of article III of the agreement, allowing for tests to exceed 150 kilotons if they are for peaceful purposes—are also disturbing. The failure of the U.S. Plowshare program and the history of unsuccessful efforts to develop a peaceful use for nuclear explosives testifies to the apparent absence of any legitimately peaceful purpose for a nuclear device. It is virtually impossible to imagine any nonmilitary purpose for devices so large as to exceed a 150-kiloton limitation. Frankly, I am concerned that article III may become a loophole that negates whatever minimal positive effects the testing agreement might otherwise have.

I would anticipate that the only material effect of this agreement will be that both the Soviet Union and the United States will accelerate their underground nuclear testing programs prior to the 1976 deadline.

Further, this agreement is little more than a formal ratification of existing technological realities. There appears to be little military value to development of warheads above the 150-kiloton level. One potential use of large warheads—in ABM interceptors like the Spartan missile of the U.S. Safeguard system—has been eliminated by the SALT I Treaty, and in any case, recent research casts doubt on the need for high-yield warheads for the ABM interceptor mission.

Further, both the Soviet Union and the United States appear to have recognized the limited military advantages of high-yield warheads. In the mid-1960's the United States made the decision to deemphasize development of large warheads and instead emphasize multiple-warhead—MIRV—technology and the accurate delivery of these warheads. MIRV's warheads have lower yields because of the technologically dictated tradeoff between warhead yield and the number of warheads in a given reentry vehicle—a 1-megaton single warhead, for example, would be replaced by three 300-kiloton warheads in the MIRV'd reentry vehicle for the same booster. While the Soviet Union has in the past appeared to place more emphasis on higher yield warheads, some experts suggest this to be more the result of necessity, based on technological incapacity, rather than choice. In other words, the Soviet Union was forced in the direction of large warheads because of its inability to match U.S. sophistication in miniaturization, guidance, onboard computers, and other key elements of MIRV technology. Now that the Soviet Union has begun to test a MIRV technology of its own, it appears that the Soviets have concurred in the earlier U.S. decision to deemphasize large-yield weapons in favor of larger numbers of smaller yield warheads.

Further, it should be noted that the explosive effects of a warhead do not rise directly in relation to warhead size. A 5-megaton warhead, for example, is not five times more powerful than a 1-megaton warhead. A law of diminishing returns operates here, and comprises an additional factor motivating against large warheads.

As a reference point, the 150-kiloton limit agreed on in Moscow would still allow testing of devices more than 10 times more powerful than that exploded over Hiroshima.

While the 150-kiloton threshold treaty contains only the illusion of restraints, a comprehensive test ban—CTB—agreement, immediately prohibiting all forms and sizes of underground tests, would have been a major accomplishment. A CTB would have been a check on development of destabilizing new weapons technology, equally advantageous to the United States and the Soviet Union. A CTB would also have demonstrated a superpower commitment to arms control that would have been useful in efforts to restrict the proliferation of nuclear arms. A danger of the limited treaty signed in Moscow is that it will cause false expectations and delay efforts to arrive at a more comprehensive agreement.

EXTENSION OF THE INTERIM ACCORD ON OFFENSIVE WEAPONS

The great disappointment of the summit was the failure to achieve an agreement on multiple warhead technology, currently the key issue of the arms race. Acknowledging failure of efforts to reach a permanent agreement on offensive strategic arms, the two superpowers instead committed themselves to seek an agreement to extend existing accords to cover the unresolved issue of multiple warheads—MIRVs.

The failure to reach an agreement on MIRV's is all too telling an example of the adverse effects of uncontrolled military technology upon arms control efforts and of the bureaucratic pressures within both the United States and the Soviet Union which create a momentum all their own inimical to the cause of arms control. Moreover, the failure to reach an agreement raises the danger that both sides will abstain from seeking a comprehensive agreement, and will instead look for piecemeal solutions which will not hold up to the overall dynamics of the arms race.

I am particularly concerned by the suggestion that the future negotiations should follow the lines of the Interim Accord limiting offensive weapons that was signed in Moscow at the same time as the SALT I Treaty. I am skeptical that the Interim Accord represents a good foundation for negotiating a stable permanent agreement.

The interim agreement was founded on the principle that a Soviet advantage in the number of allowed missiles and in the "throw-weight"—or payload—of these missiles would be counterbalanced by the U.S. advantage in multiple-warhead technology. But while U.S. increases in numbers of launchers are prevented by the interim agreement, improvements in Soviet MIRV technology is not similarly restrained. Thus, in the eyes of some U.S. planners, the agreement gives the Soviet Union the potential opportunity, which it shows evidence of attempting to exploit, to close the technological gap in MIRV development and deployment while the United States remains fixed in the number of launchers it can deploy. The concern expressed is that Soviet equivalence in MIRV technology and deployment could conceivably mean that at some point the Soviet

Union would achieve a substantial advantage over the United States in all categories: Launchers, throw-weight, and deliverable warheads.

Of course, the "worst case" fears of these planners tend to assume that during the course of an inevitably lengthy Soviet MIRV catchup effort, the United States would be, essentially, standing still. As a matter of fact, the United States currently is deploying more than three new warheads every day on ICBM's and SLBM's, is continuing both the Minuteman III and Poseidon MIRV programs, and is in advanced stages of development of a new strategic manned bomber—the B–1—and submarine and submarine ballistic missile system—Trident. New strategic cruise missiles are under development by both the U.S. Navy and U.S. Air Force, and are not covered by the Interim Accord. In sum, the breadth and intensity of U.S. strategic arms developments are such that assumptions of an eventual Soviet "superiority" are both premature and tenuous, at best.

Still, conducting future negotiations within the framework of the Interim Accord may encourage, rather than discourage, further attempts by both nations to obtain a strategic advantage. The SALT I Treaty and the Interim Accord have not so much slowed the arms race as they have rechanneled it into a "qualitative" contest, with both sides seeking technological supremacy. By its nature, it is much more difficult to negotiate agreements restraining the qualitative aspects of strategic arms than to negotiate quantitative—or numerical—limitations.

Unless a comprehensive agreement restricting both quantitative and qualitative growth is reached soon, the explosion of weapons technology may very well make the task of negotiating a viable agreement impossible. The critical requirements for a successful agreement are assessment—the ability of each side to know the capabilities of the other; and verification—the ability of each side to confirm, by unilateral—national technical—means, that the other has and continues to comply with the terms of the agreements. On both counts, the strategic weapons technology now on the horizon will greatly complicate the task of negotiation. It is presumably impossible, for example, for a satellite to count the number of warheads, or the accuracy of these warheads, inside the nose cone of a closed ICBM silo. It is also impossible, we can assume, for one side or the other to verify compliance with an agreement which, for example, limited the deployment of strategic cruise missiles. A submarine-launched strategic cruise missile is expected to be no more than 2 feet in diameter and can fit in the torpedo tubes of any one of hundreds of vessels, be their purpose expressly strategic or not.

We should remember that it is the task of politicians to negotiate strategic arms agreements, not technocrats or soldiers. For ideally a politician's responsibility is to the common welfare of the Nation, while the technocrat or the soldier must to some extent carry the motivations and sometimes narrow goals of their parent bureaucracy. We should not let the collective fate of our Nation be determined by the various bureaucratic interests of this or that department or this or that military service; nor should we let our welfare be determined by unbridled technology. An enduring lesson of the last 25 years of the arms race is that despite constant advances in weapons technology—and expenditures of billions and billions of dollars—we are less secure today than we were 1 year ago, or 5 years ago, or 10 years ago.

We must accept, as a nation, that peace and stability will not be found if either the Soviet Union or the United States pursues the illusory goal of "strategic superiority." There can be no genuine superiority when only 500 deliverable warheads would destroy approximately 70 percent of the industrial base and 30 percent of the population of either the Soviet Union or the United States—and the United States will have nearly 8,000 deliverable nuclear warheads at the end of this year; the Soviet Union approximately 2,600. "Superiority" is worse than meaningless—it is a dangerously false goal.

Stability will be found, I believe, if both countries continue efforts to negotiate a comprehensive agreement, and if both countries show restraint in their unilateral weapons decision and avoid the development or deployment of arms which, by their nature, would destabilize the strategic balance, worsen the task of negotiation, and increase the chance of nuclear conflict.

AMERICAN PARTICIPATION IN MOSCOW CRIME TECHNOLOGY TRADE EXPOSITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, several days ago. I became aware of the fact that a group of American companies will be participating in August, in a Moscow Trade Exposition displaying—for sale—the latest types of police equipment.

Mr. Speaker, this is a most shocking, unconscionable actions in which American business are deeply involved. For the sake of sales and profits, a group of American businessmen will be placing their wares on sale in Moscow for examination by the KGB.

Mr. Speaker, much to my surprise, I could find no laws or regulations controlling the export and sale of these types of police equipment. During the coming weeks, the Congress will be considering amendments to the Export Administration Act. I hope that amendments can be included in this act to prohibit the export of sophisticated American crime control devices.

Recent developments in the Soviet Union reveal that police harassment and torture—torture which ends in suicide—still continues. The Gulag Archipelago is alive and well in the Soviet Union—and there is no need to strengthen that police state through modern crime control techniques. It is even more shocking that such export displays would be permitted in view of the fact that some of these products were probably developed and produced with the direct or indirect assistance of the Department of Justice's Law Enforcement Assistance Administration.

I would like to include in the RECORD at this point a copy of an article by Sam Jaffe which appeared in the Chicago Tribune on July 7, 1974, entitled "Russians Invite U.S. Firms to Police Trade Show." I would also like to include in the RECORD a copy of a letter which I sent to Secretary of State Kissinger on July 1—with an identical letter to Commerce Secretary Dent—requesting information on whether any official direct or indirect U.S. assistance was being supplied to American manufacturers participating in the Crime Technology Exposition. In these letters, I also requested information on whether any forms of export controls or licensing were available to limit the sale of this 1984-type equipment to the KGB.

A crime control device can easily be converted into a weapon of oppression. It would be tragic if oppression in the Soviet Union would result from devices and equipment stamped, "Made in America."

I include the following:

RUSSIANS INVITE U.S. FIRMS TO POLICE TRADE SHOW

(By Sam Jaffe)

WASHINGTON, July 6.—The Soviet Union has invited dozens of American and foreign manufacturers of police equipment to display their goods at an international exhibition to be held in Moscow next month.

The exposition, "Krimtehnika '74" sponsored by the Soviet chamber of commerce, is officially described as a major showing of the latest in criminology and law enforcement equipment.

At least two United States companies specializing in highly sophisticated electronic crime detection equipment which can be used for intelligence gathering said they would attend the August 14 to 28 Kremlin show. Several other manufacturers and distributors of police equipment said they hoped to participate.

According to these manufacturers, the Russians are waging an all-out effort to attract American firms, which offer the most advanced police equipment and crime detection devices in the world.

In some cases, the Soviets have sent personal cables and hand-written invitations to company representatives to attend "Krimtehnika '74." They are also using a Midwest firm, specializing in East-West trade, to contact others.

"It seems mighty strange to us," said one manufacturer of police equipment, who politely declined to attend the show, "that a country that has always maintained it has little or no crime, would want our goods."

One State Department Soviet expert said he was vaguely familiar with "Krimtehnika '74," and was "not aware of any American participation in it."

An official at the Department of Commerce said he had been advised of the Soviet police exhibition by the American embassy in Moscow. "The embassy recommended that we take a hands-off position if any American businessman contacted us concerning the show," he said.

Another Commerce Department official said they had no regulations against manufacturers of police equipment sending their

goods to Communist countries. But Rep. Charles Vanik [D., Ohio] has written to Secretary of Commerce Frederick Dent and Secretary of State Henry Kissinger, asking that they look into American business participation in "Krimtehnika '74."

In light of the present situation which exists in the Soviet Union," Vanik wrote, "in regard to dissidence and the harassment of people who have applied, under Soviet law, to emigrate to other countries, it seems highly insensitive on the part of our government to allow American equipment manufacturers to participate in such an exhibition."

Vanik plans to raise the issue in the House tomorrow.

A spokesman for Welt International Corp. of Chicago, a company which calls itself a marketing specialist and exhibition manager for Communist Eastern Europe and the Soviet Union, said the company has already signed up two police equipment firms, and "we hope to have others before the exhibition opens."

"The Soviets have made a definite budget commitment for the purchase of all types of laboratory and equipment and instruments, law enforcement equipment, and associated devices systems for forensic and criminology activities," the spokesman said.

American exporters of lethal devices are required by the State Department's munitions Control Board to check with that department before exporting their merchandise to Communist countries.

One of the companies attending the Moscow exposition is Voice Identification, a New Jersey organization specializing in "voice prints." According to Rick Alexanderson, company president, they have developed a system "as good as fingerprints," that can positively compare voices and identify them.

The company recently identified former Soviet Premier Nikita Khrushchev's voice from 180 hours of tape recordings he made after his ouster. The tapes were translated and published in the book "Khrushchev remembers: The Last Testament."

Optronics International of Massachusetts, a company that has develcped a fool-proof identification card, will also exhibit at "Krimtehnika."

A spokesman for Sirchie Fingerprint Laboratories in New Jersey, one of the biggest manufacturers of mobile crime labs, and his organization hopes to attend the Moscow exposition.

"The Russians are very anxious to have us," Jim O'Rourke company vice president said.

"They wanted one of every major item we make, including our $100,000 mobile crime lab and $40,000 in miscellaneous equipment. We cabled them that we weren't interested in just selling parts or one of everything, and that we had dropped our broker.

"The Russians shot back a cable, practically begging us to attend the exhibition. They said, 'Your parts undoubtedly will interest our specialists.' They really want our crime lab."

But, as an afterthought, he added, "Some of this equipment could be used against innocent people. It bothers me."

JULY 1, 1974.

Hon. HENRY KISSINGER,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that Krimtechnica, a trade exposition, will be held in Moscow in August to display the latest police equipment produced by manufacturers throughout the world.

From what has preliminarily been indicated, this display will include crowd control devices, bullet proof vests, body detection devices, the latest types of mace, as well as a number of other police related equipment.

In light of the present situation which exists in the Soviet Union, in regard to dissidence and the harrassment of people who have applied, under Soviet law, to emigrate to other countries, it seems highly insensitive on the part of our government to allow American equipment manufacturers to participate in such an exposition.

Could you please advise me whether there is any official direct or indirect U.S. governmental assistance being supplied to any American manufacturers or suppliers in conjunction with the development or participation in this Moscow exposition?

Could you also advise me whether any of the items to be displayed had to be cleared for export by your Department? If not, could you please advise me why such clearances or export controls do not exist?

Your assistance in this matter will be appreciated.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

Mr. Speaker, the immorality of American participation in this crime technology exposition is nearly beyond description. Perhaps some idea of what we are doing—in the name of profit—can be obtained from reciting several passages from the Gulag Archipelago.

For example, why do the Soviet police need lie detector devices? In his chapter on "The Interrogation," Nobel prize winner Aleksandr Solzhenitsyn describes some of the methods which the state police have used to extract confessions: Method No. 23 involved the bedbug-infested box:

The bedbug-infested box has already been mentioned. In the dark closet made of wooden planks, there were hundreds, maybe even thousands, of bedbugs, which had been allowed to multiply. The guards removed the prisoner's jacket or field shirt, and immediately the hungry bedbugs assaulted him, crawling onto him from the walls or falling off the ceiling. At first he waged war with them strenuously, crushing them on his body and on the walls, suffocated by their stink. But after several hours he weakened and let them drink his blood without a murmur.

Method 26 involved the "ancient," "medieval" torture of starvation:

Starvation has already been mentioned in combination with other methods. Nor was it an unusual method: to starve the prisoner into confession. Actually, the starvation technique, like interrogation at night, was an integral element in the entire system of coercion. The miserly prison bread ration, amounting to ten and a half ounces in the peacetime year of 1933, and to one pound in 1945 in the Lubyanka, and permitting or prohibiting food parcels from one's family and access to the commissary, were universally applied to everyone. But here was also the technique of intensified hunger: for example: Chulpenyev was kept for a month on three and a half ounces of bread, after which—when he had just been brought in from the pit—the interrogator Sokol placed in front of him a pot of thick borscht, and a half a loaf of white bread sliced diagonally.

(What does it matter, one might ask, how it was sliced? But Chulpenyev even today will insist that it was really sliced very attractively.) However, he was not given a thing to eat. How ancient it all is, how medieval, how primitive! The only thing new about it was that it was applied in a socialist society!

Is American business to provide equipment to the Soviet police so that political prisoners—innocent persons—may be tortured and broken?

I find it particularly ironic that one of the companies which will be participating has developed the ultimate in voice-print devices. Has no one read Solzhenitsyn's "The First Circle?" This entire 670 page book describes the ordeal of a prison camp of scientists who have been ordered to build a voice print device to catch a "political criminal." It is a very special prison camp in which the inmates are treated somewhat decently so that they will work better. But it is still a prison hell. In fact, the very title of the book is an allusion to Dante's "Inferno," in which the least painful stage of Hell was the first circle. The novel—a factual description of the situation in the Soviet prison camps around 1950—contains some quotes relevant to the crime technology exposition.

For example, the entire prison camp was busy working on voice decoder and voice print devices which they knew were available in the West. Fortunately for millions of Soviet prisoners, Stalin did not hold a crime detection exposition during his regime. To quote from Solzhenitsyn:

"Clipped Speech" had been taken from English, and not only the engineers and translators, but also the assembly and installation men, the lathe operators, and perhaps even the hard-of-hearing carpenter knew that the piece of equipment in question was being built along the lines of American models. But it was accepted practice to pretend it was all of native origin. Therefore the American radio magazines with diagrams and articles on the theory of "clipping," which were sold in New York on counters outside secondhand-book shops, were here numbered, bound with string, classified, and sealed up in fireproof safes, out of reach of American spies.

To provide voice print devices to a nation which makes no bones about massive wiretapping would be a criminal and immoral act on the part of the United States. Following is an imagined conversation—again quoting from "The First Circle"—between the Minister for State Security, Abakumov, and one of the special political interrogators, Ryumin:

"I'll take care of them, Mikhail Dmitriyevich, believe me. I'll take such care of them that no one will be able to collect their bones!" Abakumov answered, looking threateningly at all three.

The three guiltily lowered their eyes.

"I'll give them the tape of the conversation. They can play it over and compare it."

"Oh!—did you arrest anyone?"

"Of course." Ryumin smiled sweetly. "We grabbed four suspects right near the Arbat metro station."

But a shadow crossed his face. He knew the suspects had been grabbed too late, that they were the wrong ones. Yet, having once been arrested, they would not be released. In fact, it might just be necessary to pin the case on one of them—so that it would not remain unsolved.

Annoyance grated in Ryumin's insinuating voice: "I can get half the Ministry of Foreign Affairs on tape for them, if you like. But that's not necessary. Only six or seven people have to be picked up—the only ones in the ministry who could have known about it."

"Well, arrest them all, the dogs. Why fool around?" Abakumov demanded indignantly. "Seven people! We have a big country—they won't be missed!"

Finally, toward the end of the novel, as the prisoner scientists develop their voice identifier and close in on the "political prisoner," one prisoner is asked to make

another type of police device—hidden camera that will take night pictures. This prisoner, who if he cooperates will soon be released to join his old wife, Natasha, is faced with one of the ultimate decisions:

The prison official describes the device:

"One of them is a camera that can be used at night. It works on those . . . what are they called? Ultra-red rays. You take a picture of a person at night, on the street, you find out who he's with, and he'll never know as long as he lives. There are already rough versions of it abroad, and all that has to be done is to imitate them creatively.

The prisoner Gerasimovich thinks to himself:

Here was the answer to Natasha's plea.

Gerasimovich saw her withered face, and her glassy frozen tears.

For the first time in many years, the warmth of returning home stirred in his heart.

All he had to do was what Bobyer had done: fix it so that a few hundred unsuspecting, stupid people were put behind bars.

Hesitating, embarrassed, Gerasimovich asked, "But couldn't I stay—with television?"

"You refuse?" [State Security Officer] Oskolupov asked indignantly. He frowned. His face easily took on a look of anger. "Why?"

Natasha was his one lifetime companion. Natasha was waiting for his second term to end. Natasha was on the threshold of extinction, and when her life flickered out, his, too, would be over.

"My reasons? Why do you ask? I can't do it. I wouldn't be able to cope with it," Gerasimovich replied very quietly, his voice almost inaudible.

[Colonel of Engineers of State Security] Yakonov, inattentive up to this moment, now stared at Gerasimovich with curiosity. Here evidently was another case that verged on madness. But the universal law that "your own shirt is closer to your body" had to prevail this time, too.

Gerasimovich could have remained silent. He could have bluffed. He could have accepted the assignment and then failed to do it, according to the zek rule. But Gerasimovich stood up. He glared contemptuously at the fat, double-chinned, stupid mug in a general's astrakan hat.

"No! That's *not* my field!" he said in a clear high voice. "Putting people in prison is not my field! I don't set traps for human beings! It's bad enough that they put *us* in prison . . ."

Mr. Speaker, supplying the latest police technology to the Soviet Union is not our field. Putting people in prisons is not our field. Mr. Speaker, I hope that the American businesses involved in this atrocity will reconsider. I would also hope that the American Congress would act swiftly to prohibit this type of policy technology export.

NATIONAL HEALTH INSURANCE: THE NEED FOR THE HEALTH SECURITY ACT, H.R. 22

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 15 minutes.

Ms. ABZUG. Mr. Speaker, today it was my privilege to testify before the House Ways and Means Committee about national health insurance. As one of the original cosponsors of H.R. 22, the Griffiths-Corman Health Security Act, and as a continuing supporter of that legislation, I was pleased to have the opportunity to present my views to the committee.

I would like to share my testimony with my colleagues and ask that it be included in the RECORD:

TESTIMONY BY CONGRESSWOMAN BELLA S. ABZUG, JULY 9, 1974

Mr. Chairman, I am pleased to have the opportunity to appear again before this Committee to present my views on national health insurance. As you may recall, I testified earlier, on November 18, 1971, in support of the Kennedy-Griffiths bill to establish a national system of health security, a bill which I co-sponsored in the House. At that time, I reviewed some of the major defects in our health care system. Almost three years later, it is depressing to note how little has changed. The major problems to which I referred then were the maldistribution of services, the poor organization of services, the failure of private insurance companies to control costs or to use their financial strength to reduce excessive costs associated with hospitalization, the uncontrolled profiteering of the drug industry, inadequate attention to increasing the supply of trained health personnel, and the lack of quality control in the provision of health services.

Despite a few improvements, none of these major problems has yet been seriously attacked, much less brought under control. The establishment of mandated peer review processes under the Professional Standards Review Organization (PSRO) system is a step in the right direction, but much more remains to be done to establish standards of quality control and review processes in which the consumer and the public can have confidence. I will have more to say on this matter later. Aside from this step, and a small beginning in the direction of organizing Health Maintenance Organizations (HMO's), little has been done. And in some respects we are significantly worse off today than we were then.

The administration has cut back support for medical research and for the training of doctors and other badly needed health professionals. Medicare deductibles have increased and benefits have been curtailed. Community-based health and mental health centers have been cut back, cut out, or left to wither on the vine. An inflation which this administration does not know how to stop has imposed sharply higher costs for securing essential health care. I point out that in the district I represent, prices, including the cost of medical care, have risen faster than in any other part of the country since 1967. If good medical care was expensive and hard to get, especially for middle-income and low-income people, in 1971, it has become even more difficult to obtain and far costlier in 1974.

Each year I invite people in my district to an all-day conference on issues which Congress should be addressing. This year, as in the past, the program included a discussion on health and medical care. Person after person rose to describe how their search for decent care has become ever more difficult, medical problems more serious, doctors less available, and public institutions more hard-pressed to provide even minimal services. I heard innumerable reports of longer waits, higher bills, and ever deepening fear and anxiety. This administration may continue to ignore or neglect the needs of our poor, our elderly, our children, our workers, our minorities, and other groups with real and pressing concerns. But we in this Congress cannot be blind to the problems or needs of our constituents. We cannot turn our backs on the immediate need for fundamental restructuring and reorganization of our health care system.

THE LONG-RANGE NEED

I am convinced that this country must eventually develop a national system of health care, going well beyond even the most ambitious bills which have yet been submitted to the Congress. None of the measures under consideration comes close to providing the comprehensive cost-free services which are central features of social policy in Canada, Scandinavia, Holland, Israel, Britain, and other modern nations. These systems establish health care, like education and retirement benefits, as a right to which everyone is entitled regardless of ability to pay. They are financed largely or wholly from general tax revenues. They cover doctors' services, hospital costs, drugs and prescriptions, prosthetic and other devices, convalescent care, home care, family planning services, and dental costs. Until we begin to move in that direction, we cannot hold our head up in the company of civilized nations or pretend that we have dealt adequately and humanely with the health care problems of our people.

STEPS NEEDED NOW

Clearly this country is not yet ready to move seriously along these lines. Instead, even the most progressive bill you have before you—H.R. 22, the Griffiths-Corman bill—has been abandoned by its Senate sponsor and a principal national spokesman in favor of a more modest approach in the name of "realism." We must reject that approach and that retreat. The minimum requirement for action in this legislative year is the enactment of the original Kennedy-Griffiths bill. Too much work, too much struggle has gone into the development of that bill and into building public support for it to permit it to go down the drain. I do not accept the argument that the people are not yet ready to support and welcome a comprehensive approach such as that embodied in H.R. 22. The people in my district have made their voices very clear; they understand that we need, at a minimum, to take this step, and they are impatient that it has not already been done. I believe that we should stop listening to those with a vested interest in piecemeal progress, who counsel only limited change, and listen to the people. They know that the American system of health care requires drastic changes right now.

I support HR 22 and urge its passage for these reasons:

it is the only bill which meets the great bulk of health care costs for all Americans;

it puts the stress on strengthening ambulatory care and avoiding hospitalization;

it covers the widest range of needs of any bill, including home health services, psychiatric care, nursing home care, drugs, appliances, glasses, and such things as podiatrist services (from what my constituents tell me, I sometimes think that sore feet is one of the most neglected aspects of health care);

it imposes no deductibles or coinsurance requirements;

it recognizes that nutrition, counseling, health education, and social work belong in the area of health care, and provides coverage for them;

it provides incentives for prevention and health maintenance as goals of the system, moving us away from the approach that recognizes a health problem only when someone is sick enough to seek help;

it includes a timetable for adding dental services to the list of covered services;

it recognizes that we must train the people who are needed to provide care if we are to meet our responsibilities, and it provides funds to do so;

it provides a comprehensive statement of the services which an HMO must provide to qualify and incentives to organize them;

it recognizes the need for establishing standards of quality, and takes the first

necessary steps in that direction through the Commission on the Quality of Care;

it ends the middle man role of the private insurance companies;

it takes the first steps toward a national uniform set of standards of qualification, away from the present hodge-podge with each state setting its own standards of licensure and qualification.

Each of these steps is a necessary minimum which we must adopt now if we are to meet what has been repeatedly described as the crisis of the American health care system. Last month a distinguished group of citizens in my state, under the leadership of Murray H. Finlay, President of the Amalgamated Clothing Workers of America, announced the formation of a New York State Committee for National Health Security to work for the enactment of this bill. Similar committees are being established in other states. I welcome this evidence of a national determination to move now in the direction of the Griffiths-Corman bill, and expect to work actively with this and other groups to secure its passage.

BEYOND H.R. 22

This bill represents a significant first step in the right direction. But more remains to be done. In the balance of my testimony, I shall point out certain improvements which, I feel, are essential, HR 22 is a good bill; it could and should be made better.

Quality Control: PSRO's are a step in the right direction, but they entrust the formation and application of standards of quality to professional groups. There is no role provided either for public agencies or for consumers. In New York City, the Health Department was able to establish very effective procedures for monitoring both the quality of car provided by practitioners and the accuracy and fairness of billing for reimbursement. Important abuses were uncovered and major savings achieved despite limited resources and the strong opposition of professional organizations. I must confess that I am dubious of an approach which has, so far, found fairly ready acceptance among doctors, and was recently found acceptable by the American Medical Association. A monitoring process with real teeth is not going to find the going that easy. The AMA is moving to take control of the review process before consumers demand that the government do it. AMA involvement in shaping the PSRO structure and process has been extensive since the legislation was passed. Senator Bennett, author of the bill, said that he saw PSRO activity as "educational, not punitive". That is well and good, but there is little incentive to doctors to accept standards unless failure to do so involves some penalties. As the Federation of American Scientists noted in its analysis of the PSRO law, "The opportunities for abuse of PSROs are many, and the sanctions are relatively weak."

I believe that the quality control mechanisms provided in H.R. 22 need to be strengthened in three ways:

1. Including an active role for state and city departments of health, utilizing the New York City experience;

2. Strengthening the sanctions imposed for failure to adhere to standards; and

3. Mandating inclusion of consumer and community representatives in PSRO organizations.

Prevention and Health Education: The bill recognizes the need, and importance, of preventive measures, but its provisions are vague and ill-defined. I would amend the bill to require HMO's to include major preventative and educational components in their programs of work, as a condition of eligibility. Standards must be established, incentives provided, and specific goals required of HMO's. There are good precedents to utilize in the experience of some of the more successful neighborhood health centers which were supported by OEO, including, in New York City, the Martin Luther King, Jr., health center in the Bronx, and the Northeast Neighborhoods (NENA) health center on the Lower East Side of New York. These centers were able to relate such factors as housing, environmental conditions, nutrition, schools and drugs to the health needs of their patients, and to extend their work and resources to deal with some of these very relevant problems. These are important and valuable lessons which need to be incorporated in a national health security program.

Non-Medical Personnel: H.R. 22 recognizes that personnel other than physicians and nurses must be utilized in the delivery of health services, and provides support for their training. I thoroughly endorse this concept. Looking again at the experience which we have had with community health centers, I have been greatly impressed by the critical contributions made by paraprofessionals and by non-professionals. Such groups will have a never-increasing and even more valuable role to play as we move from a patient-centered system of health care to one which stresses prevention, outreach, continuity of care, and health education. I would strengthen the provisions of the bill dealing with paraprofessionals in order to correct the imbalance which now prevails in the health care system. Steps in this direction have important cost implications as well. Our scarcest and most costly resource in the health care system is the physician. Last Wednesday's Wall Street Journal noted that thousands of nurse-practitioners have improved pediatric care in both cities and small towns, have relieved the burden on pediatricians, have improved patient satisfaction, have lowered costs to patients, and have preserved, if not improved, standards of care provided. The physicians' assistants programs in various parts of the country show similar results. We need to move much more vigorously in this direction in the future.

Consumer and Community Role: A major defect of this bill is its failure to mandate a significant role for consumers' representatives and community spokesmen. Consumers are given a minority role in the National Health Security Advisory Council, and a policy-making role in HMO's, but no role in governance or scrutiny. Neither HMO's nor hospitals are required to disclose their finances to the communities in which they work. Hospitals are notorious for their failure to disclose the fiscal information which is critical to any effort to judge their fiscal competence, the fairness of their charges, or the relationship between costs and charges. I would mandate full financial disclosure as a condition of reimbursement for all eligible provider organizations.

Family Planning: Any system of national health insurance must, as H.R. 22 does, include family planning as a covered benefit available to those who want to avail themselves of it. Services available should comprise all safe, medically acceptable and legal methods of family planning including oral contraceptives, abortafacient drugs and devices such as the interuterine device, voluntary sterilization including vasectomy and tubal ligation, and abortion.

Mr. Chairman, 1970 data show sterilization as the preferred method of family planning for 25% of couples over the age of 30. I also believe that abortion is the least desirable method of birth control. No woman prefers it. It is generally regarded as a method of last resort. Hopefully, there will be fewer abortions as women and men gain more familiarity with and access to contraceptives. But safe and legal abortion must be available to any woman who finds herself pregnant and for any one of a multitude of reasons does not want to have a child then. Other testimony which you have heard has argued against the inclusion of sterilization or abortion in national health benefits. Those who hold this belief are free to model their own lives on these precepts. They are also free to state their views publicly, to argue to seek to persuade other Americans of the rightness of their morality or dogma. But they have no right to demand that all Americans conform to their particular beliefs.

Financing: Too much of the burden of financing is put on the beneficiaries themselves. H.R. 22 calls for a 50 percent contribution from general tax revenues, the remainder to be paid by increased social security taxes paid by employer and employee in unequal shares. The reliance on the social security tax system is understandable but dangerous. These taxes have now reached a level where they are an important regressive element in the tax structure, bearing more heavily on low and middle income families than on those at higher income levels. I regret that the bill does not set forth a timetable for moving from this financing formula toward heavier reliance on general revenues in the future, with concomitant reductions in the direct contributions to be made by employers and workers. I would amend the bill to provide that 75 per cent of all costs be met from general revenues within five years, and 100 per cent with 10 years of enactment.

CONCLUSION

I remain committed to the original Kennedy-Griffiths-Corman bill, and will work actively for its passage, this year. I believe this bill can and must be enacted. I believe we cannot, as a nation, wait any longer to remedy the severe defects in our system of health care. I do not think the delivery of health services can be left entirely to the medical profession. There must be public scrutiny, public accountability, and public control over all aspects of health care. This is no threat to our doctors and their profession. On the contrary, it is our only hope of preserving their historic role in our health care system. We live in a new era, and this bill recognizes that fact. At the same time, we would be deluding ourselves and the people if we pretended that this bill solves our health care problems. It does not; it is only a necessary first step. Others are needed, and I have started some of them. I will work to make them a reality. Let us shape a health care system worthy of a great and compassionate nation.

PRIVACY SAFEGUARDS FOR HEALTH DATA BANKS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, since 1969, I have appeared before many committees on both the House and Senate side out of a concern for the neglected field of citizen privacy. So now, I welcome the prospect that finally this year Congress will enact legislation that comes to terms with the serious threat to individual privacy posed by modern technology and government.

As Members of the Congress that is considering national health proposals, I would urge that in considering the legislation that will finally be voted on, one of the goals be the preservation of the citizens' right to privacy.

No one would disagree that an individual often gives away some of his privacy when he applies for a benefit or service. But we must always remember that the Government is still organized to serve the interests of the people rather

than its own institutional aggrandizement and that there is a balance to be preserved. The right to privacy remains threatened as long as there are no effective legal constraints on the understandable but dangerous appetite of public servants who have forgotten whom they serve.

Perhaps my own experience as a private citizen years ago planted the seed from which my legislative efforts have grown. It involved a life insurance company inquiry but the investigative procedure would have just as well been pursued by a Federal agency.

When I was a younger man, I made an application for life insurance, and it was rejected. I could not understand why because I felt pretty healthy, and the company did not give me the reason why. Because I pressed and pressed, I finally was able to secure an off-the-record statement from the individual who had solicited the account. He said, "Well, we have information in our records that 10 years ago you had cancer." I said, "Well, that is very interesting, but I am not aware of it." I asked what the nature of this cancer was. The records showed it was leukemia. I asked, "Where did you get that information." The company indicated they had obtained it from a neighbor.

The truth is, I did not have cancer and, of course, would have been dead a long time ago had I had it. Had I not pressed on that matter, I would not have known and I would not have been given an insurance policy. I brought this matter to the company's attention, and demanded that they analyze their file again and finally they agreed that the information that had been provided to them had been given maliciously.

While a city councilman in New York I introduced legislation in 1968 to give the citizens of New York City the right to inspect and supplement municipal files. At that time I said my bill was "just a first step taken on a local level in what is really a national problem of protecting the citizenry against unjustified governmental prying into private affairs."

All of the national health insurance proposals pending before this Congress will have an enormous impact on the privacy of individuals, whether private carriers or the Social Security Administration runs the program.

At the present time, there is a data bank that over 700 insurance companies can plug into and receive information on an individual—information that pertains to the physical condition of the person—and deals with psychiatric disorders, sexual behavior, and drinking patterns. The patient expects confidentiality in his relationship with his physician. The existence of the medical information bureau data bank raises serious questions about this privileged relationship.

We must take care to guard against information on a patient's insurance forms finding its way to the personnel department or to the employee's supervisor. In contracts between employers and insurance carriers—or the Federal Government—any employer participation in the processing of individual claims should be prohibited.

Furthermore, security safeguards should be established to protect the privacy of an individual during any examination of his medical record under the guise of "program evaluation," "audit," or "cost justification."

In the Mills-Kennedy bill, section 2034 (a) and (b) authorize the central administration to obtain from any State agency participating in administering aid plans for families with dependent children "any information or data relating to family status or family income which such agency may have" and "to enter into such contracts and arrangements with other public agencies—Federal, State, or local—as may be necessary or appropriate to obtain information and data which relates to family status and family income."

Under no circumstances should we permit the unbridled transfer of such information—particularly without the written, informed consent of the individual—unless it is a case of medical emergency and then with the most stringent regulations. The individual has a right to know the uses to which information he submits will be put, to whom it will be disseminated, and how its release, or nonrelease, will affect his eligibility for benefits.

The creation of a health credit card—although efficient and easy to use, could, without regulation, lend itself to abuses. The code numbers provide quick, easy access to the individual's medical records. If an individual's health credit card code number can be used by other organizations—the accessing of information from many sources on a given individual is made much easier.

If the Social Security Administration is chosen to administer the national health program, and if Congress authorizes SSA to use the social security number as the health card number, the way will have been paved toward using the social security account number as a universal numerical identifier—and the specter of a national data bank with voluminous material being accessible by the use of one number is made more real.

Let me briefly outline in general terms what I think this legislation should contain with respect to privacy safeguards. These 10 commandments of privacy are:

First, permit any person to inspect his own file and have copies made at reasonable cost to him;

Second, permit any person to supplement the information contained in his file;

Third, permit the removal of erroneous or irrelevant information and provide that agencies and persons to whom the erroneous or irrelevant material has been transferred, be notified of its removal;

Fourth, prohibit the disclosure of information in the file to individuals in the agency or organization other than those who need to examine the file in connection with the performance of their duties;

Fifth, require the maintenance of a record of all persons inspecting such files, and their identity and their purpose;

Sixth, insure that information be maintained completely and competently with adequate security safeguards.

Seventh, require that when information is collected from him, the individual must be told if the request is mandatory or voluntary and what penalty or loss of benefit will result for noncompliance;

Eighth, require that those involved with the collection, maintenance, use or dissemination of medical information operate with clearly defined data access policies, and with adequate data security measures to provide medical confidentiality;

Ninth, require that persons involved in handling personal information act under a code of fair information practices, know the security procedures, and be subject to penalties for any breaches; and

Tenth, prohibit agencies or organizations from requiring individuals to give their social security number for any purpose not related to their social security account, or not mandated by Federal statute and prohibit the development of any other universal numerical identifier.

I am hopeful that the bipartisan spirit by which privacy legislation has been initiated, shaped, and refined will continue through the efforts of this Congress in drafting a national health insurance plan because citizen privacy must be everyone's concern—conservative and liberal, policymaker and taxpayer, physician and patient.

SENATOR JACKSON AT THE APEX OF HIS CAREER

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is refreshing to note an article in the Washington Post on Saturday, July 6, entitled, "Senator Jackson at the Apex of His Career." The writer, Geri Joseph, is a contributing editor with the Minneapolis Tribune, in which the article first appeared.

There are many of us who admire HENRY JACKSON and we recognize the authenticity of the comments made in Mr. Joseph's article. Senator JACKSON is indeed a strong leader whose forthrightness and abilities are very much needed on Capitol Hill.

I am pleased to submit the article at this point in the RECORD:

SENATOR JACKSON AT THE APEX OF HIS CAREER

(By Geri Joseph)

Old-fashioned virtues have not counted for much in the recent media-minded world of American politics. They have been, for example, no match for the vague but much-sought after quality known as charisma. Further, a suspicion lingers that the old-fashioned is to be obsolete in terms of today's problems.

It is possible, however, that Sen. Henry (Scoop) Jackson, an old hand on Capitol Hill, is out to prove that charisma is not everything, and old-fashioned virtues have a place in the modern world after all.

Disciplined and hard-working, as unassuming as a next-door neighbor, the senator from the state of Washington has earned his share of news stories over the years. But nothing in the past can compare with the attention he is getting now.

At a remarkably youthful 62, when others begin to think of retirement, Jackson has reached an apex in his admirable career. Probably no other man or woman in Congress has so powerful—though not uncontro-

versial—a voice on so many leading issues. It is as if all the pieces of his 34 years in public life have fallen suddenly, luckily, into prominent place. Oil and energy, détente and trade policy with the Russians, nuclear weapons and land use, to name a few.

And there are some Democratic politicians who figure that the presidency, too, may be in Jackson's immediate future. Certainly he is one of two or three Democrats at the top of everybody's list of possibles.

In a recent interview with Jackson in his comfortable, uncluttered Senate office, conversation covered many subjects—from adverse effects of affluence on young people, to the opposition his nomination is likely to arouse from his party's left wing.

But again and again, he came back to two issues on which he has been catching plenty of heat. One is his outspoken skepticism about the value of détente as pursued by the Nixon administration. The other is his trade-bill amendment that requires countries seeking most-favored-nation trade status with the United States to allow free emigration. The amendment is worded generally, but applies clearly to Soviet Jews who wish to leave Russia.

For his critical questioning of détente, Jackson has been called a Cold War warrior, a hard-liner and a man who cannot change with the times. He shrugs at those descriptions, although the cold-war warrior phrase slightly ruffles the usually calm manner. He is for détente, he explained, but he wants it to mean not just better business and the movement of commercial cargo, but the movement, too, of people and ideas.

He would take a tougher bargaining stance than Secretary of State Henry Kissinger. "Henry does not pick on those things he thinks the Russians won't accept or like. I say the whole purpose of negotiation is to discuss hard things on which we differ."

Jackson wondered frankly if the Cold War "is really over" or merely disguised. He referred several times to the Russians' desire for "primacy." When you examine détente, he said, "What have we achieved since that great and glorious word came into the vocabulary?" He listed what he regards as benefits to the Russians. There was the wheat deal. ("We were had.") Another example: the joint space venture in which the United States will put up $240 million, the Russians, nothing. ("I call it 'wheat in the sky.' ") Further, in trade agreements and the strategic arms limitation talks, Jackson claimed the Russians have come out ahead.

"Kissinger says the United States is benefiting from detente through a better world climate and good will," Jackson said. He snorted "Good will? Like being eyeball to eyeball in the Middle East? With the Russians telling the Arabs to keep the price of oil high? With Gromyko doing everything he could to break up the negotiating efforts?"

As for his insistence that the Russians change their emigration policy before getting most-favored-nation status, Jackson said quietly, "This is a moral, civil-libertarian issue." He denied that his amendment is a calculated play for Jewish votes. His Norwegian heritage taught him respect for human rights and liberties, he said, and his horrified reaction to Buchenwald concentration camp in 1945 reinforced that belief. From that time on, he became a staunch supporter of the state of Israel.

"Where I get in trouble on foreign policy," he added, "is I have very strong views on individual liberties. But at least I'm consistent. I voted against aid to Greece and for the embargo on Rhodesia." He spoke with feeling of Soviet emigres who visit his office to thank him. "I feel a personal responsibility not to let these people down," he explained. "You know, it says in the Talmud that if you save one life, you help save the world."

Jackson critics fault him—oddly enough in these times—for his consistency and his unwillingness to compromise. But the senator pointed out that he has changed his mind many times during his long career, and he has had to compromise on almost every bill he has introduced. The time may have arrived when he will have to compromise on his trade-bill amendment.

"But I am not a bowl of mush," he asserted. "And I do have strong convictions." He also had a blunt directness to his speech, a respected regard for the rights of others and a solemn belief that the right of free speech means "the right to sound like a fool on occasion."

If all those old virtues ever replace charisma. Scoop Jackson could be a prime beneficiary.

PIONEERING BY CAGLE LEAVES STRONG LEGACY

(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 have been impressed time and again with the ability and leadership of Vice Adm. Malcolm W. Cagle. His most recent command has been as Chief of Naval Education and Training at the Naval Air Station in Pensacola. Because of my close contact with defense programs, I have had frequent occasion to know firsthand of the contributions of Admiral Cagle to the U.S. Navy. I feel without question that he is one of the strongest leaders in today's Navy. His retirement will come at a time when the military services particularly need strong leaders, and the loss of his services will be a damaging blow to Navy progress. It is most unfortunate that he could not be persuaded to remain in the service.

The Pensacola Journal of Thursday, June 13, carried an excellent editorial which shows the attitude of the people who have been in best position to view Admiral Cagle's work for the improvement of Navy programs. I am glad to submit it for the RECORD. I hope that it will help Navy leaders everywhere to recognize the importance of Admiral Cagle's work. The article follows:

[From the Pensacola Journal, June 13, 1974]

PIONEERING BY CAGLE LEAVES STRONG LEGACY

Ranking military commanders come and go in West Florida, but few have brought to Pensacola the commanding stature for the Navy and the community as Vice Adm. Malcolm W. (Chris) Cagle.

We regret his surprise retirement but find his decision to return here as he plans his "second career" gratifying.

Chris Cagle not only is the genius behind the establishment of the Chief of Naval Education and Training headquarters here but reflects strong vision toward modernizing and streamlining all naval training.

His coming opened a new era for the U.S. Navy in Pensacola: A stronger command with broadened duties and responsibilities plus stabilization of Naval Aviation, which has been the major mission of the vast naval establishment in Escambia and Santa Rosa counties.

But Admiral Cagle, writer and educator with a diversified military command career spanning nearly four decades, quickly proved himself a strong citizen in major community activity. His briefings on the Navy's new educational methods were revealing for community leaders throughout West Florida; his concern for the erosion of American seapower alerted many Americans—especially Pensacolians—as he worked for quality manpower training to fit the needs of an all-volunteer force.

His insight helped launch the new Navy education and his work here will be remembered as pioneering architecture for military training more attuned to the times and the age of electronics. He worked closely with Florida educators, including Pensacola Junior College and the University of West Florida officials, and he followed a new formula for more enlightened and more economic manpower.

Cagle's planned retirement, along with others, including submariner Dean Axene (Cagle's deputy) and the head of Navy medical facilities, Rear Admiral Oscar Gray, has set off speculation that changes are in order for Pensacola's naval training complex. But we feel the Navy will learn from newer concepts now in practice and will continue efforts to strengthen seapower and manpower training policies.

Certainly Dean Axene and Oscar Gray have contributed immensely to the growth of the new naval training command.

Admiral Cagle kept a busy pace in military work, darting about the nation helping solidify various technical and fleet training; but he also had the time—and imagination—to quickly emerge as a well-liked community leader. He joined in civic endeavor, including work of the Pensacola Area Chamber of Commerce, unity efforts by the black coalition and the goals of Action '76. When explosive racial troubles developed at Escambia High School, Admiral Cagle volunteered his staff as the Pensacola community leadership worked for harmony and a return to sanity on campus.

As a Virginia cattleman, incisive writer on military topics and Naval Aviator who dreamed of a living monument to men of flight at Pensacola's new Naval Aviation Museum, Admiral Cagle leaves a strong legacy for the second Chief of Naval Education and Training after the change of command September 3.

His three years here were rewarding, not only producing a firm foundation for newer concepts of Navy education but working for a community that should recognize a ranking military commander who inspired better participatory citizenship.

We're happy Chris Cagle will be returning here to bring the Naval Aviation Museum to national prominence as well as continue his role as a prominent Pensacolian.

DR. NORMAN RASMUSSEN TESTIFIES IN SUPPORT OF PRICE-ANDERSON ACT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, considerable interest has been generated in both Houses over a report under preparation of Dr. Norman Rasmussen of the Massachusetts Institute of Technology and its relation to legislation extending the Price-Anderson indemnification provision in the Atomic Energy Act of 1954. Dr. Rasmussen testified before the Joint Committee on Atomic Energy during our hearings on this legislation on May 16 of this year. I ask unanimous consent that his statement at those hearings be included in the RECORD at the conclusion of my remarks.

Earlier today the ranking minority member on the Joint Committee on the House side, Congressman CRAIG HOSMER, and I sent a letter to all the Members containing excerpts from Dr. Rasmussen's testimony before the Joint Committee on May 16 which specifically related to the proposed Price-Anderson amendment.

Dr. Rasmussen's statement follows:

Mr. Chairman, I am Dr. Norman C. Rasmussen, Professor of Nuclear Engineering at the Massachusetts Institute of Technology. For the last year and a half I have been a consultant to the Atomic Energy Commission, and during that time, I have been the director of a study to assess the risks to the public from accidents in nuclear power plants of the type being built in the United States today. I am happy to say that the study is now nearly complete. We are now in the process of reviewing and checking the numerous calculations in this risk analysis. Until that process is finished and we are completely satisfied that, to the best of our knowledge, the results are accurate, I do not think it would be appropriate to discuss the specific results in detail. I anticipate that a draft of this report will be issued for comment from interested parties early this summer. Nevertheless, I am prepared to discuss here today some general conclusions that the study has produced that may be useful to you in your consideration of the renewal of the Price-Anderson Legislation.

Let me start by reviewing the nature of the risk to the public from power reactors, and then discuss factors that effect the magnitude of the consequences. The latter part of this testimony will discuss the broader question of the total risks to society and some of my personal observations about the insurance question.

An operating nuclear power station contains a large quantity of radioactivity which is produced by nuclear processes that take place during its operation. The vast majority of this radioactivity is produced inside the uranium dioxide fuel. Relatively small amounts of radioactivity collect in other parts of the system during its operation. These sources outside the fuel are so small that their accidental release would not have a serious effect on the public health and safety, although they might contaminate the plant and its immediate surroundings and the decontamination process could represent an economic loss to the utility. In order to have an accident large enough to produce serious public consequences, it is necessary to release a significant fraction of the radioactivity contained within the fuel. Considerable experimental work has shown that to do this requires heating the fuel to its melting point of about 5000° F.

The above facts have long been recognized by the designers, operators and regulators of nuclear reactors and so a great deal of attention has been paid to this problem with the intent of making the probability of accidents leading to core melt very small. Our study's preliminary indications are that the probability of such accidents is, indeed, quite small. Not surprisingly, however, we have identified some ways where with modest effort the probability could apparently be made somewhat smaller if that is determined to be necessary. These matters will be discussed in detail in the final report and I shall not go into them in detail here today, pending our final review of all calculations.

Let me turn your attention now to the consequences of melting the core. The consequences of core melting depend principally upon three factors: (1) how much radioactivity gets released into the environment, (2) how this radioactivity gets dispersed in the environment by existing weather conditions, and (3) the number of people and the amount of property exposed.

The amount of radioactivity that gets released from the nuclear plant into the environment depends upon how much of this is trapped inside the containment prior to its escape. All plants have provisions to trap radioactivity within the containment. In addition there are natural processes that lead to deposition of many of the radioactive species on the wall and other surfaces in the containment building. In most core melt accidents these processes would be expected to be quite effective in reducing the amount of radioactivity released. However if an analyst were asked what the worst possible release could be, he could imagine a series of unlikely circumstances where the processes for removing radioactivity would not be very effective and a much larger release would result. Our analysis of core melt accidents shows just this effect, namely, that the most likely course of events following core melt results in rather modest releases and larger releases are even less likely to occur. This means, of course, that the largest release is considerably less likely than the expected or typical release in such an accident.

Now let us consider the weather conditions that cause the dispersal of airborne radioactivity into the environment. There are many weather conditions in which there is very rapid dilution of released pollutants. Under these conditions even a large release would be dispersed so quickly that the public consequences would be rather small. Of course, during a small percent of the time, unfavorable weather conditions associated with strong inversions and low wind speeds exists. In such weather the radioactivity is diluted more slowly and public consequences can be more severe. Not only must this unfavorable weather exist, but it must continue to exist for many hours after the accident for the worst consequences to occur. Of course the likelihood of the most unfavorable weather, therefore, becomes quite small. Thus, as in the case of the release from containment, we find that the average weather effect for a large release is to produce modest consequences and more severe consequences are associated with weather conditions that are less likely to occur.

Next let us look at the people and property exposed. The number of people in a particular direction from a reactor site varies from close to zero for those directions out over the ocean or over large bodies of water to a few cases where the population density is several thousands of people per square mile within 10 or 20 miles of the site. Since the value of real property is about proportional to population density, both health effects and property damage will depend on the number of people over which the radioactivity is dispersed. An analysis of the populations density near reactors shows that 90% of the area has populations a factor of 10 smaller than the highest and 50% has populations a factor of 100 less than the highest. The very high populations cover only 1% of the area. Thus, given a release of radioactivity, we would expect the high population areas to be exposed 1% of the time and on the average (i.e., 50% of the time) the exposed population to be a factor of 100 smaller. This, of course, means that, other factors being equal, the consequence would be a factor of 100 less.

From the above discussion we see that three random factors, the type of release, the type of weather, and the population density exposed, affect the overall consequences of a core melt accident. On the average we have found that these combine to give modest consequences following core melt. Only under very unlikely circumstances would we expect to see the worst release combined with the worst weather combined with the highest population density exposed. Although the analysis done in WASH–740 showed a number of cases with very small consequences, no attempt was made to estimate the likelihood of these cases relative to the worst case that was calculated. As a result attention focused on this worst case and many people came to believe that if a reactor core should melt these very serious consequences would surely result. From the above discussion we see this is not the case. In fact the likelihood of various consequences of a nuclear accident show a distribution that is characteristic of all other types of man-caused accidents which can be studied from historical data. That is, the likelihood of small consequences are much higher that the likelihood of large consequences, and the most likely consequence of a given type of accident is much smaller than the worst accident that clever people can imagine.

The nuclear industry is to some extent the victim of its excellent safety record. We have accumulated in the United States well over 1500 reactor years of experience in water reactors. This includes about 200 reactor years with commercial power stations; the rest are military reactors. There has never been an accident that has led to injury of the public, let alone an accident involving core melting. Many critics of nuclear power take advantage of this lack of experience with serious accidents such as core melt by saying that if it occurs it will be a catastrophy in terms of public consequences. The catastrophy they describe is one associated with the worst set of events they can imagine, regardless of how unlikely the events. This has led to the belief by many people that power reactors present a public risk with consequences much larger than any of the other activities society pursues. Our study has shown that this is not the case, and, in fact, a number of other activities of society could produce under very unlikely circumstances accidents of similar consequences.

One example of interest regarding large non-nuclear risks in our society comes from the consideration of earthquakes. We have all heard of the very large 1906 San Francisco earthquake in which there were approximately 750 fatalities. The question has often been asked about what consequence an earthquake of a similar size would cause today. A recent study by the National Oceanic and Atmospheric Administration has estimated that an earthquake of such size could occur on the average of every 100 years and could cause fatalities in the range of 10,000–20,000.[1] The study also notes that if the earthquake were to also cause dam failures in the area another 10,000 or so people would be killed.

Let me give another illustration of these points based on my own experience. During the last year I have asked many non-technical people what they feel is the largest possible consequence of an airplane crash in terms of fatalities. Almost all gave an answer in the range of 300 to 400. When asked how they arrived at this number most said they heard of many airplane crashes and none had killed more people than 300, and, besides, the largest planes could carry only this number. I then pointed out it might be possible for two planes to collide. Most then revised the number upward to 600 or so. I then suggested that a plane might crash into a crowded place on the ground. Most then increased their estimate by 100 or so more. Finally I suggested that the crash might be into a crowded sports stadium and kill 10,000 or more. Although they recognized that this was hypothetically possible almost all felt it was unrealistic to believe that it would really ever happen. None of these people realized that the very serious postulated reactor accidents that they have heard about involve an even more unlikely combination of circumstances. This has come about because there has been a tendency, in the absence of any real experience with serious nuclear accidents, to ask what is the worst that could happen and clever people can think of some very unlikely combinations of circumstances. The safety philosophy applied to nuclear power plants which uses a number of hypothetical accidents to set safety design requirements has also been in part responsible for this.

I hope our study will help people under-

[1] "A Study of Earthquake Losses in the Los Angeles, California Area" Prepared by NOAA for the Federal Disaster Assistance Administration, 1973.

stand that the most likely consequence of a core melt accident, which itself is unlikely, would be quite modest, in fact, no worse than many other kinds of accidents such as fires and airplane crashes that society has experienced. Just as it is possible to imagine an airplane crash producing 10 or 100 times more serious consequence than the average under a very unlikely set of circumstances, it is also possible to identify an unlikely set of circumstances in which reactor accidents could produce much more serious consequences.

The question that now arises is whether Price Anderson legislation is still needed. We now have about 40 nuclear plants in operation and more than 110 more under construction or on order. These 150 plants represent about a 70 billion dollar investment. According to several recent studies, they can be expected to produce electricity for about one half a cent a kilowatt hour less than fossil fuel plants at current fuel prices. If these plants have a load factor of 70% they will represent an annual savings to society of more than 4 billion dollars over the cost of electricity produced by fossil plants. It should thus be clear that even if a reactor accident were to occur that caused significant property damage, the savings in cost of electricity due to use of nuclear power combined with the low likelihood of such an accident indicates that the property damage costs would not represent a large burden on our economy. It seems to me that by the middle 1980's the nuclear power industry should be quite capable of dealing with any loss it might possibly encounter.

I believe the present legislation you are considering which provides for a gradual phasing out of the Price-Anderson insurance and a take over by the insurance pools and the nuclear industry is a good approach to this problem. At this time, I see no reason for changing the current 560 million dollar limit. Of course, completion of the Reactor Safety Study may shed more light on this matter.

While it is possible there may be nuclear accidents with more severe consequences, so are there accidents possible in many other industries that go beyond the levels of insurance obtainable. It is also possible to imagine very unlikely circumstances in many industries that would lead to public consequences beyond the financial capabilities of these companies. This is true of some of those companies that process and transport large quantities of explosive, poisonous, or flammable materials. It may also apply to some of those companies that supply large quantities of food and medicine.

Society accepts these risks because the commodity being handled is considered essential, because the event is so unlikely that it is not considered to be credible, or, perhaps in a few cases, because it is not understood how large the consequences might be.

Past history has shown that when natural or man-caused events such as this occur, society, usually through its government, acts to help the victims of the unfortunate event. I have no doubt that should an event of this type happen in the nuclear or any other industry the Congress and the government would take whatever action was necessary to help those involved.

In summary I believe that the proposal before you represents a reasonable way to phase out the Government responsibility for nuclear insurance and shift the responsibility to the insurance companies and the nuclear industry. I believe that the current 560 million dollar limit is reasonable value at this time and will cover all combinations of circumstances which can reasonably be considered credible. The National Safety Council now reports that accidents in the U.S. are currently causing 100,000 fatalities per year and an economic loss of 30 billion dollars per year. Any reasonable estimate of probability and consequences of nuclear accidents indicates that they would not have a significant impact on this already large accident burden that society bears.

QUESTIONS AND ANSWERS ABOUT STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, as a strong advocate of H.R. 15000, which phases out the strip mining of coal in the mountains in 6 months and also ends strip mining over periods from 18 to 54 months in other areas, I am frequently asked similar questions concerning reclamation, availability of deep-minable coal and other questions relating to the feasibility of banning strip mining.

In order to clarify the factual data which leads me to the conclusion that strip mining must be phased out, I have prepared answers to a series of questions most frequently asked about strip mining:

Question: In a time of energy shortages, how can you favor the abolition of strip mining? How are we going to make up for that lost energy—half our coal production comes from strip mining.

Much as I would like to, I am not calling for an immediate end to strip mining. We must replace this strip coal production with production from deep mining and this will take time. That is why my bill phases out strip mining over a 4½-year period. In 6 months, all stripping on slopes steeper than 20 degrees will be stopped. In 18 months, stripping on flat lands—slopes less than 20 degrees—will be phased out. Large Western strip mines are given 4½ years to be phased out—this applies to mines west of the Mississippi which produce more than 500,000 tons annually.

This orderly phaseout period will allow deep mining production time to step up to meet the level of lost strip production. According to the most conservative estimates, deep minable economically recoverable with present technology reserves outnumber strippable reserves by a ratio of 8 to 1, 356 billion tons to 45 billion tons. According to the U.S. Bureau of Mines, if we continue to concentrate on strippable reserves, all strippable reserves will be exhausted within 20 years. Appalachian strip reserves would be virtually exhausted in 10 years. The Department of Interior in its recent "Energy Research Program of the Department of Interior" study concluded "We have to rely on underground mining to a large extent, both in the East and in the West".

The first step in replacing the phased out strip coal will be to cut off coal exports, 90 percent of which come from underground mines. The cutoff of coal exports has been advocated by the steel industry as well as by some major utilities. Present projections indicate that exports should total at least 60 million tons in 1974. Excluding the exports to Canada, which would not be cut off, this would mean at least 37 to 40 million tons would be available immediately to replace lost strip tonnage.

The second source of new production lies in unused existing capacity in our deep mines. Most U.S. mines operate two shifts or less each day and many operate only 4 or 5 days per week. The Bureau of Mines has estimated that deep mine production could be increased 42 million tons annually merely by adding a sixth day at existing mines. In addition, 137 million tons could be generated by operating all mines on a three-shift-per-day, 5-day-week schedule. Allowing for downtime, et cetera, approximately 100 million tons could be generated.

A third source of new supply would be to reopen previously closed deep mines. According to the Bureau of Mines, between 1970 and 1972, 752 deep mines closed, but had not exhausted their coal reserves. These mines had an annual production of 28,294,000 tons in their last year of operation. Reopening the 50 largest mines would result in annual production of nearly 14 million tons. With the advent of the energy crisis and the new demand for coal at high prices, a number of these mines are slated to reopen already.

Production from new deep mines can also be expected to provide considerable additional production. The energy crisis has shortened the lead time for opening new deep mines. Approximately 15 major new deep mines have been announced in West Virginia alone. All of these are planned for annual production levels of at least 1 million tons each and are slated to come into full production by 1976–77. Some production is expected from most by late this year. With strip mining shut off, capital investment will flow toward new deep mines. The research department of UMW estimates that 20–35 million tons of additional capacity can be on line in 18 months, the end of 1975.

The final source of additional production is the expansion of the use of longwall techniques. Longwall mining is a far safer technique and recovers more than 90 percent of the reserves as compared with 57 percent for more conventional deep mining methods. Longwall mining is presently responsible for only a small percentage of U.S. coal production. However, Bureau of Mines experts have projected longwall production of more than 80 million tons annually by 1985. The potential for expanded use of this technique in the near future is substantial. The UMW projects 15 million tons additional production by late 1975.

Question: If money and effort are committed by the strip mine operator, is it not possible to achieve successful reclamation? Why do you favor a complete ban, why not allow this mining in those areas where reclamation is feasible?

Answer: The likelihood of success of reclamation is dependent on the characteristics of the mine site. The crucial variables are: slope, sulfur content of coal and overburden, acid-alkali balance in spoil, amount of rainfall, depth and thickness of the coal seam, and amount and quality of topsoil. Successful reclamation has been carried out in Germany and Great Britain. In both countries, conditions for reclamation are ideal: very thick topsoil, moderate rainfall, flat

land absence of acid or alkali spoils. In the United States, this combination is rare indeed. In addition, the Germans and British conduct extensive preparation and site selection prior to mining and commit substantial sums—$4,000 per acre average.

In Appalachia, the combination of steep slopes, pyritic shales, heavy rainfall, and thin topsoil creates monumental erosion problems, sedimentation, landslides, and acid drainage. Newer techniques have reduced environmental damage in the mountains, but the key problems: landslides and sedimentation continue regardless as documented by the recent Mathematica study of eastern Kentucky.

In the flatter terrain of Ohio and the Midwest, reclamation would seem to have a better chance. However, because of the high sulfur content of the coal and of the shale strata above and below the coal seam, acid drainage problems are very serious. Extensive research by Dr. Moid Ahmad of Ohio University and by the Ohio Department of Natural Resources have found that even when toxic materials are buried and compacted, leaching of acid and toxic elements has continued. While reclamation efforts in the Midwest occasionally produce esthetically pleasing sites, this can be quite misleading since degradation to neighboring streams and to ground water systems is often being caused by these same reclamation sites.

The arid lands of the West present still another set of reclamation problems. Western lands are characterized by very thin topsoil, low rainfall, alkali, saline, and sodic spoils—no acid producing materials—and the general scarcity of water. Recent research by the National Academy of Science, by Dr. Robert Curry of the University of Montana, and by the Montana Bureau of Mines has all indicated that reclamation in the west faces grave difficulties.

The key to western reclamation is water—the arid areas of the west, according to the academy study, should be declared national sacrifice areas—reclamation is impossible. In areas with a little more rainfall possibilities for revegetation are greater but additional problems come into play.

If the area is a subirrigated hay meadow or alluvial valley floor, mining and reclamation in a particular site may be possible—at tremendous cost to downstream water users. Once part of an alluvial valley floor has been mined, it acts as a sponge soaking up water which previously continued on down to other users.

This is the secret of the relatively successful Amax mine near Gillette, Wyo. The test grasses growing at Amax are soaking up water that ranchers downstream desperately need. Similarly, strip mining of aquifers, the strata which carry water below ground, will disrupt surface and ground water systems.

In many parts of the West, the strippable coal seam is the aquifer. While localized reclamation may be possible the impacts of mining and reclamation will be far greater for the region as a whole. In short, strip mining of the western lands poses potentially graver problems than even the disastrous stripping of the hills of Appalachia.

Question: Would it not be possible to pass a very tough regulatory bill with standards guaranteeing total reclamation and then follow it up with really tough enforcement?

A bill requiring total reclamation and tough enforcement would be in effect an abolition bill because it is virtually impossible to eliminate all environmental damage caused by strip mining. Therefore, a really tough set of regulations would force the regulatory authority to choose between abolition of strip mining or flexibility in enforcement. This decision should not be left to the regulators.

Of course, regulatory authorities do not operate in an ideal vacuum—enforcement is to a great degree a function of the relationship between the inspector and the operator. In the Appalachian region, this relationship has repeatedly resulted in coal industry domination of the regulatory authority. Coal is the major industry in Appalachia—it exerts tremendous influence over the legislatures, the county courts, and the State agencies. In the milieu, tough enforcement of strip mining regulations is impossible.

In West Virginia, a top official in the Department of Natural Resources resigned because strip mine operators were being aided in bending the law by inspectors and employees of the Department.

More recently, an in-depth study of enforcement in eastern Kentucky conducted by Mathematica for the Appalachian Regional Commission has revealed the serious problems with enforcement. The study states:

The charge that the law has not been vigorously and impartially administered has some basis in fact.

The study details how the inspectors in Pike County, Ky., had failed to report violations. As the Commissioner of the Kentucky Department of Natural Resources stated:

This supervisor submitted glowing reports of compliance . . . The reports and what I saw didn't match. What I saw was far from satisfactory.

The study concluded that inadequacies in training and failures to report detected violations were the major enforcement problems.

Examples of this type are legion in Appalachia. The miles of highwalls, sediment laden streams, and landslides bear grim testimony to the failure of State legislation and State enforcement throughout the mountains.

Question: If tough enforcement for strip mining legislation is impossible, then why did you support the 1969 Coal Mine Health and Safety Act? If enforcement is impossible, why didn't you push for abolition of deep mining to protect the safety of miners?

There is one critical difference between enforcement of safety laws and enforcement of reclamation laws. Safety laws have the strong support of the miners because their lives are at stake. In the case of strip mining, the workers are likely to side with the company because it is in the economic interest of the company to do poor reclamation. Poor reclamation means higher production and perhaps higher salaries. In any case, the life of the strip miner is not on the line where reclamation is concerned.

The new leadership of the United Mine Workers has taken a strong stand in favor of safety. Union members at the mines watch safety conditions carefully and push for tough enforcement. There is no similar incentive for tough reclamation—the affected homeowner would have an interest but he is rarely present when the inspector carries out the inspection.

Question: Popular reports have indicated a shortage of coal miners exists at present. If this is the case, is there sufficient manpower available to make the shift from strip mining to deep mining?

A recent Bureau of Mines study carried out by the Institute for Research on Human Resources at Penn State provides considerable insight on this question. The study, entitled "The Demand for and Supply of Manpower in the Bituminous Coal Industry for the Years 1985 and 2000," concludes that in the period 1975–2000 "the probability of shortages, of labor, is very remote." The study estimated that labor supply for 1975 would be 184,739 miners. In addition the study identified a supply of 54,868 "potential miners" for 1975.

The potential miners category includes "persons who were miners at some time prior to 1970 but were employed as nonminers during 1970, as well as other persons who might choose employment in the coal mining industry if working conditions were sufficiently better than those of the next best alternative." The combined labor pool for 1975 would thus be 239,607 miners; 107,808 men were employed in underground mines in 1970, the most recent year for which comprehensive employment statistics are available.

Phasing out strip mining and replacing the lost tonnage completely with deep mined coal could, at its most severe impact, require double the present number of deep miners. The available labor pool for 1975 would be more than adequate to cover this demand.

Note that a substantial amount of production could be replaced by adding a fifth or sixth day to present miners' work schedules not necessitating any new workers. The Bureau of Mines has estimated that 42 million tons could be generated annually merely by adding a sixth day.

Question: How can you favor a shift to deep mining when deep mining is responsible for the highest fatality rate of any industry in this country? Strip mining is much safer.

Is strip mining really safer? MESA statistics for the first 4 months of 1974, a period when strip mining has been expanding, show that strip mining has been responsible for a higher fatality rate per million man-hours of exposure than deep mining has during this period. The rate for strip mines nationwide was 0.53 per million man-hours as compared with deep mine rate of 0.35 fatalities per million man-hours.

In addition, the captive deep mines

operated by U.S. Steel and Bethlehem Steel have had the best safety records in the industry over the last 6 years, safer than deep mines or strip mines operated by any other major company. The secret of this great record is twofold: the management of the steel companies is committed to safety and these deep mines do not have to face the competitive market pressure of the strip mines. Since strip mined coal is cheaper by several dollars per ton, many deep mine operators are forced to cut corners to compete. And they cut on safety. With the phasing out of strip mining, this will no longer be necessary—we can expect to see a major improvement in the safety of all deep mines. Germany and Britain operate relatively safe deep mines—the steel companies have shown that it can be done in this country as well.

It's interesting to note that the strip mines operated by the number one and two strip mine producers, Peabody Coal and Consolidated Coal, posted fatality rates equal to or exceeding that of all the major deep mine companies in 1972 with the exception of Consol's own deep mines.

Question: What about black lung disease? Strip miners don't get black lung but underground miners certainly do.

Australia once had a black lung problem similar to ours. Australia passed a tough coal mine health and safety law setting standards for dust levels. Today, Australia has virtually no new case of pneumonconiosis. The 1969 Coal Mine Health and Safety Act sets standards modeled after Australia's. If that law is enforced properly, miners entering the mines for the first time in the 1970's should never contract black lung.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. CHARLES H. WILSON of California (at the request of Mr. O'NEILL), for this week, on account of death in immediate family.

Mr. YOUNG of Alaska (at the request of Mr. ARENDS), for today and the balance of the week, on account of official business.

Mr. HELSTOSKI (at the request of Mr. O'NEILL), for today and Wednesday, July 10, on account of personal business in the District.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 60 minutes, today.

Mr. MONTGOMERY, for 60 minutes, on July 16th, 1974.

(The following Members (at the request of Mr. BAUMAN), to revise and extend their remarks, and to include extraneous matter:

Mr. KEMP, for 15 minutes, today.

Mr. SCHNEEBELI, for 15 minutes, today.

(The following Members (at the request of Mr. JOHN L. BURTON), to revise and extend their remarks, and to include extraneous matter:

Mr. HARRINGTON, for 15 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. GONZALEZ, for 5 mintues, today.

Ms. ABZUG, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NELSEN to insert his statement immediately following the statement of Mr. FAUNTROY on S. 3703.

Mr. PERKINS in two instances.

(The following Members (at the request of Mr. BAUMAN), and to include extraneous matter:)

Mr. WHALEN.
Mr. SMITH of New York.
Mr. KEMP in four instances.
Mr. WYMAN in two instances.
Mr. MILLER in four instances.
Mr. BAKER.
Mr. HUBER in two instances.
Mr. GILMAN.
Mr. MINSHALL of Ohio.
Mr. COLLINS of Texas in five instances.
Mr. KETCHUM.
Mr. ABDNOR.

(The following Members (at the request of Mr. JOHN L. BURTON) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in two instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. VANIK in two instances.
Mr. MURPHY of New York.
Ms. JORDAN.
Mr. RODINO in two instances.
Mrs. BURKE of California in 10 instances.
Mr. DINGELL.
Mr. BRINKLEY.
Mr. HICKS.
Mr. MURTHA.
Mr. UDALL in six instances.
Mr. KASTENMEIER.
Mr. OBEY in six instances.
Mr. REES.
Mr. ROONEY of New York.
Mr. VANDER VEEN.
Mr. CORMAN.
Mr. HANNA.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7130. An act to establish a new congressional budget process; to establish Committees on the Budget in each House; to establish a Congressional Budget Office; to establish a procedure providing congressional control over the impoundment of funds by the executive branch; and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 3, 1974 present to the President, for his approval, bills of the House of the following title:

H.R. 29. An act to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees, and for other purposes;

H.R. 1376. An act for the relief of J. B. Riddle;

H.R. 3534. An act for the relief of Lester H. Kroll;

H.R. 5266. An act for the relief of Ursula E. Moore;

H.R. 7089. An act for the relief of Michael A. Korhonen;

H.R. 7128. An act for the relief of Mrs Rita Petermann Brown;

H.R. 7397. An act for the relief of Viola Burroughs;

H.R. 7724. An act to amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research and for other purposes;

H.R. 8660. An act to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances;

H.R. 8747. An act to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia, requiring compulsory vaccination against smallpox for public school students;

H.R. 8823. An act for the relief of James A. Wentz;

H.R. 8977. An act to establish in the State of Florida the Egmont Key National Wildlife Refuge;

H.R. 9281. An act to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes;

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims;

H.R. 11105. An act to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes;

H.R. 12412. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations to provide disaster and other relief to Pakistan, Nicaragua, and the drought-stricken nations of Africa, and for other purposes;

H.R. 12799. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes;

H.R. 13221. An act to authorize appropriations for the saline water program for fiscal year 1975, and for other purposes;

H.R. 14291. An act to amend the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in additional geographic areas, pursuant to the International Convention for the Northwest Atlantic Fisheries, 1949, and for other purposes;

H.R. 15124. An act to amend Public Law 93-233 to extend for an additional 12 months (until July 1, 1975) the eligibility of supplemental security income recipients for food stamps; and

H.R. 15296. An act to authorize the Commissioner of Education to carry out a program to assist persons from disadvantaged backgrounds to undertake training for the legal profession.

ADJOURNMENT

Mr. JOHN L. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 10, 1974, 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:

2526. A letter from the President of the United States, transmitting notice of his intention to exercise authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to provide assistance for Suez Canal clearance projects in fiscal year 1975, pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2527. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the secretaries of the military departments to reimburse nonappropriated fund instrumentalities located in the Ryukyu Islands and Daito Islands, Japan, for increased costs in severance pay entitlements of their Japanese employees incurred as a result of the reversion of those islands to Japan; to the Committee on Armed Services.

2528. A letter from the Deputy Assistant Secretary of the Interior, transmitting the annual report of the Interim Compliance Panel for calendar year 1973, pursuant to section 5(f)(2) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173); to the Committee on Education and Labor.

2529. A letter from the U.S. Commissioner of Education, Department of Health, Education, and Welfare, transmitting a copy of the proposed schedule of family contributions for use in the basic educational opportunity grants program during the 1975–76 academic year, pursuant to section 411(a)(3)(A)(ii) of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a); to the Committee on Education and Labor.

2530. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a copy of the Acting Secretary of State's findings, determinations, and certifications for providing technical experts to Egypt in the field of entomology, pursuant to section 620 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2531. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting notice of the department's intent to consent to a request by the Government of Jordan for permission to transfer ammunition to a friendly government in the Middle East pursuant to section 3(a) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

2532. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

2533. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of Seneca judgment funds awarded in dockets 342–A and 368–A before the Indian Claims Commission, pursuant to Public Law 93–134 (87 Stat. 466–468); to the Committee on Interior and Insular Affairs.

2534. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of Washoe judgment funds awarded in docket 288 before the Indian Claims Commission, pursuant to Public Law 93–134 (87 Stat. 466); to the Committee on Interior and Insular Affairs.

2535. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the appropriation of such sums as may be necessary to rehabilitate Eniwetok Atoll, Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

2536. A letter from the Director, Pacific Northwest Regional Commission, transmitting a resolution adopted by the Commission requesting Congress to conduct an investigation to develop a basis for subsidized commuter air service; to the Committee on Interstate and Foreign Commerce.

2537. A letter from the Commissioner Federal Prison Industries, Inc., Department of Justice, transmitting the annual report of the Board of Directors for fiscal year 1973, pursuant to 18 United States Code 4127; to the Committee on the Judiciary.

2538. A letter from the Administrator, General Services Administration, transmitting a report of a building project survey for San Pedro, Calif., pursuant to the Public Building Act of 1959, as amended; to the Committee on Public Works.

2539. A letter from the Administrator, Environmental Protection Agency, transmitting a report on waste oil disposal, pursuant to section 104(m), Public Law 92–500 (86 Stat. 816); to the Committee on Public Works.

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. MORGAN: Committee on Foreign Affairs. H.R. 14780. A bill to authorize appropriations for fiscal year 1975 for carrying out the provisions of the Board for International Broadcasting Act of 1973; with amendment (Rept. No. 93–1180). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. S. 1868. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome (Rept. No. 93–1181). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. Senate Concurrent Resolution 72. Concurrent resolution extending an invitation to the International Olympic Committee to hold the 1980 winter Olympic games at Lake Placid, N.Y., in the United States, and pledging the cooperation and support of the Congress of the United States; with amendment (Rept. No. 93–1182). Referred to the House Calendar.

Mr. CULVER: Committee on Foreign Affairs. H.R. 15487. A bill to authorize the Secretary of Commerce and the Secretary of the Treasury to conduct a study of foreign direct and portfolio investment in the United States, and for other purposes; (Rept. No. 93–1183). 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. ASPIN (for himself, Mr. MAZZOLI, and Mr. HOWARD):

H.R. 15801. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

By Mr. DINGELL (for himself, Mr. GROVER, Mr. BURKE of Massachusetts, Mr. ECKHARDT, Mr. THOMPSON of New Jersey, Mr. CHARLES WILSON of Texas, Mr. SEIBERLING, Mrs. SCHROEDER, Mr. MOSS, Mr. TIERNAN, Mr. ANDERSON of California, Mrs. GRASSO, Mr. RIEGLE, Ms. HOLTZMAN, Mr. OBEY, Mr. ROBINSON of Virginia, Mr. CLEVELAND, and Mr. GUNTER):

H.R. 15802. A bill to amend the Fishermen's Protection Act of 1967 in order to strengthen the import restrictions which may be imposed to deter foreign countries from conducting fishing operations which adversely affect international fishery conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 15803. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 15804. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. GILMAN:

H.R. 15805. A bill to amend the Age Discrimination in Employment Act of 1967 to remove the 65-year-age limitation; to the Committee on Education and Labor.

By Mr. GOLDWATER (for himself, Mr. KOCH, Mr. COTTER, Mr. GUNTER, Mr. HAMMERSCHMIDT, Mr. MATSUNAGA, Mr. QUIE, Mr. ROE, Mr. SCHERLE, and Mr. SEIBERLING):

H.R. 15806. A bill to protect the constitutional right of privacy of individuals concerning whom identifiable information is recorded by enacting principles of information practices in furtherance of articles I, III, IV, V, IX, X, and XIV of amendment to the U.S. Constitution; to the Committee on the Judiciary.

By Mr. MARAZITI:

H.R. 15807. A bill to guarantee the right of employees to organize and bargain collectively which safeguards the public interest and promotes the free and unobstructed flow of commerce; to the Committee on Education and Labor.

H.R. 15808. A bill to provide that employees of States and political subdivisions thereof shall be subject to the provisions of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. REES:

H.R. 15809. A bill to amend the Bank Holding Company Act of 1956 to authorize the Board of Governors of the Federal Reserve System to regulate the issuance and sale of debt obligations by bank holding companies and their subsidiaries; to the Committee on Banking and Currency.

By Mr. ROGERS:

H.R. 15810. A bill to amend the Marine Mammal Protection Act of 1972 to prohibit the intentional killing or injuring of porpoises, manatees, and other marine mammals pursuant to permits authorizing the taking of such mammals incident to commercial fishing operations; to the Committee on Merchant Marine and Fisheries.

By Mr. RUPPE:

H.R. 15811. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Mr. BADILLO, Mr. BINGHAM, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. DRINAN, Mr. EDWARDS of California, Mr. HECHLER of West Virginia, Mr. MATSUNAGA, Mr. MOAKLEY, Mr. ROE, Mr. STARK, Mr. STOKES, Mr. TIERNAN, and Mr. WRIGHT):

H.R. 15812. A bill to authorize research, development, and demonstration projects relating to new techniques of protein production, fertilizer production, and process-

ing vegetable protein, and an education program to encourage market acceptance of products produced by such methhods; to the Committee on Agriculture.

By Mr. SISK:

H.R. 15813. A bill to amend chapter 55 of title 10, United States Code, to provide contract medical care for disabled persons divorced from active and former members of the uniformed services; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

509. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to recognizing the Choctaw Indian Community at Jena, La., as an Indian Tribe; to the Committee on Interior and Insular Affairs.

510. Also, Memorial of the Legislature of the State of Arkansas, relative to federally mandated devices on automobiles; to the Committee on Interstate and Foreign Commerce.

511. Also, Memorial of the Legislature of the State of Iowa, relative to a study by the National Science Foundation on energy resources; to the Committee on Science and Astronautics.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DULSKI:

H.R. 15814. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. MIZELL:

H.R. 15815. A bill for the relief of John Czarnecki; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 15816. A bill for the relief of Antonio Miguel Callender; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 15817. A bill for the relief of Leah Maureen Anderson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

456. By the SPEAKER: Petition of the city council of Meriden, Conn., relative to Americans missing in action in North Vietnam, Laos, and Cambodia; to the Committee on Foreign Affairs.

457. Also, petition of the Fifth Circuit District Judges' Association, New Orleans, La., relative to the statutory structure of the circuit councils; to the Committee on the Judiciary.

458. Also, petition of the Southern Environmental Resources Conference, Oklahoma City, Okla., relative to the use of water resources; to the Committee on Public Works.

459. Also, petition of the city of Midwest City, Okla., relative to providing resources for water pollution control; to the Committee on Public Works.

SENATE—*Tuesday, July 9, 1974*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, unto whom in all ages men have lifted up their hearts in prayer, as we come to Thee, deliver us from all coldness of heart and indolence of attitude that we may learn that to pray is to improve work and to work is to worship Thee. Help us to shut out all distracting sounds, obstructing movements and the confusion of many voices that we may hear Thy voice and be sure it is Thy voice. Spare us from slavery to desk pads and appointment calendars, from hours cluttered with trivia, corroded by deadening delays, from procedures which magnify little things and minimize great and profound needs. Help us to sort out our priorities according to the standards of Thy kingdom. Give us the value judgments of the Son of God and Son of Man who went about doing good and in whose name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 8, 1974, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under "New Report."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination will be stated.

FEDERAL MARITIME COMMISSION

The assistant legislative clerk read the nomination of James V. Day, of Maine, to be a Federal Maritime Commissioner.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 945 and 947.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INFLATION POLICY STUDY BY THE JOINT ECONOMIC COMMITTEE

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 93) relating to an inflation policy study, which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the resolving clause and insert in lieu thereof:

That the Joint Economic Committee, or any subcommittee thereof, as authorized by the Employment Act of 1946, shall undertake, as soon as possible—

(1) an emergency study of the current state of the economy and of the problems relating thereto, with special reference to inflation, including, but not limited to, such inflation-related problems as Federal spending; tight money and high interest; food, fuel, and other shortages; credit policies; export policies; international exchange rates; and indexing; and

(2) to provide the Congress with specific recommendations for legislation to remedy the existing ills and improve the performance of the economy.

SEC. 2. (a) For the purposes of this concurrent resolution, the Joint Committee, or any subcommittee thereof, is authorized from July 1, 1974, through December 31, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(1) of the Legislative Reorganization Act of 1946, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) Subpenas may be issued by the Joint Committee, or subcommittee thereof, over the signature of the chairman or any other members designated by him, and may be