ment of disputes is in the end perhaps the most significant justification for the accommodations we are all being asked to make.

Objectives for the Caracas session. It is the view of my delegation that the conference should strive to adopt an entire treaty text this summer. What is required to do so is not so much technical drafting as the political will to decide a relatively small number of critical issues. Once these decisions are made, the number of treaty articles required to implement them for the territorial sea, straits and the economic zone would not be large. The deep seabed regime will require more articles, and the first committee should concentrate on the preparation of agreed articles whenever this is possible.

What an electrifying and heartening development it would be for the international community, and what a deserved tribute to our Latin American host, if we could adopt an agreed text this session!

If we do not at least try to reach agreement on the treaty this summer, we may well not even achieve the basic minimum required to finish next year and in the interim prevent further unilateral action prejudicial to the success of the conference.

The minimum objective for Caracas, as we see it, is to complete treaty texts on most, if not all, of the critical articles—the territorial sea, straits, the economic zone, the seabed regime and the authority's functions, pollution from ocean uses, and scientific research. To achieve this objective, it is critical to recognize now that neither a statement of general principles, nor articles which define the rights of coastal states and of the seabed authority without defining their corresponding duties, would be satisfactory, or indeed at all acceptable, to a number of delegations including our own.

As I indicated at the outset there is already a very general agreement on the limits of the jurisdiction of coastal states and the seabed authority provided we can agree on their corresponding obligations. It is the negotiation of these duties that should be the main thrust of the negotiations this summer.

This is not, as some delegations have implied, an attempt to destroy the essential character of the economic zone—to give its supporters a juridical concept devoid of all substantive content.

On the contrary, the coastal states' exclusive control over the nonrenewable resources of the economic zone is not being challenged. In the case of fisheries; coastal state management and preferential rights over coastal and anadromous species would be recognized. The principle of full utilization will ensure that renewable resources which might not otherwise be utilized will give some economic benefit to the coastal state and help meet the international community's protein requirements. Agreed international conservation and allocation standards for the rational management of tuna should in the long run benefit coastal states which seek to engage in fishing these species and would maintain the populations of the tuna that migrate through their zone. Finally, most states are prepared to agree to coastal state enforcement jurisdiction with respect to resource exploitation within the economic zone.

Gentlemen, we have come to Caracas prepared to negotiate on these critical questions. They are not merely the legal fine print to be filled in once general principles have been agreed, but the very heart of the conditional consensus we are well on the way to achieving. Years of preparation have brought us to the moment when we must complete the task that we have undertaken. We must not let this opportunity pass. Thank you, Mr. President.

EXTENSION OF TIME FOR COMMITTEES TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may have until 5 p.m. tomorrow to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY JULY 15, 1974

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and at 6:08 p.m. the Senate adjourned until Monday, July 15, 1974, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate July 11, 1974:

THE JUDICIARY

Murray I. Gurfein, of New York, to be a U.S. circuit judge, second circuit, vice Paul R. Hays, retiring.

IN THE MARINE CORPS

The following-named (Navy Enlisted Scientific Education Program) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Best, William F.
Decker, Robert E.

The following-named (Marine Corps Enlisted Commissioning Education Program) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Graff, Joseph G.
Keogh, William P.
McVay, Gerald T.
Mitchell, Douglas M.
Radosevich, James D.
Triplett, Charles F.

The following-named (Naval Reserve Officer Training Corps) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Graus, Robert J.
Ince, Michael D.
Menendez, Thomas J.

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapters 35 and 837, title 10, United States Code:

LINE OF THE AIR FORCE

LIEUTENANT COLONEL TO COLONEL

Bell, Elmer R., XXXX
Bradley, Fred F., xxx-xx-xxxx
Brosky, John G., xxx-xx-xxxx
Casagrande, John G., xxx-xx-xxxx
Cole, Alfred B., xxx-xx-xxxx
Conley, John B., xxx-xx-xxxx
Corn, Samuel E., xxx-xx-xxxx
Debard, Robert L., xxx-xx-xxxx
Dissinger, Glenn T., xxx-xx-xxxx
Dotson, Frank L., xxx-xx-xxxx
Dvorak, James B., Jr., xxx-xx-xxxx
Flournoy, Houston I., xxx-xx-xxxx
Hermanson, Richard V., xxx-xx-xxxx
Hettlinger, Frank L., xxx-xx-...
Hudgins, Richard S., xxx-xx-xxxx
Jewhurst, John H., xxx-xx-xxxx
Keim, Kenneth B., xxx-xx-xxxx
Kenneally, James J., xxx-xx-xxxx
Linsmeier, Francis G., xxx-xx-xxxx
Miller, Bernard L., xxx-xx-xxxx
Moore, Clayton D., xxx-xx-xxxx
Morrisey, Edmund C., Jr., xxx-xx-...
Neal, Robert A., xxx-xx-xxxx
Rodosvich, Eli M., xxx-xx-xxxx
Saxton, Philip G., xxx-xx-xxxx
Seibert, Richard C., xxx-xx-xxxx
Stine, Joseph K., xxx-xx-xxxx
Stringfellow, William A., xxx-xx-xxxx
Strope, Philip W., xxx-xx-xxxx
Sullivan, Paul F., xxx-xx-xxxx
Tschida, Robert J., xxx-xx-xxxx
Weber, Melvin A., xxx-xx-xxxx

DENTAL CORPS

Simmonds, James F., xxx-xx-xxxx

MEDICAL CORPS

Johnson, William H., xxx-xx-xxxx
Schley, Philip T., xxx-xx-xxxx
Sims, Eugene W. R., xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Thursday, July 11, 1974*

The House met at 12 o'clock noon.

The Reverend William A. Holmes, Metropolitan Memorial United Methodist Church, Washington, D.C., offered the following prayer:

Almighty God, the Creator of concord and the Author of peace, we stand this day as those who long for harmony in the personal and public dimensions of our lives. Yet, even as we possess and are possessed by this longing, deliver us we pray from counterfeit concord, from crying "peace, peace, where there is no peace," and from simplistic solutions to complex problems. With the convening now of this congressional body, may the decisionmaking process move with urgency beyond rhetoric and into the throes of reason, beyond superficial compromise into the depth of a creative tension, that our concord and peace may bear the mark of Herculean struggle to perceive the common good. This Nation—in the hands of men and God. 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 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. 11385) entitled "An act to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries."

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 House to the bill (S. 2830) entitled "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."

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 House to the bill (S. 2893) entitled "An act 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."

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 House to the bill (S. 3203) entitled "An act to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes."

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

S. 3698. An act to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology.

THE LATE CHIEF JUSTICE EARL WARREN

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

Mr. O'NEILL. Mr. Speaker, the Supreme Court and the family of the late Chief Justice Earl Warren extend an invitation to the Speaker and to all Members of Congress to the following:

To come by the Supreme Court, first floor, main hall, while the Chief Justice's body lies in repose. The body arrived at the Supreme Court at 10 a.m. today, and will remain to 12:20 p.m. on Friday, July 12.

Funeral services will be held at the National Cathedral on Friday, July 12, at 1 p.m. Burial will be at Arlington Cemetery at 3 p.m. on Friday, July 12.

OUR DRUG PROBLEM

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

Mr. WOLFF. Mr. Speaker, on September 18, 1972, the President of the United States said:

Any government whose leaders participate in or protect the activities of those who contribute to our drug problem should know that the President is required by statute to suspend all American economic and military assistance to such a regime and I shall not hesitate to comply with that law where there are any violations.

I consider keeping dangerous drugs out of the United States just as important as keeping armed enemy forces from landing in the United States.

For anyone who is hesitant to suspend assistance to the Turkish Government in light of its lifting of the opium ban, because of the possible repercussions by Turkey to our military position in that country, I urge them to read the interview in the New York Times this morning with Turkish Foreign Minister Turan Gunes. That article reports that:

Foreign Minister Gunes said that even if Washington cut off aid to Turkey, as some Congressmen had threatened, Ankara would not "change the status" of about two dozen vital military bases maintained here under the joint command of the two North American Atlantic Treaty Organization allies.

CAMPAIGN REFORM LEGISLATION

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

Mr. ROUSH. Mr. Speaker, I know you and many colleagues are aware of my personal interest in campaign reform legislation, and of my desire to see this Congress take speedy action on this matter.

One of the newspapers in my home district picked up the story, reporting that I was trying to pry the legislation out of committee.

However, a typographical error made their story read:

Rep. J. Edward Roush is trying to pray campaign reform legislation out of Committee.

Mr. Speaker, I think their version of the story may be better than mine. I do feel very deeply about this matter, and if praying will help matters, I'll certainly give it a try.

STATEMENT OF REPRESENTATIVE BARBER B. CONABLE, OF NEW YORK, CONCERNING A DECLARATION TO CUT SPENDING

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

Mr. CONABLE. Mr. Speaker, some of us view with foreboding the deterioration of the Nation's money markets. Not only is Wall Street reflecting real problems in the equity financing which is so necessary to a healthy capital accumulation consistent with our Nation's needs, but also we are told that there is a dramatic decline in conventional voluntary savings in thrift institutions. Interest rate levels are in themselves evidence enough of a grave erosion of confidence as a result of inflationary expectations.

Mr. Speaker, in the past I have anxiously awaited suggestions and leadership from the executive branch and the Nation's business and banking management about how, as a Congressman, I can be helpful in the economic sphere. Like most of my colleagues, I am not an economist, but one does not have to be an expert at this point to know something is wrong. Even the most uninformed American citizen senses that a substantial part of the problem rests with Government, and that Government is the most obvious point from which corrective leadership should emanate.

Congress is part of the Government. We control fiscal policy, a sore point in everyone's diagnosis. If we are unwilling to raise taxes, and I judge we are unwilling at this point, what is wrong with a clear statement, bipartisan if possible, that the leaders of Congress will support an immediate across-the-board cut in spending of more than a token amount, pending implementation of budget reform? A credible demonstration right now that we are willing to be part of the solution, rather than a continuing part of the problem, would be the kind of reassurance the Nation is looking for.

MAJOR CAMPAIGN FINANCING REFORM LEGISLATION

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

Mr. GUDE. Mr. Speaker, the House will soon have an opportunity to consider major campaign financing reform legislation. The House Administration Committee has completed its work, and a bill will be on the floor shortly.

An analysis of the committee bill reveals two major shortcomings that will need correction on the floor if we are to really create a strong campaign financing law.

First, there is a need for a strong Federal Elections Commission to monitor violations. Having a Commission composed of four incumbent Members of Congress, two congressional employees, and the Comptroller General does nothing to convince the public that we are seriously interested in reform, particularly reforms that restrict the tremendous advantages incumbents now hold. The Frenzel-Fascell amendment would provide for a strong Federal Elections Commission whose members would be far more independent than those in the committee version. I urge support for this amendment.

Second, the mixed system of public-private financing must be extended to include Congressional contests. It makes no sense to say that such a system is right, proper, and necessary for the Presidency, but not for the Congress. Large contributions and the resulting influence which is expected or demanded are as big a problem here as at the White House. The Anderson-Udall amendment, taken largely from the Clean Elections Act of 1973 which I cosponsored, would extend the mixed financing system to congressional elections, and it, too, is worthy of support.

Taken together these amendments tighten and improve the bill and show the public that Congress is committed to campaign reform and serious about imposing strict standards on its Members as well as on the Presidency.

THE USE OF THE PRESIDENTIAL TAPES

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

Mr. DENT. Mr. Speaker, last evening, in the late hours, with perhaps fewer than one-third of the Members of this Congress present, we passed a resolution which was brought up by unanimous consent creating a fund of about $900,000 to print the reports of the Committee on the Judiciary in the impeachment proceedings.

At that time, I called the attention of the Members to the fact that, as I understood it, the report as it was being read would be printed in such a way that only transcripts of the tapes would be printed in the final reports. I said then and I say now to the Members that that is a very dangerous move for us to make, because then, instead of going into the meat and the guts of the issue and considering the proper effect that these tapes may have upon our thinking and upon our votes, we will be in a battle as to whose version of the tapes we will accept as being authentic and authoritative.

Therefore, Mr. Speaker, I intend to ask permission this afternoon to present a resolution stating that it is the sense of the Congress of the United States that if any parts of the tapes are used by the Committee on the Judiciary, then they should be used verbatim and every word should be printed so that all of us will have the same benefit that the Committee on the Judiciary has.

CONFERENCE REPORT ON H.R. 11385, HEALTH SERVICES RESEARCH, HEALTH STATISTICS, AND MEDICAL LIBRARIES ACT OF 1974

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 11385) to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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. ROUSH. 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. 373]

Abzug	Diggs	McEwen
Blatnik	Dorn	McSpadden
Brasco	Esch	Macdonald
Breaux	Evins, Tenn.	Madigan
Broyhill, N.C.	Findley	Metcalfe
Burke, Calif.	Fraser	Mollohan
Burke, Mass.	Fulton	Murphy, N.Y.
Carey, N.Y.	Gray	O'Hara
Cederberg	Griffiths	Powell, Ohio
Chisholm	Gubser	Reid
Clark	Gunter	Rodino
Clausen, Don H.	Hanna	Rooney, N.Y.
	Hansen, Idaho	Shipley
Clay	Hansen, Wash.	Talcott
Conyers	Holifield	Teague
Culver	Jarman	Wilson, Charles H., Calif.
Davis, Ga.	Jones, Tenn.	
Dellums	Karth	
Dennis	Kemp	Young, Alaska

The SPEAKER. On this rollcall 380 Members have recorded their presence by electronic device, a quorum.

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

CONFERENCE REPORT ON H.R. 11295, AMENDING THE ANADROMOUS FISH CONSERVATION ACT

Mr. DINGELL submitted the following conference report and statement on the bill (H.R. 11295) to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93-1190)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11295), to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

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

SEC. 3. (a) Subsection (c) of the first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)) is amended by striking out "60 per centum" and inserting in lieu thereof "66⅔ per centum".

(b) Section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) (as amended by section 2 of this Act) is further amended by striking out "$10,000,000" and inserting in lieu thereof "$20,000,000".

And the Senate agree to the same.

LEONOR K. SULLIVAN,
JOHN D. DINGELL,
GEORGE A. GOODLING,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11295), to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such Act, and for other purposes, submit the following statement to the House and the Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying Conference Report:

PROVISIONS OF THE CONFERENCE REPORT

The House passed bill amended Section 2 of the Anadromous Fish Conservation Act to broaden its coverage to allow for the control of the sea lamprey. Also, the House passed bill amended Section 4(a) of the Act to extend the program for an additional five years, until June 30, 1979, at the present level of funding of $10 million per year.

The Senate concurred in the House passed bill, with an amendment. The Senate amendment to the bill contained language which would amend Section 1(a) of the Act to increase the Federal share of the cost of carrying out projects undertaken by an individual State from an amount not to exceed 50 per centum, as provided by present law, to an amount not to exceed 75 per centum of such costs. The House bill contained no such language. The Senate receded on this issue.

The Senate amendment to the bill also contained language which would amend section 1(c) of the Act to increase the Federal share of the cost of carrying out projects undertaken by two or more States having a common interest in any basin from an amount not to exceed 60 per centum, as provided by present law, to an amount not to exceed 80 per centum of such costs. The House Bill contained no such language. The Committee of Conference recommends that the House recede and accept substitute language to increase the Federal share in carrying out such multi-State projects to a maximum of 66⅔ per centum of such costs.

The Conferees wish to make it clear that they regard multi-State Federal projects as especially desirable in research management and establishment of common stocks of fish occurring in any basin where there is a mutual interest and in this regard encourage the entering into of multi-State project agreements. Benefits to be realized would include detailed planning of projects by the participating agencies, Federally-coordinated results, economy of effort and reduced costs by reducing duplication as compared to individual State-by-State projects. The Conferees also would like to make it clear that when there are limited funds available with which to carry out this Act, consideration should be given to providing priority for multi-State projects.

Finally, the Senate amendment to the bill contained language which would further amend section 4(a) of the Act (as amended by section 2 of this Act), to increase the amount of funds authorized to be appropriated each fiscal year from $10,000,000 to $20,000,000 per year. The House Bill contained no such language. The Committee of Conference recommends that the House recede and agree to this part of the Senate amendment.

It was the feeling of the Conferees that because of the existing backlog of unfunded State requests and the increasing of the Federal share of the cost of carrying out multi-State projects from 60 per centum to 66⅔ per centum, that $20 million would be needed annually in order to adequately carry out the purposes of this Act.

LEONOR K. SULLIVAN,
JOHN D. DINGELL,
GEORGE A. GOODLING,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 11385, HEALTH SERVICES RESEARCH, HEALTH STATISTICS, AND MEDICAL LIBRARIES ACT OF 1974

The SPEAKER. Is there objection to the request of the gentleman from West Virginia that the statement of the managers be read in lieu of the report?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of July 2, 1974.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement 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 we have before us today is on H.R. 11385, the Health Services Research, Health Statistics, and Medical Libraries Act of 1974. This legislation passed the House originally under suspension and the conference report which

we are considering was adopted this week by the Senate by a voice vote.

It is legislation which was originally reported by our Subcommittee on Public Health and Environment and our full Commerce Committee unanimously.

In our conference the most important issue which we faced was whether the legislation should create a single National Center for Health Services Research and Health Statistics, as in the House bill, or separate centers, one for health services research and another for health statistics, as in the Senate bill. Since we had heard testimony in the House favoring both approaches, since the administration supported the creation of two separate centers, and since our Senate colleagues felt strongly that this was the appropriate course, the conference report calls for the creation of two separate centers.

The report is otherwise similar to the original House bill except for the following changes. The centers in the Senate amendment were given slightly broader research and statistical mandates, and were given training authority, and these provisions have been adopted. The House bill called for six independent research centers and the Senate bill called for two centers—one to study health care technology and another to study health care management. As a substitute, two of the six centers required by the House bill are directed to study these subjects. The Senate bill required the centers to provide data to the Congress and the research center to disseminate its results through a special office. These requirements were accepted by the conferees except for the requirement for a specific office.

Finally, the House bill authorized appropriations through fiscal 1975 of $180.7 million. The Senate bill authorized appropriations through fiscal 1978 of a total of $490 million. The conference report authorizes appropriations through fiscal 1976 in the amount of $205 million, $25 million more than the original House and $285 million less than the original Senate bill. We did adopt a provision, since 1976 is not all that far away, which would extend the authorizations through 1977 if the Congress does not reauthorize the programs prior to that time.

The report also contains a technical amendment requested by the Department of Health, Education, and Welfare which restores to law authority for provision of medical benefits to former members of the former U.S. Lighthouse Service. This authority was inadvertantly repealed by Public Law 93-222 and the technical amendment restores it to law without change and without lapse.

Aside from the issue of whether we should have one or two separate centers, the original House and Senate bills were remarkably similar and this conference report contains a very reasonable set of compromises which all of the conferees support. Therefore, I urge your support for it and its adoption.

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

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

Mr. NELSEN. The minority feels the conference committee report very nearly meets the wishes of the country and the committee. I join the chairman in urging the adoption of the report.

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. 3203, COVERAGE OF NONPROFIT HOSPITALS UNDER THE NATIONAL LABOR RELATIONS ACT

Mr. THOMPSON of New Jersey. Mr. Speaker, I call up the conference report on the Senate bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 3, 1974.)

Mr. THOMPSON of New Jersey [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 New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, I rise in support of the adoption of the conference report on S. 3203, a bill to extend the coverage and protection of the National Labor Relations Act to the employees of nonprofit hospitals.

There is virtually universal agreement, Mr. Speaker, that this legislation is needed to bring stability to labor relations in the nonprofit hospital industry.

A much narrower bill, H.R. 11357, was passed in the last Congress on suspension by a vote of 285 to 95.

This bill, S. 3203, was passed by the House 6 weeks ago by a vote of 240 to 58.

The conference report is supported by the administration, labor organizations, several State hospital associations—Republicans and Democrats alike.

The only differences between the House and Senate bills are two House amendments:

The religious convictions amendment; and

The cooling-off amendment.

In the case of both amendments, Mr. Speaker, the Senate receded to the House, with an amendment.

In each instance the intent of the House amendment was not only retained, but perfected and made more workable.

The religious convictions amendment would exempt from union security agreements those health care industry employees who belong to a religion with historically held convictions against joining or financially supporting a union. In other words, Mr. Speaker, such an employee would not have to join a union, or pay dues or initiation fees in order to work.

The conferees on the part of the House insisted on this amendment.

The Senate receded, with a proviso that such employees may be required to pay an amount equivalent to dues and initiation fees to a nonreligious charity.

It is safe to say that virtually everyone connected with S. 3203 is pleased with the action of the conferees. In fact, Mr. ERLENBORN suggested such a procedure in his remarks on the House floor on May 30 of this year.

And so, Mr. Speaker, there is only one other issue over which there could possibly be disagreement:

The cooling-off amendment. That amendment consisted basically of two parts:

First, the appointment of a Board of Inquiry which would investigate and report to the Director of the Federal Mediation and Conciliation Service concerning the settlement of a particular labor dispute; and

Second, a period of time—60 days—during which the Board of Inquiry makes its investigation and report, and during which the parties must maintain the status quo.

Here again, Mr. Speaker, the Senate receded to the House, with a proviso, as follows:

First, that the Board of Inquiry concept should not only be retained but strengthened. To that end it was agreed that the Board of Inquiry should not only investigate labor disputes, but it should make findings of fact and recommendations for their settlement. Further, it would report not only to the Director of the FMCS, but to the parties as well; and

Second, that the period during which the Board of Inquiry would operate should be reduced from 60 to 30 days, and that period should be moved from after contract termination to immediately before.

I would hope that the Federal Mediation and Conciliation Service in appointing the Board of Inquiry will understand the interest of the Congress to redress the past, by providing employees with the right to engage in collective bargaining. Past discrimination against such employees must be eliminated, and such employees must be brought into the mainstream of workers in the United States.

Accordingly, the factors to be considered by the Board of Inquiry in its report should include but should not be limited to the following:

First. A comparison of the annual income of employees in question with the annual income of employees with similar work in similar size enterprises in the locality, State, and Nation;

Second. Adequate provision for job security and fringe benefits, including

health care, pensions, vacations, sick leave, holidays, and so forth;

Third. Cost of living;

Fourth. Career advancement;

Fifth. Equal employment opportunity;

Sixth. Equal pay;

Seventh. Provision for resolution of grievances without strikes; and

Eighth. Job training and skills.

Mr. Speaker, foremost in the minds of the conferees from both Houses was to balance the rights of exploited hospital employees with the delivery of health care. Nearly every provision of S. 3203 encourages the settlement of labor disputes and insures the continued delivery of essential health care—from the extended contract termination notice, to the mandatory mediation, to the 10-day strike notice, to the Board of Inquiry and cooling-off period.

And these special provisions apply to no other industry covered by the National Labor Relations Act.

Let us look at the procedures that must be followed under S. 3203 before a union could terminate its contract and strike:

First, 90 days before termination a written notice to the hospital to start negotiations;

Second, 60 days before termination a written notice to the FMCS and the start of mandatory mediation;

Third, 30 days before termination the Director of the FMCS could appoint the Board of Inquiry to investigate and report on the labor dispute;

Fourth, 15 days before termination the Board of Inquiry reports to the parties with its findings of fact and recommendations for settlement; and

Fifth, 10 days before termination the union would have to give a written strike notice.

Mr. Speaker, I have been involved with labor-management relations for more than 25 years and I can not see how any additional time would further encourage the settlement of disputes.

What is clear to me, however, is that a determined effort is being made to kill this much-needed legislation. The American Hospital Association has stated again and again that it is opposed to legislation extending NLRA coverage to their exploited nonprofit hospital employees. Through the guise of supporting a motion for further conference, they seek to kill S. 3203—a bill that is only before us today as a result of compromise by representatives of hospital associations, labor organizations, House and Senate staff, and the House and Senate conferees.

The only organization that has failed to honor those compromises is the American Hospital Association. Mr. Speaker, they should not be permitted to thwart the will of the House, which—

Voted 285 to 95 in 1972 for NLRA coverage; and

Again, voted 240 to 58 in 1974 for NLRA coverage.

The conference report before us, as well as the bill S. 3203, represents honest compromise. As Secretary of Labor Peter Brennan said in his letter of July 8, 1974, expressing the administration's support for the conference report:

> Although reasonable minds may disagree as to particular provisions of the conference report, we feel that the conferees have resolved the differences between the House of Representatives and Senate in a reasonable way.

That conference report was adopted by the Senate yesterday by a vote of 64 to 29.

Mr. Speaker, I strongly urge my colleagues to vote "aye" on the adoption of the conference report and pave the way for this much-needed legislation.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Minnesota.

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

As the gentleman knows, I am going to support the conference report, and I urge my colleagues to do so. However, I do wish to make some clarifications here, with the object of making some legislative history.

First, Mr. Speaker, for the purpose of clarifying the future application of this legislation, I would like to ask the gentleman from New Jersey these questions:

First, the bill provides that it will be effective 30 days after the date of enactment, but it does not provide effective future direction to parties who will now be covered under Federal law who were formerly covered by State law, or no law at all. It seems clear that regarding unfair labor practices, under the NLRA, only those practices committed after the effective date of the amendment could be processed by the NLRB. But, suppose an unfair labor practice charge had been filed under State law, prior to the effective date of the Federal legislation, would the State be allowed to conclude its inquiry?

Mr. THOMPSON of New Jersey. Actually, there is no provision in the Federal law to preclude the State from concluding its inquiry, since the alleged unfair conduct would have occurred prior to the Federal law taking effect. However, it would seem appropriate for the State to consider Federal procedure and precedent prior to issuing a remedy.

Mr. QUIE. Mr. Speaker, if the gentleman will yield further, what is the application of the legislation on hospitals and unions presently engaged in bargaining under State laws, or even where no law, State or Federal, had previously applied to them?

Mr. THOMPSON of New Jersey. To attempt to answer your question, it seems that those hospitals presently engaged in bargaining will have to meet the requirements of the National Labor Relations Act when this legislation becomes effective. For instance, had a hospital recognized a minority union, it is contemplated that the hospital could no longer continue recognition. It would seem the better practice that if either party questioned the validity of the recognition or the appropriate unit, they should file a representation petition with the NLRB.

Mr. QUIE. Suppose the parties had a contract in effect at the date of enactment of the Federal legislation, would they be allowed to continue under that contract?

Mr. THOMPSON of New Jersey. Mr. Speaker, if that contract met the requirements of the NLRB, it is our intent that it should be allowed to continue in effect for a reasonable period of time and constitute a "contract bar." However, if it did not meet the NLRB requirements, for instance, if it were signed with a minority union, it allowed for discrimination, or it contained an illegal union security clause, it would be questionable whether that contract would constitute a "bar" if a petition for representation were filed. However, if the contract covered a unit the Board might not find appropriate in the original instance, it seems those contracts should also continue in effect until their expiration date, if for a reasonable period of time, since the parties have agreed to that unit.

The SPEAKER. The time of the gentleman has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 2 additional minutes.

Mr. QUIE. Mr. Speaker, if the gentleman will yield still further, I thank the gentleman for his response, and would like some further guidance as to the arbitration issue.

As you know, Minnesota has the Charitable Hospitals Act, which in the case of a labor dispute, ultimately calls for arbitration. Consequently, a number of labor contracts involving hospitals also contain arbitration clauses. Since it is the Board's policy under the Collyer doctrine to defer to arbitration cases in which the parties have agreed to do so, and if certain safeguard are met, I wonder if the Board should defer to arbitration imposed by State law?

Mr. THOMPSON of New Jersey. Mr. Speaker, as the gentleman from Minnesota knows, the Collyer doctrine has been controversial, where two members have continually been issuing strong dissents, but it has been enforced by the Court of Appeals at Toledo, where it has been presented.

Consequently, I would think, unless the Supreme Court eventually rules otherwise, that the Board would continue to defer to contractually agreed upon arbitration clauses in valid bargaining contracts. However, it is apparent that the Federal law preempts any State law, and I am not sure that the Board would defer to arbitration proceedings where they have been imposed by State law. I believe the Board has the expertise to eventually resolve this very complex issue and I believe they should have the discretion to do so.

Mr. QUIE. Mr. Speaker, I again thank the gentleman from New Jersey. In response to my last question the gentleman raised the fact of Federal preemption, which has been of some importance to me and to many of my colleagues from Minnesota, and I am wondering, now that the legislative history has been made, as to whether there is a possibility under section 10(a) of the NLRA for the Board to cede jurisdiction to States which have good, effective, workable State statutes——

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

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 2 additional minutes.

Mr. QUIE [continuing]. Which have created stability in labor relations in hospitals, such as in Minnesota under the Minnesota Charitable Hospitals Act?

Mr. THOMPSON of New Jersey. Mr.

Speaker, I thank the gentleman from Minnesota for asking this question which was asked in almost identical form in the other body yesterday by the senior Senator from Minnesota, and was answered by the chairman of the Senate Labor and Public Welfare Committee.

Mr. Speaker, I again reiterate to the gentlemen on both sides of the aisle from Minnesota, and elsewhere, that in my opinion Minnesota occupies a totally unique position among the States in its enactment and application of its State statute dealing with labor relations in non-profit hospitals. That statute has worked well, and it is apparent that all parties in that State are satisfied with the law.

The NLRA in section 10(a) empowers the Board to cede to any State agency jurisdiction over cases in any industry unless the Board determines the State statute is inconsistent with the corresponding provision of the NLRA. We have disturbed section 10(a) of the NLRA, and the Board could, of course, consider the application of the Minnesota Charitable Hospital Act if it should be called upon to make a determination of whether to cede jurisdiction to that State. As a matter of fact, I would urge the Board upon proper application to exercise its authority pursuant to section 10(a) to cede jurisdiction to the respective State agencies, including Minnesota, over disputes involving nonprofit hospital employees if it determines that a State law is substantially equivalent to the Federal law, which I believe Minnesota's statute to be.

Mr. THOMPSON of New Jersey. I thank the gentleman.

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

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

Mr. ASHBROOK. I yield to the distinguished gentleman from Arizona.

Mr. RHODES. I thank my good friend, the gentleman from Ohio, for yielding.

Mr. Speaker, the conference report we are considering today should not be adopted. While a great majority of the Members of this body are wholly in accord with the stated purposes of covering hospitals under the National Labor Relations Act, this proposal lacks a vital section to protect the public interest.

There is no 60-day cooling-off period in the conference report. I feel that this is a crucial oversight. The field of providing health care is unique. It is a community necessity. In many States there are counties with no hospitals, and many counties with just one hospital. Disruption of vitally needed medical care and services in hospitals would be entirely foreign to the aims of this Congress. Legislating in this field is difficult, and we should take great care to be certain that we provide for maintenance of hospital services while labor disputes are being negotiated.

This body has demonstrated that it wants to extend NLRB coverage to the 1.4 million workers in nonprofit hospitals. This legislation, in the main, has good points. It provides an active role for the Federal Mediation and Conciliation Service (FMCS) to get workers and hospital management into negotiations. It is necessary, to maintain hospital service, that the 60-day cooling-off period be a part of this legislation. It will not hinder the legitimate rights extended to employees of health care institutions. It will balance the rights of patients and the public to availability of health care facilities, with the rights of those who work in them.

The 60-day cooling-off period would be enforced only if the Director of FMCS determines that the dispute threatens a substantial interruption of health care. A special emergency board would report in 30 days. I feel this is a sensible provision, and one that protects the public, and fulfills our intent of extending coverage to workers.

I urge that the House reject the conference report.

Mr. ASHBROOK. Mr. Speaker, I rise in support of the conference report and urge its adoption.

We are all conscious of the concern raised by the hospitals—that they need extra protection in the form of a cooling-off period from alleged irresponsible action by labor unions. The hospitals claim life and limb would be endangered without this extra measure of protection. However, the record does not support their sense of urgency, sincere as it may be. In the first place, proprietary hospitals, nursing homes, homes for the aged, and related facilities, have been covered by the National Labor Relations Act for years and we have not received evidence that lives have been lost, or limb endangered, from any actions by labor unions concerning them. As a matter of fact, recognitional strikes have been lessened in the area of proprietary hospitals and nursing homes simply because the NLRA provides for recognitional procedure.

Second, the major unions in the hospital field have pledged their support for voluntary binding arbitration in their collective bargaining contracts. This appears to be a good faith effort on their part, and evidences concern by those unions for continuity of patient care.

Lastly, the procedures provided in the original bill give an additional measure of protection to health care institutions. For instance, the notice periods in termination or modification cases have been extended from 60 to 90 days—and from 30 to 60 days notice to FMCS and State agencies—and new notice period of 30 days has been provided in instances of initial negotiations. This additional protection to health care institutions has been expanded to include mandatory mediation by the FMCS during the notice periods to them. But, most importantly, labor unions are required to provide all health care institutions an advance 10-day strike notice. The mandatory mediation, as well as the 10-day strike notice are concessions the labor unions have acknowledged in the interest of uninterrupted delivery of health care. They are exceptional protections to health care institutions.

Despite these extra measures of protection written into the original bill, the conferees agreed to a Board of Inquiry procedure. This procedure adds another layer of protection to the public's right to health care. The procedure calls for the Director of FMCS to call for an impartial Board of Inquiry, within the negotiation periods, if he determines that a labor dispute will threaten substantially to interrupt the delivery of health care. The Board, within 15 days, makes findings of fact and recommendations and the status quo would be maintained for an additional 15 days.

It is contemplated that with issuance of the Board's recommendation, public pressures, as well as good bargaining strategy, will effectively force the parties to reach agreement.

And this agreement is what both labor and management, as well as the public, is seeking.

Furthermore, the fact that the Board of Inquiry is operating at the same time as the FMCS is engaged in mediation is not a drawback, and can be accomplished with a minimum of effort.

The specter of strikes, the fear of hospitals turning patients out on the street concerns all of us. I think this bill helps lessen this prospect. In the long run, the only real factor to prevent strikes in our free system is the improvement of the collective bargaining climate in the health care industry. I believe that the adoption of this report and enactment of this law will be a great step in that direction.

Once again, I want to say that there is no real difference between employees of nonprofit hospitals and employees of profit hospitals, and virtually little difference between employees of hospitals and other service employees in this country. As a matter of equity, hospital employees should be relieved of the continuing unwarranted discrimination against them. Therefore, Congress should grant the basic rights of representation and collective bargaining to employees of nonprofit hospitals. The conference report does so, and at the same time offers protection against work interruptions. I urge adoption of the conference report.

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

Mr. ASHBROOK. I yield to the gentleman from New Jersey.

Mr. FORSYTHE. Mr. Speaker, I rise in opposition to the conference report.

Mr. Speaker, the history of labor-management relations in this country clearly demonstrates that the effectiveness of a cooling-off period is greatest once the existing contract has expired. Rarely does a strike occur prior to the expiration of the contract under negotiation. To eliminate the postcontract cooling-off period, as the conference report under consideration proposes to do, is an abdication of the basic responsibility of this Congress to the American public.

In a public service industry, such as health care, there can be no excuse for not providing the maximum range of negotiating tools to insure the continuity of care.

Further, I hasten to point out that the postcontract cooling-off period has been a basic tenet of the negotiating process ever since the passage of the National Labor Relations Act.

While I fully support the overall intent of S. 3202, I cannot support the conference report we are considering today because of this flaw which subverts the basic negotiating process.

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

Mr. ASHBROOK. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I understood the gentleman to say he had the commitment of the union leaders that they would agree to binding arbitration in their contracts. Is that what the gentleman said?

Mr. ASHBROOK. As a matter of fact, if the gentleman will refer to existing contracts between unions and hospitals throughout the country, without the effect of this proposed law being in operation, the contracts do provide for mandatory arbitration. This happens in about 75 percent of these contracts already in existence in the health care field. Unions and management generally are against compulsory arbitration, but specifically in the area of health-care institutions there has been a pronounced inclination on both sides to incorporate provisions which would prevent strikes. I am convinced both sides do not want strikes, and as nearly as I can see it, the major unions in the health care field have pledged their support. Of course, these provisions would have to be entered into the contract and many hospitals have resisted this.

Mr. SNYDER. So what we have is the pledge of existing union officials?

Mr. ASHBROOK. Yes, plus the track record of those who have already negotiated with hospitals in the health care field and have incorporated no-strike provisions or compulsory arbitation provisions in their contracts. It is obviously a two-way street and both sides must agree.

Mr. SNYDER. And of course, there is no commitment of future officials?

Mr. ASHBROOK. There is no way we can make a commitment for them. I merely said unions in the field now have pledge their support for this concept.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I asked the gentleman to yield at this point and I wonder if I may have the attention of the gentleman from Kentucky, because I want to point out that in more than 75 percent of the existing contracts between unions and hospitals there are no strike pledges, and in the RECORD of yesterday, on page 22577 are letters from the presidents of four of the major unions involved in addressing themselves to this point and expressing their willingness to have either mandatory bargaining processes or compulsory arbitration or no-strike contracts. The history of the difficulties in the hospital industry until very recently has been that in excess of 90 percent of the strikes, until a year or so ago, were for recognition purposes.

Mr. SNYDER. Mr. Speaker, if the gentleman will yield further briefly, there are two fallacies in what the gentleman says or two holes in what he says. One is if I am in one of the 75 percent of the hospitals that have such contracts with provisions against strikes when I am ill, I am fortunate, but my chances are not so good if I am in one of the other hospitals. Secondly, the commitment of existing officials of the unions could not be binding on officials in the future.

Mr. ASHBROOK. I would say to the gentleman there certainly is some accuracy in his statement but the other side of the coin is that in that 25 percent he refers to, many of the hospitals have refused to make it a part of their contract. As to the matter of succeeding generations, the gentleman from Kentucky is correct. We have incorporated basic features in this bill as safeguards which will operate to protect the public regardless of the future disposition of union leaders or hospital administrators.

The SPEAKER. The time of the gentleman has expired.

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

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

Mr. ASHBROOK. I yield to the gentleman.

Mr. SNYDER. An unrelated question that was asked was concerning people that belong to religious organizations whose scruples prohibit them from joining unions. As I understand, they would have to make a payment in an amount equal to their dues to a nonreligious charity.

Mr. ASHBROOK. Nonreligious charity, that is correct.

Mr. SNYDER. What about people of religious orders that work in hospitals where there are no scruples, particularly Catholic hospitals with nuns; do they have to pay dues and initiation fees?

Mr. ASHBROOK. I would think in many such hospitals there would be difficulty in organizing them. In the case the gentleman is citing, yes, they would, if the hospital and union had negotiated a union security clause.

Mr. SNYDER. The nonreligious payment to be made in lieu of dues by those who had religious scruples against joining, for example, the Seventh-day Adventists; but the Catholics have no scruples against joining. Would they have to pay the initiation fees and dues?

Mr. ASHBROOK. If the parties had a union security clause, yes.

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

Mr. ASHBROOK. I yield 10 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, the first point I would like to make and have everyone clearly understand is that I do not oppose the coverage of not-for-profit hospitals under the National Labor Relations Act. As a matter of fact, I supported the bill that passed in the last Congress. I support this bill and I voted for the passage of this bill; so I am not here asking anyone to vote against the conference report for the purpose of trying to kill this legislation. I would like to see a good bill passed; but I do ask everyone to vote against this conference report, I think, for good reasons.

The second point I would like to make is that there has been talk by those here who support the conference report of a so-called compromise. Let us put that in quotes, "compromise." I would ask those who talk about compromise, whom did they compromise with? It seems to me a conference is when we find two people with differing opinions getting together and agreeing on some position in between. It takes two to make a compromise, just as it takes two to tango. There was no compromise in this conference.

I would submit there was no chance for a compromise in this conference. There were widely divergent views on one aspect of this legislation, the 60-day cooling off period. The House asked to go to conference the very night, and Members will recall it was late at night, the very night that the bill passed. The House conferees were named by the Speaker that evening. As a matter of fact, I was not on the floor. I was not aware it was done; but, on the key issue, the 60-day cooling off period, of the seven conferees appointed by the Speaker, five were opposed to the cooling off period on the record. Two supported it.

So I submit that the composition of the conference, and I have made this point before on the floor of the House, was contrary to the spirit of the rules, if not contrary to the letter of the rules, and contrary to some of the precedents of the House. With that composition, there was no chance to compromise, because a majority of the conferees representing the House were opposed to the House position.

So what is the so-called compromise? The compromise is something that was written by the Laborers' International Union, which was submitted to me and I said no. I told them this really is worse than no 60-day cooling off period at all.

Really, it would be better if we had nothing than to take what is suggested now. What they suggested was to take the so-called cooling off period and place it within the negotiating period. We do not need to cool people off when they are negotiating. The cooling off period is needed when an impasse has been reached and the parties have gotten to such a position that they no longer are talking to each other, and a strike is either imminent or an actuality. That is when a cooling off period is needed.

To make this appear as though some sort of compromise had been achieved in the acceptance of this provision by a 30 day period within the negotiating period, I submit, is not a cooling off by any stretch of the imagination. What it is, is a device which will interfere with the regular negotiation process.

I would like to read a critique of the conference report that was written by a labor lawyer from Chicago, Mr. Richard Epstein.

He said:

The rationale for the cooling-off period in the form it was enacted originally by the House was to formulate a mechanism which could provide a genuine opportunity for parties at impasse:

1. to resolve a dispute where a work stoppage would likely create a community emergency; and

2. find an adequate substitute for the negotiating process which had failed; and

3. to achieve all this without either compulsory arbitration or a surrender of the right to strike.

Mr. Epstein goes on to say:

A genuine compromise is not a bad idea. The original cooling-off arrangement was in fact a compromise of strongly felt competing goals. But the Conference Committee, in adopting the labor position has given to you a counterfeit—an *apparent* compromise (the motions and steps are there), which is in fact worse than if the cooling-off period did not survive at all.

Moving the cooling-off steps into the traditional bargaining time in the charade of a compromise will in fact make regular bargaining unlikely, impossible or intolerably difficult.

That, I think, is an accurate appraisal of what the provisions of the conference report will do.

One other point I would like to make quite clear: The other body has acted on the conference report. They have adopted it and they have discharged their conferees. Many think that this means that we only have a choice of either accepting the conference report and thereby enacting this legislation, or rejecting it and the whole thing is down the drain. This is not true. We can vote "no" on this conference report and this legislation will still be alive. I would want it to be alive because I support the basic legislation. We can vote "no" on the conference report; we can then ask the other body to reconstitute a conference—not the same conferees. I would hope that the next time we have a conference that we have conferees from the House who support the House position, who will negotiate for a real compromise instead of this counterfeit which has been given us .

Mr. Speaker, I feel strongly about this because we are talking about the public interest. We are talking about terribly necessary health care. We are talking about a cooling off period only when an independent third party, the Director of the Federal Mediation and Conciliation Service, finds that there would be a serious disruption of health care service for a community. That would be the only time the cooling off period would be invoked.

I think it is important. I think we should put the public welfare ahead of that which is trying to be forced down our throats by those who want this legislation to pass only in the form that they want it and not in the form that the House passed it.

I think the House ought to have an opportunity to have its will worked and not have the House position sold out in conference. The very first motion in conference I made was to stick with the House position. The first bargaining position we would have had would have been for our conferees to say, "Yes, we like the House bill."

We had a record vote on that. It fell 5 to 2, which shows that 5 of our 7 House conferees went to that conference ready to sell out the House position and would not even once go on record as supporting what the House passed.

I think that that is not the democratic process. As I say, I think it is contrary to the spirit, if not the letter, of House rules. I hope that we will reject this conference report, that this bill will go back to conference and that the conferees will work out a meaningful and a real compromise.

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

Mr. ERLENBORN. I am happy to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I thank the distinguished gentleman from Illinois for yielding.

Mr. Speaker, I commend the gentleman for his statement and want to associate myself with his position. I, too, support extending NLRA coverage to not for profit hospitals. He is absolutely correct in his analysis. I hope the House will have the courage, the fortitude, and the perseverance not to enter into this so-called compromise. It is not that.

We will do damage, in my judgment, to the delivery of health care service to the people of this country if we do.

I commend the gentleman from Illinois for an eloquent and accurate statement.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman. I want to make one more statement. An issue has been interjected into this controversy in the last few days about a so-called deal and a lack of good faith.

Let me read an excerpt or two from a letter I received from the American Hospital Association:

The American Hospital Association was never a partner, silent or otherwise, in Senator TAFT's negotiations with the various labor organizations. I do not believe Senator TAFT requires any silent partners in this matter or any other matter. I think Senator TAFT is perfectly capable of standing on his own feet, without relying on the American Hospital Association or any other organization for support.

There was no deal made, and therefore, there was no bad faith in not sticking to that deal.

One last point made by the American Hospital Association, which I think is quite important:

One additional thought might be apropos. The whole idea that an outside "deal" could be made and a "draft bill and a draft report" composed by interested non-congressional lobbying organizations—with the expectation that the agreement or treaty would be adopted or ratified by the Congress—is entirely anathema to the concept of legislation by representatives elected by the citizens of the country. It sounds just a little too much like legislation by a professional pressure group rather than by constitutionality approved congressional procedures.

I thoroughly agree. I urge that the conference report be rejected.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. FORD), but would ask that he yield to me very briefly.

Mr. FORD. Of course, I yield to the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, the use of the word "counterfeit" by the gentleman from Illinois is, I think, indeed unfortunate. I do not think that the conferees in any sense are counterfeiters or were dishonest. As a matter of fact, those who voted against the gentleman's amendment on the floor were conferees who changed their position in conference and maintained entirely the principle of the gentleman's amendment, the only difference being a 30-day period instead of a 60-day period.

Mr. FORD. Mr. Speaker, I was one of the conferees who voted against the amendment of the gentleman from Illinois on the floor, because I was totally opposed not to part of it, but to the entire philosophy of it, because it was attempting, as the gentleman is still attempting, to cause the Congress to get into the business of legislating annually the settlement of hospital strikes.

If we would like to repeat the experience that we go through here with the railroad industry every year or two, then we should follow the gentleman from Illinois.

I should like, in fact, Mr. Speaker, to speak to the conferees' rejection of the original postcontract termination cooling-off period offered by the American Hospital Association and the gentleman from Illinois.

The proponents of that cooling-off period contend that it is a procedure analogous to one used in the Railway Labor Act. However, in point of fact it is only part of the rather complicated mechanisms utilized by the National Mediation Board pursuant to that act.

Under the Railway Labor Act, the appointment of an Emergency Board is the last step in an highly integrated process in which the parties have already been subjected to mandatory conferences, protracted mediation, and a formal request to submit the controversy to arbitration. Only then is the dispute presented to the Emergency Board.

Its proponents have suggested that this procedure, which was created especially to fit the needs of the railroad, and later the airline industry, is some sort of a panacea which magically would eliminate any and all strikes. The fact is, although there has been some success, it has not done away with strikes in the industry. Since 1934 there have been 185 Emergency Boards created of which 53 have experienced strikes, and in some cases multiple work stoppages—65 in all. And of these 65, a total of 39 have occurred after the Emergency Board has released its report.

And of greater concern to my colleagues is the fact that the Railway Labor Act's cooling-off period has forced the Congress to reluctantly get involved in legislating solutions to labor disputes. This has occurred eight times since 1963—and four of those instances occurred in the last 5 years.

I am sure my colleagues do not want to become involved in legislating solutions to health care industry labor disputes.

Lest anyone think otherwise, the track record of the Taft-Hartley emergency disputes provision is none the better. To date the cooling-off procedure has been invoked 34 times, and in 29 instances strikes have occurred at some time during the procedure. And in nine instances work stoppages have occurred after the injunction period had run its course.

The conferees rejected the provision

for a 60-day cooling-off period after the termination of the contract because such procedures have historically not eliminated strikes and have unnecessarily prolonged the bargaining process. In addition, they have heightened tensions between the parties, and almost always have caused a hardening of the issues in dispute.

On the other hand, the conferees felt that the agreed upon procedure would positively assist the settling of potential or existing labor disputes before they reached the critical strike stage by working within the collective bargaining process.

I believe that the conferees exercised good judgment by taking this position and by keeping the Congress out of the business of legislating settlements for hospital strikes.

It is really a surprise to hear anyone talking about colleagues from his own party in terms such as "deals," "sellouts," and "counterfeits."

Mr. Speaker, I do not know if the product of this conference is a counterfeit, but if it is, I suppose that we are all subject to the charge of uttering and publishing by bringing it to the Members. However, I am not too unhappy about being thrown into a bag with these good, flaming liberals like Bob Taft on the other side and Bob Stafford who served with us, and the gentleman from Ohio, JOHN ASHBROOK, and others named among the Members here in the House.

It is just silly to come here, after one has already gotten everything but our left arm and our left leg, and begin complaining that he was dealt out. I am a little bit upset also by the fact that the gentleman from Illinois has apparently been "dealing" with big labor, whoever that is. He referred to some kind of an international labor organization that he was dealing with. I am a little disappointed that they did not even bother to talk to me. I will say to my friend, the gentleman from Illinois, they seem to have been doing all their dealing with him.

That may be why others have urged me to walk more than halfway in the gentleman's direction at the time of the conference.

Mr. Speaker, I thought that I was really giving a great deal, as one of the five conferees who voted against the Erlenborn amendment on the floor of this House, when we split the 60 days to 30 days and went half way with the gentleman. How can any Member come to the floor, having been outnumbered by his own count in the conference by a ratio of 5 to 2, when he gets more than half of what he asks for, when he brings it up from zero to more than half way back; and he comes back here and cries to the Members that he has been subjected to nefarious deals and sellouts by a bunch of counterfeiters?

Let us take a look at the list of so-called counterfeiters who signed this conference report, and then I will ask the Members if they think it is fair to characterize their activity in this way. Our colleagues who signed this report include the chairman of the full committee (Mr. PERKINS) and the ranking minority member (Mr. QUIE), the distinguished chairman of the subcommittee (Mr. THOMPSON) and the ranking minority member of the subcommittee (Mr. ASHBROOK), as well as the gentleman from Missouri (Mr. CLAY), and myself.

The gentleman from Illinois is saying to us, "Either do it my way or kill the bill, but do not ever compromise with me, because if I only get half of what I want, or one-third or three-quarters of what I want, and if I do not get the last drop of blood, I am going to come back to the floor and attack your motives, attack your honesty, attack your integrity, and attack your ability, and I am not going to talk about the real issues involved."

The real issue is whether or not we want the National Labor Relations Act be made effective, as the gentleman from Ohio (Mr. ASHBROOK) has said, in order to lay to rest the labor strike that we have in nonprofit hospitals across the country, or whether we want to defeat this conference report, as the gentleman from Illinois would have us do, and leave the status quo as it is and thus allow the jungle warfare that is now going on in many of these hospitals to continue.

Mr. ASHBROOK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HUDNUT).

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

I would simply like to ask the gentleman a question for clarification.

The term, "health care institutions," seems relatively self-explanatory. However, in my district, I have had many questions asked of me about whether or not this covers county and State hospital employees.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield, I will say to the gentleman from Indiana that section 2, subparagraph 2, of the act defines an "employer" as follows:

> "Employer" includes any person acting as an agent of an employer directly or indirectly but shall not include the United States or any wholly owned Government corporation or any Federal Reserve Bank or any State or political subdivision thereof.

So in effect the term, "employer," would exclude coverage from the hospital that the gentleman is mentioning, that is, a hospital operated by a county with Federal, State, or County employees.

Mr. HUDNUT. Mr. Speaker, I thank the gentleman for his clarification.

Mr. ASHBROOK. Mr. Speaker, in conclusion, I would merely indicate that in the debate yesterday in the Senate there appeared to be several areas where Senator WILLIAMS has indicated a somewhat different understanding than is contained in the report or according to my own understanding.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I rise in support of the effort to reject the conference report on S. 3203. I urge that the conference report be rejected because the conference "compromise" of the original 60-day cooling-off period completely negates the intention of the House of giving the public one additional method, or one extra chance, to settle a labor dispute in the critical area of health care delivery.

The House-passed 60-day cooling-off period created an additional procedure which could be selectively invoked to settle a labor dispute where the dispute substantially threatened to interrupt the delivery of health care. That procedure, as passed by the House, did not interfere with the normal bargaining process. It did not surrender labor's basic right to strike nor did it impose compulsory arbitration on the parties. The mechanism was an adequate substitute which could offer the parties an additional opportunity to resolve their differences without inconveniencing the public's right to health care delivery. The "compromise" proposal of the conference committee does not achieve the same result.

First, it is evident that the compromise procedure can only be applied to disputes arising prior to termination or modification of a contract, or during the first 30 days of initial negotiations. For example, under the House-passed amendment the cooling-off procedure would have been applicable to the hospital employee strike in New York City last year—it might have averted the traumatic disruption in health care. However, the conference compromise would not have been applicable to that dispute since the strike took place within the contract term. Also, the House-passed cooling-off period procedure could have been used in the San Francisco nurses strike, had that dispute developed to the point where it would substantially disrupt patient care. However, the conference compromise is worthless in that type situation, since the nurses strike occurred long after their contract had terminated.

If the public is to be protected from interruption in health care delivery, they should be protected similarly at all times and not just during selected negotiation periods.

Second, the "compromise" procedure requires that it be invoked within very limited time schedules. In the event of termination or modification of a contract, the "compromise" calls for the Director of the FMCS to invoke the procedures within 30 days of the normal notice period to the FMCS. This tight timing would require the FMCS to predict, from 60 to 30 days prior to contract termination—far in advance of contract termination—that an impasse will ultimately be reached. Where the parties are engaged in initial bargaining, the Director of the FMCS must determine, within 10 days of notice period to FMCS, that an impasse is going to occur 20 to 30 days in the future, and second, that—at that time—the dispute, if there is one, will substantially interrupt the delivery of health care. This places the FMCS in the very difficult position of predicting far in advance of most of the collective bargaining that an impasse will occur. Personally, I am not in favor of requiring the FMCS to engage in the practice of fortunetelling.

Third, the "compromise" undermines the effectiveness of the collective bargaining process by superimposing an ad-

ditional process on the already required mandatory mediation period; and encouraging the parties to delay serious bargaining until after the factfinders submit their report. It appears to me that such a procedure should not be supported by either management or unions.

Lastly, but most importantly, the "compromise" takes away the selectiveness of the FMCS to invoke the cooling-off process encompassed in the original House-passed amendment. According to the original House amendment, the Board of Inquiry could have been invoked when, and only when, the FMCS Director determined that a labor dispute threatened substantially to interrupt health care delivery. He did not have to automatically invoke the procedure, and was not limited in time when he could do so. The interested parties could not control his actions, but would be subjected to them at his discretion, in the public interest. Consequently, use of the impartial Board of Inquiry in the bargaining process was unpredictable by the parties, and thus would appear to stimulate agreement. The timing of the FMCS entrance into the bargaining process is oftentimes crucial, and the ability to use the services of the FMCS in the most effective way should not be burdened by time limitations, or by the parties being able to predict future actions of the FMCS.

For the above reasons, and in the interest of continuity of patient care, I join the gentleman from Illinois in urging rejection of the conference report. However, I strongly believe that hospital employees are entitled to the basic rights of representation, as other workers in America. Hospital employees should not be penalized or suffer second-class status. It is for this reason that I endorse the concept of collective bargaining for hospital workers. Consequently, I have joined in sponsoring a substitute bill, introduced today by the gentleman from Illinois that guarantees these rights.

This substitute legislation includes the provisions of the original bill, H.R. 13678. It removes the present exemption of nonprofit hospitals from the NLRA, creates a new category of health care institution; extends the present statutory notice period in termination or modification of a contract from 60 to 90 days, and the present 30 day notice to FMCS and State agencies to 60 days; requires a new 30-day notice period in initial negotiations; mandates mediation during the notice periods to FMCS, and requires a 10-day strike notice. In addition, and very importantly, it provides for a 45-day cooling-off period, and adopts the religious freedom amendment as modified in conference.

This legislation introduced today, therefore, reflects the House position, and allows for the additional safeguard of a 45-day cooling-off period to protect the continuity of patient care. This bill is consistent with good labor relations practices. It again must be emphasized that this 45-day cooling-off provision would be invoked only when needed: it is in no sense automatic. The cooling-off period would be allowed to function, if needed, both inside and outside of the contract period.

Let me emphasize again that this is not a vote against the workingman and his unions—it is not a vote against hospital employees enjoying the basic rights of representation and collective bargaining. It is not a vote for compulsory arbitration, or a vote to deny the right to strike. Rather, it is a vote for proper uncluttered and effective legislation governing labor-management relations in our health care industry.

Patient care is not a commodity similar to any other market product, and in dealing with it we must be responsive both to the desires of hospital employees and to the protection of the public. I sincerely believe that labor can and should postpone its most powerful and effective weapon—the strike—for a mere 45 days in order to achieve one additional and possibly critical attempt at continuity of patient care.

Mr. HILLIS. Mr. Speaker, I regret that I feel compelled to vote against the conference report on S. 3203. I am sympathetic to the collective-bargaining process and believe that this approach is superior to Government intervention.

I favor the original intent of S. 3203 which sought to protect the collective-bargaining process and the rights of health care employees. Furthermore, I supported the 60-day cooling-off amendment added to this bill by the House. I see this amendment as a fair safeguard which greatly improved the original legislation. In my mind, the addition of the 60-day cooling-off period offers greater consideration to the hospital patient by setting aside an additional period in which a work stoppage which could create a community emergency could be resolved. This period could be seen as a substitute period for a failure in the negotiating process. I do not see where the inclusion of this period threatens the collective-bargaining process.

While I believe health care employees are entitled to their rights, I must agree with the position of the gentleman from Illinois, Congressman ERLENBORN. In an emergency situation when a work stoppage threatens to affect the best interests of an entire community, the public interests must become the paramount consideration. Uninterrupted hospital care must be provided for each needy citizen. The inclusion of a cooling-off period is necessary in a situation where the postponement of a strike opportunity can be determined to avert a community emergency. The retention of the right to strike is important. Pending a public service strike as in the case of hospital employees, the strike situation must be weighed in relation to the affect of the strike on the community in question. An extension of the negotiating process by the inclusion of a cooling-off period assists all concerned and provides an answer beneficial to all.

Mr. BAUMAN. Mr. Speaker, I cannot support the conference report on the measure, S. 3203, which extends the provisions of the National Labor Relations Act to nonprofit hospitals. During House debate on the initial passage of this measure. I stated that I could not support any proposal which would threaten the delivery of health care services to the people of my district. Granting hospital employees the right to strike would leave the health of many patients in jeopardy especially in rural areas where the next nearest medical facility may be many miles away.

However, the bill as passed by the House did contain an amendment offered by my colleague from Illinois (Mr. ERLENBORN) which provided for a 60-day cooling-off-period which would apply to any strike or labor dispute which would interrupt the delivery of health care. This provision would take effect after the exhaustion of all collective bargaining procedures and would provide for the continuation of essential hospital services for the 60-day period. While I do not favor the adoption of any measure which would threaten the existence of needed medical services, the inclusion of the Erlenborn amendment would avert an immediate strike. I would hope that the House will vote to reject the conference report and allow a new conference committee to include adequate safeguards for the continued availability of health care services. The most important issue here is not the demands of the labor bosses, but the adequate health care of those ill patients who will suffer most if this bill passes as now written.

Mr. KASTENMEIER. Mr. Speaker, like every Member of this House, I am interested in providing guarantees that there will be continuity of patient care in our hospitals across the country. In fact, I firmly believe that this is the prime concern of all of us here. Certainly it is my prime interest. The question really boils down to "How can we best provide that continuity of patient care at the same time we extend the protections of the National Labor Relations Act to employees of nonprofit hospitals?" I believe that the conference report before us today fulfills those two needs.

Both the House and the Senate, in their original consideration of this legislation, recognized that there are special needs within the health care industry which must be considered. Consequently, both bills provided substantially more safeguards than currently apply to other industries covered by the NLRA. Agreement had already been reached on the following requirements: a 90-day notice of termination or expiration of a contract; a 60-day notice to the Federal Mediation and Conciliation Service of such termination or expiration; a 30-day notice of dispute in initial contract negotiations to the FMCS; mandatory mediation between the health care institution and labor organization at the direction of the FMCS; and, a 10-day notice by a labor organization to the health care institution of intention to picket or strike.

The major point of contention between the two bills was the issue of the need and desirability of providing an additional 60-day cooling-off period in the event of a strike. In an effort to reach a compromise and provide some safeguard in addition to those already in agreement, the conferees adopted a mechanism whereby the Director of the

FMCS is permitted to convene an impartial Board of Inquiry in the event a labor dispute threatens to close a health care facility or facilities upon which a community may be dependent. Such a Board can be convened within 30 days after the notice of a contract expiration or within 10 days after the notice of new contract negotiations. This Board would be obligated to make a report within 15 days detailing findings of fact together with recommendations for settling the dispute.

Mr. Speaker, there are some who fear that anything short of a 60-day cooling-off period in the event of a strike would be disastrous for the health care industry. However, experience has shown that so-called cooling-off periods in labor relations have historically been as much an aggravating factor as they have been a settling influence. Such a cooling-off period merely prolongs and interferes with the parties' mandatory obligations to meet and bargain in good faith. It tends to increase tensions and harden positions, with the potential of thwarting achievement of an early collective bargaining agreement. It seems to me far better to require that the parties bargain in good faith for 90 days prior to contract expiration, utilizing the positive forces provided in this bill for settling disputes, than to offer the extra cushion of 60 more days which has the potential for reducing the incentive to reach early agreement. It does not seem to me desirable to unnecessarily prolong labor disputes for 5 months, when the mechanisms are available to reach settlement in 3.

Mr. Speaker, it seems to me that there are two important points to be made in considering this legislation and its implications. First, it is impossible for us to devise a bill which would provide absolute guarantees that strikes will not occur in our hospitals. The recent hospital strikes in New York and San Francisco were conducted in direct violation of court orders. This clearly indicates that no matter what course of action we pursue, strikes still can and might take place.

Second, employees of proprietary hospitals and nursing homes have been covered by the NLRA since 1935. Experience has proven that this has not been generally detrimental for the public or for those employees working in these sectors of the health care industry. With this in mind, we clearly have no justification for continuing to treat employees engaged in the same industry differently merely because they are employed by nonprofit organizations.

It is my view that this conference report provides the kind of good collective bargaining climate that, in the end, is the only thing that can prevent strikes. I believe it has the potential for bringing greater stability to labor-management relations in the health care industry. In short, I feel its positive effects are compelling and support adoption of the conference report.

Mr. BADILLO. Mr. Speaker, I rise in support of this conference report—aimed at correcting a long-standing inequity—and urge its adoption without delay.

For over a quarter of a century, since the enactment of the Taft-Hartley Act, the country's 1.7 million nonprofit hospital employees have been denied the protections of the National Labor Relations Act. These men and women are some of the Nation's most exploited workers, receiving poor wages and few fringe benefits although they work long hours at arduous jobs, and many are denied even minimal job security. Because of the Congress shortsightedness in withdrawing coverage from nonprofit hospital employees in 1947, a number of bitter and protracted labor-management disputes have arisen as most States do not require nonprofit hospitals to recognize and bargain with employee organizations, even if every single employee so desires. As a result this vital segment of the Nation's health care delivery system often found itself embroiled in recognition strikes as it sought to obtain those basic rights guaranteed to other American workers.

S. 3203 simply grants to nonprofit hospital workers the rights of union organization and collective bargaining which other workers have long enjoyed. Because they are low paid, with wages often below bare subsistence levels, these workers are in great need of the right to join unions and to bargain collectively with hospital management for the improvement of wages, hours and general working conditions. There can be no justification for continuing the unconscionable discrimination against these men and women or for maintaining a double standard under which proprietary hospital employees are covered by the NLRA but those of nonprofit hospitals are not.

Although the conference report contains some features which are different from that which was originally adopted by the House, I believe this should not prevent us from supporting the measure or pursuing the ill-conceived suggestion that the conference report should be rejected. It seems to me that the conference report represents a reasonably effective compromise between the House and Senate versions of the original legislation. As New York's senior Senator aptly noted during Senate debate on the conference report yesterday:

> Its provisions have been carefully tailored to meet the particular problems of labor-management relations involving health care institutions.

I feel that, in its present form, this legislation will not only insure the continuity of quality patient care in our country's health institutions but that it will also afford needed and long-overdue protections to the employees of these facilities. I am sure the majority of us share the belief that, because of the unique and essential nature of their functions in the community, health care institutions call for special consideration in the area of labor relations. I believe that the conference report accurately reflects this requirement and that it represents a workable compromise. I am hopeful, therefore, that it will be adopted and promptly enacted.

Mr. THOMPSON of New Jersey. Mr. Speaker, I should like to raise one additional matter of some importance.

With respect to the question of bargaining units, the committee stressed its concern with preventing an undue proliferation of bargaining units in the health care industry. The committee cited certain Board decisions in the health care industry which would reflect the statutory mandates. By so doing, however, the committee did not intend to foreclose the Board from continuing to determine traditional craft and departmental units, such as stationary engineers in the heatlh care field. With these directions, the Board in its continuing review of the health care industry should be free to employ its expertise in determining appropriate units.

Mr. ASHBROOK. Mr. Speaker, the conference report, S. 3203, before this body today is a result of protracted discussions and compromise over an extensive period of time. During that time, as cosponsor of this legislation, I have worked closely with Chairman THOMPSON and appreciate his very effective work in pursuing the enactment of this much-needed legislation. In that continuing spirit of cooperation, we have agreed to the following joint statement which is self-explanatory:

> We generally associate ourselves with the opinions expressed by Senator Williams in his statement to the Senate on the Conference Report. However, in order to clarify the intent of certain statements contained therein which, if left standing without further explanation, might possibly be misinterpreted or misconstrued, we submit the following observations which we trust Senator Williams will accept.
>
> First, the specific intent of the House Education and Labor Committee was to extend the NLRA to non-public institutions involved in patient care, as reflected in the Committee Report and as explained in the House debate on May 30, 1974, reported in the Congressional Record of that date, pages 16904–905. Furthermore, the Committee was fully aware of the National Labor Relations Board's present monetary jurisdictional standards for assertion of jurisdiction and in no way meant to disturb those standards or limit the Board's discretion for changing them or issuing new standards if it so chose.
>
> Second, it should be clear that the 8(g) notice will not be required when the employer has committed unfair labor practices as in *Mastro Plastics Corp.* v. *NLRB*, 350 U.S. 270, 37 LRRM 2587, (1956). The *Mastro Plastics* case is an example of what the Board and the Courts have termed "flagrant" unfair labor practices, and, as all cases stand on their own facts, the Board is able to apply those facts to the proper reading of the *Mastro Plastics* doctrine. The Committee intent is clearly underscored by reference to that case in its Report.
>
> Third, the Committee Report states that a violation of Section 8(g) will constitute an unfair labor practice. Failure to give the 10-day strike notice will constitute a separate unfair labor practice under Section 8(g), and be remedial under a separate charge thereunder. If an injunction is sought, the provisions of section 10(j) will also apply.
>
> Fourth, the Committee Report states that at least 12 hours notice must be given if an 8(g) notice has been filed and the strike has not occurred immediately after the 10 days. However, the Committee was aware of the practical application of this new legislation, and realized the need for the application of the rule of reason.
>
> Thus, e.g., where the notice was mailed in a timely fashion, and the union was not responsible for the delay, or where under such

circumstances, the employer has been provided with more than twelve hours actual notice, then the failure to strictly comply with the twelve hour notice seems excuseable.

The Board, in considering extenuating circumstances, is expected to act in a reasonable manner consistent with the Committee's intent as stated in its Report. Furthermore, the status of strikers as "employees" would also be determined by the decision of the Board. Section 8(d) of the Act, which has been amended by this bill, clearly states "employees" will lose their status as such if they participate in a strike outside of the notice periods. Should the labor organization be in violation of Section 8(g), the employees would then, according to statute, lose their status as "employees". Consequently, the reasonableness of the Board in applying the intent of the Committee to the facts is of major importance.

Fifth. Apparently, there has been some misunderstanding created by the statement that a new 10-day strike notice will be needed whenever a strike once called and then discontinued is thereafter resumed for any reason. Clearly, if the parties agreed to end the strike and resume the negotiations there will be no need for a further notice of any sort, because the cessation was subject to agreement. If, on the other hand, the union unilaterally discontinued picketing, the question of whether any subsequent notice would be required will turn upon the application of Congressional intent to the precise fact situation. Thus, e.g., if the hospital has been lulled by the cessation of the strike and subsequent bargaining from a "seige" situation to a fully operative situation, it is apparent that a second notice would be required. The Committee cannot foresee every possible fact situation and the Board would be expected to apply a reasonable interpretation, consistent with the Committee Report.

Finally, as stated in the Committee Report, recognition strikes will be greatly reduced with the enactment of this proposal into law. This was of particular concern to the Committee because, in the absence of statutory procedures, recognition strikes have been the source of protracted strikes and picketing in the health care field. The Committee Report indicated that picketing of a health care institution would in itself constitute an unusual circumstance justifying the application of a period of time less than thirty days in an 8(b)(7)(C) situation. However, with the added protections incorporated into the National Labor Relations Act for health care institutions, the need for recognition strikes should be eliminated, and the number thereof drastically reduced."

There are other areas where, I believe, some personal comment is necessary. First, the General Counsel of the NLRB delivered an address on June 13, 1974, containing his interpretation of the pending legislation. It should be noted that the committee did not consider the remarks of the General Counsel in either writing the committee report or in writing the conference report. The General Counsel, in the first instance, is the individual who must make the decisions on the application of this new legislation. Although there may be some disagreement with his thesis, I recognize the address of the General Counsel as his individual concern with this legislation, and realize that the application of any new legislation is a speculative subject for scholarly comment.

Second, there has come to my attention certain remarks regarding aspects of this legislation which are not within my personal understanding of the committee actions. In this regard, I note that the "ally doctrine" was mentioned in the committee report, and modified therein to some extent in the interest of patient care. By the report mentioning this doctrine, some, apparently, believe that Congress is giving approval to the scope and legal standing of the doctrine. I know that the ally doctrine has not been passed upon by the Supreme Court, but the Board has developed some case precedent around the ally doctrine concept the Board itself conceived. However, since certain Members questioned the doctrine, it is my understanding that the intention was only to modify it in the interest of patient care.

Third, I agree with the assertion that a threat to violate 8(g) is not in itself a violation of 8(g). However, such a threat, or continuing threats, in proper circumstances, it seems to me, could constitute a violation of 8(b)(3) and be remedial under section 10(j) without an actual 8(g) violation occurring. If not, patient care could be in constant jeopardy, and the means of relieving that sort of unfortunate situation would be unavailable. Certainly, if the threat to picket were communicated to a health care institution with whom the labor organization had no dispute, or for a recognition purpose to a health care institution in which a valid election had been held within less than 12 months, that threat could constitute violations of section 8(b)(4) and 8(b)(7), respectively, and be remedial under 10(j) as well.

Fourth, in agreeing that a violation of the new 8(g) section constitutes a separate unfair labor practice, I am not convinced that it could not also constitute a violation of other sections of the NLRA in appropriate circumstances. The factual situations that may arise are plentiful. It is, of course, hard to visualize circumstances where other than a section 8(g) charge of an unfair labor practice committed under that section would be filed. However, it may be necessary, particularly where injunctions are sought, and the Board must have the widest discretion, in the interest of the public, to apply the proper law to the facts as they arise. The sanctions available to the Board in a particular set of circumstances should not be limited by our failure to forecast those future facts.

Fifth, with regard to the question of bargaining units, the committee was quite concerned with the issue of undue proliferation of bargaining units and by language in the committee report has stressed the need for the Board to curtail such proliferation in health care institutions. In the past, as illustrated by Board decisions cited in the committee report, the Board has acted at its discretion in a congressionally approved manner. However, I would expect the Board to be cognizant of the concerns for patient care and employee rights in the Board's continuing review of bargaining unit questions in the health care institutions.

Mr. RONCALLO of New York. Mr. Speaker, I rise in reluctant opposition to the conference report. I supported this bill when it passed the House and voted against the Erlenborn amendment because I felt then, as I do now, that an additional cooling-off period would not appreciably help to assure continuous continuity of care and might even be a disincentive to reaching agreement within the life of a contract.

By the same token I do feel the two-track system of concurrent mediation and fact-finding embodied in the conference report serves any purpose. Both are valuable tools when used separately, but the very nature of factfinding precludes meaningful negotiation and mediation while the third party determines the facts.

Overriding public interest must take precedence over the perogatives of both labor and management in such a vital area as health care. If this conference report is rejected and a new conference requested, I have an idea for a true compromise which might just be the way out of the dilemma. I would propose a method for handling designated health emergencies at any time during the life of a contract or after its expiration involving a 10-day strike notice, mandatory mediation followed, if necessary, by factfinding, no cooling-off period and limited strike. All nonessential workers would have the right to strike, but the unions would provide sufficient trained personnel to maintain vital emergency and intensive care units.

Neither side will be 100 percent happy with this proposal, but both sides should be able to live with it. And that is the true test of a compromise. The main thing is that no citizen's life should be endangered by an unresolved labor dispute. I would be happy to discuss this proposal further with the conferees should the occasion arise.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. THOMPSON of New Jersey. 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 205, nays 193, not voting 36, as follows:

[Roll No. 374]

YEAS—205

Abzug	Bergland	Burlison, Mo.
Adams	Bevill	Burton, John
Addabbo	Biaggi	Burton, Phillip
Alexander	Biester	Carney, Ohio
Anderson, Calif.	Bingham	Clark
	Blatnik	Collier
Andrews, N. Dak.	Boggs	Collins, Ill.
	Boland	Conte
Annunzio	Bolling	Conyers
Ashbrook	Brademas	Corman
Ashley	Brinkley	Cotter
Aspin	Brooks	Cronin
Badillo	Brotzman	Daniels, Dominick V.
Barrett	Brown, Calif.	
Bell	Burke, Calif.	Danielson

Delaney	Leggett	Riegle
Dellums	Lehman	Rinaldo
Denholm	Litton	Rodino
Dent	Long, La.	Roe
Donohue	Long, Md.	Roncalio, Wyo.
Drinan	Luken	Rooney, Pa.
Dulski	McCloskey	Rosenthal
du Pont	McCormack	Rostenkowski
Eckhardt	McDade	Roush
Edwards, Calif.	McFall	Roy
Eilberg	McKinney	Roybal
Esch	Madden	Runnels
Evans, Colo.	Madigan	Ryan
Fascell	Maraziti	St Germain
Fish	Mathias, Calif.	Sarasin
Flood	Matsunaga	Sarbanes
Flowers	Meeds	Schroeder
Foley	Melcher	Seiberling
Ford	Mezvinsky	Sisk
Fraser	Michel	Slack
Gaydos	Mills	Smith, Iowa
Gibbons	Minish	Staggers
Gilman	Mink	Stanton,
Ginn	Mitchell, Md.	James V.
Gonzalez	Mitchell, N.Y.	Stark
Grasso	Moakley	Steed
Green, Pa.	Mollohan	Steele
Grover	Moorhead, Pa.	Stokes
Gude	Morgan	Stratton
Hamilton	Moss	Stuckey
Hanley	Murphy, Ill.	Studds
Hanna	Murtha	Sullivan
Harrington	Natcher	Symington
Hawkins	Nedzi	Thompson, N.J.
Hays	Nix	Thone
Hechler, W. Va.	Obey	Tiernan
Heckler, Mass.	O'Neill	Traxler
Heinz	Passman	Udall
Helstoski	Patman	Ullman
Hicks	Patten	Van Deerlin
Holifield	Pepper	Vander Veen
Holtzman	Perkins	Vanik
Horton	Peyser	Vigorito
Howard	Pickle	Waldie
Hungate	Pike	Walsh
Johnson, Calif.	Podell	Whalen
Jones, Ala.	Price, Ill.	Widnall
Jordan	Pritchard	Williams
Karth	Quie	Wilson,
Kastenmeier	Railsback	Charles, Tex.
Kemp	Randall	Wolff
Kluczynski	Rangel	Yates
Koch	Rees	Yatron
Kyros	Reid	Young, Ga.
Landrum	Reuss	Zablocki

NAYS—193

Abdnor	Dellenback	Kazen
Anderson, Ill.	Dennis	Ketchum
Andrews, N.C.	Derwinski	King
Archer	Devine	Kuykendall
Arends	Dickinson	Lagomarsino
Armstrong	Downing	Landgrebe
Bafalis	Duncan	Latta
Baker	Edwards, Ala.	Lent
Bauman	Erlenborn	Lott
Beard	Eshleman	McClory
Bennett	Findley	McCollister
Blackburn	Fisher	McKay
Bowen	Flynt	Mahon
Bray	Forsythe	Mallary
Breckinridge	Fountain	Mann
Broomfield	Frelinghuysen	Martin, Nebr.
Brown, Mich.	Frenzel	Martin, N.C.
Brown, Ohio	Frey	Mathis, Ga.
Broyhill, N.C.	Froehlich	Mayne
Broyhill, Va.	Fuqua	Mazzoli
Buchanan	Gettys	Milford
Burgener	Goldwater	Miller
Burke, Fla.	Goodling	Minshall, Ohio
Burleson, Tex.	Green, Oreg.	Mizell
Butler	Gross	Montgomery
Byron	Guyer	Moorhead,
Camp	Haley	Calif.
Carter	Hammer-	Mosher
Casey, Tex.	schmidt	Myers
Chamberlain	Hanrahan	Nelsen
Chappell	Harsha	Nichols
Clancy	Hastings	O'Brien
Clausen,	Hébert	Owens
Don H.	Henderson	Parris
Clawson, Del	Hillis	Pettis
Cleveland	Hinshaw	Poage
Cochran	Hogan	Powell, Ohio
Cohen	Holt	Preyer
Collins, Tex.	Hosmer	Price, Tex.
Conable	Huber	Quillen
Conlan	Hudnut	Rarick
Coughlin	Hunt	Regula
Crane	Hutchinson	Rhodes
Daniel, Dan	Ichord	Roberts
Daniel, Robert	Jarman	Robinson, Va.
W., Jr.	Johnson, Colo.	Robison, N.Y.
Davis, S.C.	Johnson, Pa.	Rogers
Davis, Wis.	Jones, N.C.	Roncallo, N.Y.
de la Garza	Jones, Okla.	Rose
Rousselot	Steelman	Ware
Ruppe	Steiger, Ariz.	White
Ruth	Steiger, Wis.	Whitehurst
Satterfield	Stephens	Whitten
Scherle	Stubblefield	Wiggins
Schneebeli	Symms	Wilson, Bob
Sebelius	Taylor, Mo.	Winn
Shoup	Taylor, N.C.	Wright
Shriver	Teague	Wydler
Shuster	Thomson, Wis.	Wylie
Sikes	Thornton	Wyman
Skubitz	Towell, Nev.	Young, Fla.
Smith, N.Y.	Treen	Young, Ill.
Snyder	Vander Jagt	Young, S.C.
Spence	Veysey	Young, Tex.
Stanton,	Waggonner	Zion
J. William	Wampler	Zwach

NOT VOTING—36

Brasco	Fulton	Metcalfe
Breaux	Giaimo	Murphy, N.Y.
Burke, Mass.	Gray	O'Hara
Carey, N.Y.	Griffiths	Rooney, N.Y.
Cederberg	Gubser	Sandman
Chisholm	Gunter	Shipley
Clay	Hansen, Idaho	Talcott
Culver	Hansen, Wash.	Wilson,
Davis, Ga.	Jones, Tenn.	Charles H.,
Diggs	Lujan	Calif.
Dingell	McEwen	Wyatt
Dorn	McSpadden	Young, Alaska
Evins, Tenn.	Macdonald	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Burke of Massachusetts for, with Mr. Dorn against.

Mr. Young of Alaska for, with Mr. McEwen against.

Until further notice:

Mr. Fulton with Mr. McSpadden.

Mr. Rooney of New York with Mr. Evins of Tennessee.

Mr. Murphy of New York with Mr. Gray.

Mr. Davis of Georgia with Mrs. Hansen of Washington.

Mr. Brasco with Mr. Wyatt.

Mrs. Chisholm with Mr. Culver.

Mr. Dingell with Mr. Clay.

Mr. Diggs with Mr. Macdonald.

Mr. Giaimo with Mr. Cederberg.

Mr. Jones of Tennessee with Mr. Lujan.

Mr. Metcalfe with Mrs. Griffiths.

Mr. Charles H. Wilson of California with Mr. Hansen of Idaho.

Mr. Shipley with Mr. Gubser.

Mr. Carey of New York with Mr. Sandman.

Mr. Breaux with Mr. Talcott.

Mr. Gunter with Mr. O'Hara.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. DELANEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

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

There was no objection.

DEVELOPMENTAL DISABILITIES AMENDMENTS OF 1974

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1224

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14215) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1224 provides for an open rule with 1 hour of general debate on H.R. 14215, a bill amending the Development Disabilities Services and Facilities Construction Act.

H.R. 14215 provides a 2-year extension of existing programs for people with developmental disabilities. The terms of the bill specify that those persons who suffer from mental retardation, cerebal palsy, and epilepsy, and incurred these diseases before attaining 18 years of age, are eligible to receive benefits from this program.

The bill also includes a program for autistic children—those disoriented children whose learning ability is greatly impaired—and allows them to qualify for the program under a State allocation program.

H.R. 14215 requires that States spend at least 10 percent in fiscal year 1975 and 30 percent in fiscal year 1976 of their State allotment for programs for deinstitutionalization of persons with developmental disabilities inappropriately placed in institutions.

The total authorization in the bill is $192 million.

Mr. Speaker, I urge the adoption of House Resolution 1224 in order that we may discuss, debate and pass H.R. 14215.

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

Mr. Speaker, as has been noted, House Resolution 1224 provides an open rule with 1 hour of general debate for the consideration of H.R. 14215, the Develop-

mental Disabilities Amendments of 1974. There are no waivers of points of order in this rule.

Mr. Speaker, the primary purpose of H.R. 14215 is to extend for 2 years the existing programs for people with certain disabilities. The bill also makes some changes in the existing law governing these programs. The bill authorizes a total of $77 million for fiscal year 1975 and $115 million for fiscal year 1976. By way of comparison, $36,750,000 was appropriated in fiscal year 1974.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14215) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14215, with Mr. GETTYS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

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

Mr. Chairman, I call up today H.R. 14215 the Developmental Disabilities Amendments of 1974. This bill provides a 2-year extension of existing programs for people with developmental disabilities with total authorizations of $192 million. Generally the bill simply continues the existing programs, since we feel that they have been quite successful, but it does make some modifications, specifically:

First. Creates a new special project authority and substitutes for the existing 10 percent earmark of State allotments for projects of special national significance a new 30 percent earmark of the new special project authority for such projects;

Second. Requires that States spend a specified percentage of their allotments for programs for deinstitutionalization of persons with developmental disabilities inappropriately placed in institutions;

Third. Eliminates requirements for Federal approval of individual construction projects funded with State grant funds;

Fourth. Adds autism specifically to the list of diseases for which the special project and State allotment programs are to provide services; and

Fifth. Requires studies by the Secretary of HEW to determine the neurological diseases which should and should not be considered as developmental disabilities, and the adequacy of services for persons with diseases not included.

Developmental disabilities include such dread diseases as mental retardation, cerebral palsy, epilepsy and similar permanent neurological problems. This legislation has provided a variety of forms of valuable assistance to the over 6 million people in this country with developmental disabilities since 1963. Hearings were held on the program in February and it received support from every witness, including those of the administration. The legislation was subsequently reported from both our subcommittee and full committee unanimously. I should note that the proposed bill extends the program for 2 years rather than the usual three because as you know we have many programs expiring this year and are extending them for various periods of time so that they will not all expire simultaneously again.

This is good legislation which is unanimously supported by all who know of it, and I urge your support for it.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill H.R. 14215, extending the developmental disabilities program for 2 years.

This important program has been a successful one and it has made important contributions to the quality of the lives of the many people who suffer from such disabilities. The measure that we are considering today contains a total authorization of $192 million—$77 million in 1975 and $115 million in 1976—and I feel that this is necessary for the continuation of these vital services.

The bill continues the authority for grants for university-affiliated facilities, and creates a special project authority. Also, the measure adds autism and Dyslexia specifically to the list of diseases for which the special project and State allotment programs are to provide services. Autism, of course, is the condition of being dominated by subjective, self-centered trends of thought or behavior. We see many instances of this condition, and it is wise to include provisions for it in this measure.

From 1971, program appropriations have been gradually increased—$99.7 million total—and I submit that it is necessary to continue.

I have visited several of the rehabilitation centers. I have seen youngsters who are classed as morons, imbeciles, and mongoloids trained to where they could take care of themselves and could even read. As a physician who has seen many of these cases of mental retardation, I had never thought of the wonderful work for God's poor little children that could be accomplished, but it is being done throughout our country.

The facilities in which these little children are taught, for the most part, are in churches, usually in the basement or the playroom. I want to assure you that they receive excellent care and training and that all of them benefit, many of them to the point where they can care for themselves, which up until a few years ago was regarded as an impossible dream. I was particularly impressed by the School of Hope at Berea, Ky., and by the university-affiliated facility at Eastern Kentucky University, where both mental retardates are taught, and at the same time teachers receive additional training in their field.

Those who suffer from mental retardation, cerebral palsy, epilepsy, autism, and neurological conditions are often handicapped in these ways throughout their lives. We can help the millions who suffer from these illnesses, and we must give them the support and assistance for learning and living meaningful lives.

I urge my colleagues to support this legislation.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, page 10 of the report talks of "deinstitutionalization." The quotation I refer to is as follows:

> The Committee has chosen to include a specific requirement that State programs plan for as much deinstitutionalization as is feasible.

I am a little concerned, although my colleague, the gentleman from California (Mr. BURGENER), who is an expert on the subject, has advised me that I should not be, about whether or not a State like California, which has already moved far ahead in this area, would be penalized because they have already done much toward community treatment.

Mr. Chairman, I will ask the gentleman to respond to my concern.

Mr. CARTER. Mr. Chairman, I certainly would not think they would be penalized. I know of no reason why they would be. It is certainly fortunate for the people of California that they have moved ahead in this field.

Mr. BURGENER. Mr. Chairman, will the gentleman yield?

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

Mr. BURGENER. Mr. Chairman, in response to the inquiry by my colleague, the gentleman from California (Mr. LAGOMARSINO), I believe the bill on page 7 should clearly allay his fears, because at page 7, on line 7, of the bill it says as follows:

> * * * for the purpose of assisting it in developing and implementing plans designed to eliminate inappropriate placement" in a State facility.

Mr. Chairman, I think the term, "inappropriate placement," is really what "deinstitutionalization" is all about. In other words, the only reason to take a person out of a State institution is if there is a better place for him or her to go.

Mr. CARTER. Along that same line, there are many of these youngsters throughout the country who are institutionalized, and many States have not gone about deinstitutionalizing them. The purpose of this bill is to accomplish that, to treat them in a place near their homes, and this is being done, I might add, in almost every community in the

State of Kentucky, in almost every county seat. I am thankful for this. I am glad that the gentleman's State has gone ahead with this, but I am regretful that we did not have this legislation passed sooner so that the gentleman's State could have benefited from it.

I now yield 3 minutes to the distinguished gentleman from California (Mr. BURGENER).

Mr. NELSEN. Mr. Chairman, mental retardation effects more than 6 million Americans. Not many years ago the vast majority of these individuals would have been virtually discarded by society. Today, we know we can do much to educate and make possible a better way of life for the retarded.

This bill would provide for a new emphasis on programs to deinstitutionalize retarded persons. Huge, State-run institutions are expensive, seldom effective, and often depressing. They have, in many instances become warehouses for human misery. If it is at all possible to treat and train a person in his home community—that's where the job should be done.

This bill would also provide funding for demonstration projects in developing new techniques in training the retarded. While, as I have indicated, great progress has been made in recent years, much more needs to be accomplished in training retarded individuals.

For the first time, under the provisions of this bill, autism would be included as a covered condition. This, too, represents an enlightened forward step.

The bill authorizes $77 million in 1975 and $115 million in 1976. While these figures may seem high to some, they are not unreasonable. Developmental disabilities is a program that has, since 1963, helped millions, and I am confident will do even a better job for millions more in the future.

I urge support for this measure.

Mr. BURGENER. Mr. Chairman, I rise in strong support of this legislation. I have been active in this field for some 20 years as a volunteer, and watched the initial passage of this legislation some years ago with great interest and hope. I am particularly pleased that the field of autism is now being added as one of the serious disabilities that becomes eligible for consideration. Fortunately, there are fewer autistic children than probably any other category, but their involvement in their disability is so severe that they need all the help we can possibly give them. In many areas in our country they are receiving virtually no help at all. So I consider this a great step forward.

Second, Mr. Chairman, there is the "deinstitutionalization" idea, plus plans to reduce to incidence of mental retardation. Let me merely say this: I had the privilege of serving as Chairman of the President's Committee on Mental Retardation, and served on that committee for some 3 years. It has a good staff, and it does good work. There are 21 citizen members on the committee who serve 3-year terms, 7 of whom are appointed each year by the President in a rotating fashion.

This committee met with the President in November of 1971, and was able jointly, with the President, to announce two national goals to which I will briefly refer. Goal No. 1:

It is possible, even with no new breakthroughs in science, to reduce the incidence of mental retardation by one-half by the year 2000.

Let me amplify what I mean by a reduction by one-half.

We cannot, of course, reduce the incidence of those already with us because this is a permanent disability. About 3 percent of our total population is mentally retarded, and if we reduce the incidence of mental retardation by one-half, or you might say only 1½ percent of our population would be mentally retarded by the year 2000. This is truly an achievable, a realistic, and noble goal.

Goal No. 2, as to our national goal: We can return to the community at least one-third of all of those who are now in State institutions for the mentally retarded. But we should return them to the community only if the community has something better to offer than the State institution. And in many cases—and I think this explains the concern of my colleague, the gentleman from California (Mr. LAGOMARSINO), we have returned prematurely to the community some of our mentally retarded people when the community was truly not ready to receive them.

But, in any event, within the next decade we can indeed reduce the number of people in our State institutions by at least one-third if we do it carefully—and make certain that community facilities are available for their return.

So, Mr. Chairman, and my colleagues in the Committee of the Whole, I urge strong support for this very essential legislation.

Mr. CARTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. HUDNUT).

Mr. HUDNUT. Mr. Chairman, as a member of the Subcommittee on Public Health and Environment and as a cosponsor of H.R. 14215, the Developmental Disabilities Amendments of 1974, I wish to give my full support to this piece of legislation.

H.R. 14215, as reported from our committee, extends for 2 more years—fiscal years 1975 and 1976—the programs designed to help meet the needs of the developmentally disabled people of our country. This bill authorizes $192 million to cover the various aspects of these programs—demonstration and training grants, and State formula grants.

The people who will be affected by this bill number well over 6 million. Those who are considered to be developmentally disabled are victims of mental retardation, cerebral palsy, epilepsy, autism, and certain other neurological conditions. Mental retardation alone affects some 6 million people while several million more persons are stricken with one of the other forms of a developmental disability. These people need our help to be able to learn and to live a more normal life. We cannot deny them the opportunities H.R. 14215 would extend to them. Over the past decade, the Federal Government has taken more and far-reaching steps to try and meet the needs of the developmentally disabled.

This movement to aid developmentally disabled persons received its first big push in 1963 with the passage of the Mental Retardation Facilities and Community Mental Health Centers Construction Act. In 1970, that act was completely rewritten to broaden the scope of people who could be helped. The result was the developmental disabilities and facilities construction amendments which focused on many more developmental disabilities beyond mental retardation. The programs authorized under the 1970 act have succeeded in helping so many people afflicted by developmental disabilities that these programs cannot be allowed to die.

The extensions proposed in H.R. 14215 would keep these programs going. H.R. 14215 proposes only a few modifications to the authorizations of the 1970 act. All changes have been made with the design of helping as many people as possible in the best manner. To broaden the scope of who can be helped under this act, autism has been added to the list of developmental disabilities. The act also contains instructions for studies to be made of neurological diseases to determine which should or should not be considered developmental disabilities. Also, the legislation emphasizes the need for deinstitutionalization of persons who can be better cared for at home or elsewhere. With these modifications and a few others I have not mentioned, H.R. 14215 should be able to better meet the needs of the developmentally disabled while at the same time, reach more of them.

In my home State of Indiana, and in my district, there are several programs helping the developmentally disabled which have received funding from the 1970 act.

In the area of mental retardation, Indiana receives $700,000 per year from the Developmental Disabilities Act. This money helps to fund some 54 community agencies in Indiana which in turn serve 3,200 mentally retarded individuals in Indiana mental institutions. In my district, the Marion County Center for Mentally Retarded Children has received $20,000 for their Homebound program. This program is designed to encourage normalization of the lives of these children by working for deinstitutionalization. This program is also being carried out through other agencies across the State and they have been very successful in their efforts. Due to their work, the waiting list at the State mental institution has been reduced 125 to 3. In the area of epilepsy, Marion County has the only epileptic program in the State. They, too, receive funds from the Developmental Disabilities Act which they direct to their social advocacy program for the 15,000 epileptics in Indiana. With their funds, they offer information and referral services to epileptics, they work to eliminate the stigma attached to epilepsy and the program tries to improve employment opportunities for epileptics.

In light of the significant amount of help programs funded by the Developmental Disabilities Act have provided to people suffering from developmental disabilities, the need for the ex-

tensions outlined in H.R. 14215 is obvious. We should continue to help those who so urgently need our help. For these reasons, I ask the Members to join me in supporting H.R. 14215.

Mr. STAGGERS. Mr. Chairman, I should like to compliment the gentleman from California (Mr. BURGENER) for his remarks, the gentleman having been an expert in his field, and having served on the President's Committee on Retardation. He did come before the committee and gave testimony there, and we appreciated his remarks.

At this time I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS), and I wish to compliment all of the members of the subcommittee for the work they have done in this field.

Mr. ROGERS. Mr. Chairman, the subcommittee appreciates the fine support and help the chairman of the committee has given on this legislation.

Mr. Chairman, I rise in support of H.R. 14215, the Developmental Disabilities Amendments of 1974. If enacted, this bill will continue and strengthen the commitment of Congress to provide programs of assistance to those unfortunate persons with developmental disabilities.

Mr. Chairman, this commitment was initiated by the Interstate and Foreign Commerce Committee in 1963, when we reported the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. This act provided for research, construction of facilities and training of teachers in connection with mental retardation. Over the years, the Congress has continued to recognize the plight of the developmentally disabled, and the program has been expanded to broaden the definition of mental retardation to include neurological handicaps related to it, to authorize formula grants to States and special project grants.

Mr. Chairman, the bill before this body today builds on the experience of existing programs by continuing existing authorities, and placing new legislative guidelines on these authorities. Specifically, the bill would continue existing authority for grants for operating university-affiliated facilities for the developmentally disabled, create new special project authority, require that States spend a specified percentage of their allotments for programs for deinstitutionalization of persons with developmental disabilities, eliminate requirements for Federal approval of individual construction projects funded with State grant funds, add autism specifically to the list of diseases, and require studies by the Secretary of HEW to determine the conditions which should and should not be considered as developmental disabilities.

Mr. Chairman, medical understanding of developmental disabilities has increased substantially since the inception of Federal support for the program continued by H.R. 14215. States have been able to provide increased services and more effectively plan their programs for services to the developmentally disabled. The training of persons to work with the developmentally disabled has increased substantially. I believe the Congress can take pride in these successes and I believe we can and must build on and refine our commitment in this field. In my view, and in the view of the members of the Subcommittee on Public Health and Environment, the bill before this body represents a reasonable and critical extension of that commitment and I urge its adoption.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. CARTER. Mr. Chairman, I wish to compliment the distinguished chairman of the subcommittee and of the full committee and the members of the subcommittee for their wonderful work on this legislation.

It was my good fortune to see one of the university-affiliated facilities and to watch the training of young people in the care of these unfortunate children. I should like to see these facilities extended throughout the country, and I feel that they will be.

Mr. Chairman, I strongly support passage of this bill.

Mr. Chairman, I am happy to yield such time as he may consume to the distinguished gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. I thank my colleague and friend, the gentleman from Kentucky (Mr. CARTER), for yielding to me.

I have a question to ask either of him or perhaps the gentleman from Florida (Mr. ROGERS). We have a situation developing in the State of New Hampshire, I wish to address. I have been told that it has occurred in many other States in the Union, as well where some very successful programs to take care of retarded children have been financed under the provisions of the vocational rehabilitation program. It now appears that due to a very stringent Federal interpretation of the law that we passed last year, the Vocational Rehabilitation Act has practically ruled out all of these programs for children that were previously supported. They have been supported because, of course, the purpose of taking care of some of these retarded children is to eventually make them trainable and educable. What I want to be sure of is that in the act which we are passing there will be no exclusion of retarded children and that we will not get into the same trap that we got into with this rehabilitation program where we cannot finance some very fine programs any more.

The New Hampshire situation which prompts my inquiry and other similar problems elsewhere in the Nation fully merits attention have today. But I would add that my concern goes beyond individual projects and touches on a fundamental concept. This relates to the entire complex of factors affecting the potential of the individual to function productively in the world of work. There is no arbitrary point in a person's chronological age at which he develops potential to go to work. The individual's value system, capabilities, habits, and work skills evolve throughout his entire early life. To suggest arbitrarily that the individual is not capable of benefitting from vocational preparation before age 16, for example, is mechanistic, simplistic, and utterly unreal.

If possible—through the legislation pending before us today, the Vocational Rehabilitation Act and and other legislation helping individuals eventually to go to work—we should allow programs funded under these acts to become available when individuals are best able to make use of them.

Mr. CARTER. I want to assure my distinguished friend, the gentleman from New Hampshire, that these youngsters will not be discriminated against. What the gentleman is referring to is a workshop program which has existed throughout the United States. We have several of these in my district, and they were supplied from the Vocational Rehabilitation Service.

Mr. CLEVELAND. Now they will be cut off.

Mr. CARTER. The gentleman's may be, but as far as I know, mine are still going, and I hope to see them continue. But those children will be taken care of under this particular bill. Insofar as the training in using band saws, and so on, in the workshops, this bill will not go that far. It does not have enough money in it.

Mr. CLEVELAND. Does the gentleman from Florida have any response to this question?

Mr. ROGERS. I share the feeling of my colleague that certainly these children should not be excluded. This is for mental retardation, so this program certainly should handle those problems, to be sure.

Mr. CARTER. This consists chiefly in training these youngsters to take care of themselves, in some cases to read and to write. Then the program to which the gentleman is addressing himself is a workshop program in which those at a higher level of retardates can use their hands. Actually they make furniture in these workshops, even using bandsaws.

I regret that our legislation really does not contain enough money for all that but I hope that it could be included under the Vocational Rehabilitation Act.

I trust that satisfies the question of the distinguished gentleman.

Mr. CLEVELAND. I was under the impression that there were sections of this bill which specifically picked up these programs in turn.

Mr. CARTER. If the gentleman looks over the vocational rehabilitation legislation there is approximately $400 or $500 million and we just do not have that kind of money in this bill.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to my subcommitteee chairman.

Mr. ROGERS. Mr. Chairman, I think it may be helpful for the gentleman to know that even though we may not have sufficient money, as the gentleman from Kentucky, Dr. CARTER, says, for everything, we have increased the authorizations which would help take care of some of this problem and we would hope that this would be done.

Mr. CARTER. Yes.

Mr. CLEVELAND. The point I want to make is that it would not be wrong for

the vocational rehabilitation program with almost half a billion dollars to deal with some of these problems with helping retarded children. The difference between teaching a retarded child and training a retarded child is difficult to define. I do hope under this legislation the retarded child will be taken care of.

Mr. CARTER. I assure the gentleman that they will, and they are being taken care of at the present time.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I am most happy to hear this dialog on this particular bill because I for one am vitally interested in the training of retarded children. As has been brought out, it is being done not only in the vocational field but also in the teaching field and we have so many who are educable who have previously been regarded as noneducable.

Mr. CARTER. The gentleman is quite right.

Mr. HUNT. And this bill is the epitome of perfection as far as I am concerned. In fact we should have done this a long time ago and I commend the distinguished gentleman from Kentucky and the chairman and the committee for this bill.

Mr. CARTER. I thank the gentleman. This is an ongoing program.

Mr. Chairman, I strongly recommend the passage of this legislation.

Mr. CLEVELAND. Mr. Chairman, if the gentleman will yield further, since our earlier colloquy I have now referred to the report, accompanying the bill. I have re-read the report and I read from the report:

> Developmental disabilities are disabilities, such as mental retardation, cerebral palsy, epilepsy, autism and neurological conditions, which originate in childhood, continue indefinitely, and constitute a substantial handicap to the affected individual.

With that specific language in the report would that not mean that programs dealing with individuals having one of the above conditions, for example, retardation, would be fundable if they meet the other administrative and structural requirements of the bill?

Mr. CARTER. That is right, they will be educable but not necessarily in the education to which the gentleman refers.

Mr. CLEVELAND. Probably I was incorrect in referring to the vocational rehabilitation, but as far as the retarded children I am speaking of I hope they are included.

Mr. CARTER. I support that, too.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, the mentally retarded without question are covered in this bill. As a matter of fact, that used to be the name of the bill and we have renamed this now the "Developmental Disabilities Amendments."

Mr. BINGHAM. Mr. Chairman, I rise today in enthusiastic support of the amendments to the Developmental Disabilities Act. As a member of the New York State Mental Health Council, I visited many institutions in New York State to observe programs designed to help the developmentally handicapped. The need to expand Federal assistance to the developmentally disabled, the victims of mental retardation, epilepsy, cerebral palsy, autism and neurological conditions which orignate in childhood, was recognized by the Congress in the Developmental Disabilities Services and Facilities Construction Act. It is programs such as these which make the critical difference in State institutions.

When Congress passed the Developmental Disabilities Act in 1970 they recognized mental retardation as a "major social, education and economic problem" and set out to provide vital services and to build community service programs to help these people better cope with life.

Our commitment has grown steadily over the years: from our $11 million commitment in fiscal year 1971, to $36.7 million in fiscal year 1974. This is a modest sum in comparison to the amounts of money that the States have expended to aid the developmentally disabled. The Federal participation embodied in this bill is essential to insure that the programs for the developmentally disabled continue to run effectively, and with possibilities for expansion.

Autism has been added to the list of maladies for which the special project grants and State allotment programs are to provide services, bringing to fruition legislation I cosponsored with others last year.

I am also encouraged by the assurances of the distinguished subcommittee chairman that students enrolled in psychology, sociology, or social work in institutions of higher learning will be encouraged by provisions in this act to engage in part-time mental rehabilitation employment and clinical training programs in selected hospitals.

We must continue to dedicate ourselves and our Nation to make the lives of the disabled more meaningful and useful. Support of this bill and the necessary appropriations to fund these programs will keep the congressional commitment to the developmentally disabled we made in 1970.

Mr. PRICE of Illinois. Mr. Chairman, I am pleased to join my distinguished colleagues in support of H.R. 14215.

More than 6 million Americans are victims of mental retardation and several million more are victims of developmental disabilities such as epilepsy, cerebral palsy, and other such conditions that originate in childhood and continue indefinitely.

This bill is a fitting extension to the present program to improve the existing situation affecting the handicapped. Citizens with developmental disabilities need this legislation to assist them with learning and living so that they may function in our society with maximum effectiveness.

The sponsors of this legislation have made substantive modifications in the existing law and should be commended. The bill authorizes the appropriation of some $192 million to operate the program for the next 2 years. The funds are to be used for such purposes as the training of specialized personnel needed for the provision of services for persons with developmental disabilities, developing new or improved techniques for those with developmental disabilities, and other similar functions are to be initiated under the bill. Also required in the bill is the addition of autism to the list of diseases for which the special project is to provide services.

I think we are all aware that our disabled and handicapped citizens are often unreasonably and unnecessarily deprived of their rights and are relegated to second class status. As such, I applaud the record of the developmental disabilities program in establishing, assuring, and preserving the rights of the disabled and handicapped. I urge my colleagues to vote to continue and extend this program for the benefit of our handicapped citizens.

Mrs. BURKE of California. Mr. Chairman, I rise in support of this bill, which would amend and extend the Developmental Disabilities Services and Facilities Construction Act.

I am particularly supportive of this important legislation because of its specific inclusion of the treatment of autistic children. The term "autistic children" includes those persons who, regardless of age, suffer from severe disorders of communication and behavior whose disability became manifest during early childhood development.

There seems to be little disagreement that autism is a serious disorder that is evidenced by severe disturbances in functioning and behavior. An autistic child often appears normal but the looks are deceiving. These children are unable to relate to others, they treat parents as strangers, they delay in acquiring speech ability, they show severe anxiety and tension, they exhibit inappropriate emotional attitudes, feeling sad when normal people will feel happy. Many have language difficulties lasting their whole lives. Some are even mute. Moreover, many of the symptoms of autism will last throughout a person's life.

For too long autistic children and their parents have been victimized by the lack of public support for research and treatment of this misunderstood and neglected developmental disability.

An estimated 80,000 persons now suffer from the crippling effects of autism. In the past most of these children have been cast aside by their communities, by health care professionals, and in many cases, by their families, as being hopelessly beyond help or rehabilitation.

Anyone who has personally witnessed or heard of a disturbed child who has bitten away at his own flesh, slammed his skull into a wall until he lapsed into unconsciousness, or purposely blinded himself with a sharp object cannot help but feel deeply concerned about the problem of autism.

Until recently these children were treated by the "straightjacket" approach. They were simply tied down and restrained so that they would not destroy themselves.

These children and their families have not benefited previously from existing statutes. This is cetrainly not because autism is a disorder of secondary importance; rather, it is due to a legislative oversight which has denied the

parents of autistic children from receiving the professional guidance and education needed to psychologically endure the burden of autism.

Today we have the opportunity to correct this oversight and offer autistic children the hope of a healthy childhood and the promise of a productive adult life. The passage of the developmental disabilities amendments will go a long way toward alleviating the afflictions of autism and other disorders which have seriously handicapped the growth of too many of our children.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 14215

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Amendments of 1974".

EXTENSION OF DEMONSTRATION AND TRAINING GRANTS

SEC. 2. (a) Section 122(b) of the Developmental Disabilities Services and Facilities Construction Act (hereinafter in this Act referred to as the "Act") is amended by striking out "and" after "1973;" and by inserting after "1974" the following: "; $12,000,000 for the fiscal year ending June 30, 1975; and $15,000,000 for the fiscal year ending June 30, 1976".

(b) Section 124 of the Act is amended to read as follows:

"PAYMENTS

"SEC. 124. Payments of grants under section 122 shall be made in advance or by way of reimbursement, and on such conditions as the Secretary may determine.".

SPECIAL PROJECT GRANTS

SEC. 3. Section 130 of the Act is amended to read as follows:

"SPECIAL PROJECT GRANTS

"SEC. 130. (a) The Secretary may make grants to public or nonprofit private entities for—

"(1) demonstration projects for the provision of services to persons with developmental disabilities who are also disadvantaged because of their economic status or the location of their residences.

"(2) technical assistance relating to services and facilities for persons with developmental disabilities, including assistance in State and local planning or administration,

"(3) training of specialized personnel needed for the provision of services for persons with developmental disabilities, or for research directly related to such training,

"(4) developing or demonstrating new or improved techniques for the provision of services to persons with developmental disabilities, or

"(5) gathering and disseminating information relating to developmental disabilities.

"(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless the State in which the applicant's project will be conducted has a State plan approved under section 134.

"(c) The amount of any grant under subsection (a) shall be determined by the Secretary; and payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. In determining the amount of any grant under subsection (a) for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(d) For the purpose of making payments under grants under subsection (a), there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under this subsection for any fiscal year, not less than 30 per centum of such funds shall be used for projects of national significance, as determined by the Secretary.

"(e) No funds appropriated under the Public Health Service Act or under this Act (other than under subsection (d) of this section) may be used to make grants under subsection (a)."

STATE ALLOTMENTS

SEC. 4. (a) Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR ALLOTMENTS

"SEC. 131. For allotments under section 132, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1975, and $85,000,000 for the fiscal year ending June 30, 1976."

(b) Subsection (a) of section 132 of the Act is amended to read as follows:

"(a)(1)(A) In each fiscal year, the Secretary shall, in accordance with regulations and subparagraph (B) of this paragraph, allot the sums appropriated for such year under section 131 among the States on the basis of—

"(i) the population,

"(ii) the extent of need for services and facilities for persons with developmental disabilities, and

"(iii) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 134 for the provision under such plans of services and facilities for persons with developmental disabilities.

"(B) The allotment of the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands under subparagraph (A) of this paragraph in any fiscal year shall not be less than $50,000. The allotment of each other State in any fiscal year shall not be less than the sum of—

"(i) $100,000, and

"(ii) if the sums appropriated under section 131 for the fiscal year in which the allotment is made exceed the amount authorized to be appropriated under such section for the fiscal year ending June 30, 1971, and amount which bears the same ratio to $100,000 as the difference between the amount so appropriated and the amount authorized to be appropriated for the fiscal year ending June 30, 1971, bears to the amount authorized to be appropriated for the fiscal year ending June 30, 1971.

"(2) In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under section 134.

"(3) Sums allotted to a State in a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted to such State in such next fiscal year; except that if the maximum amount which may be specified for construction pursuant to section 134(b)(15) for a year plus any part of the amount so specified pursuant thereto for the preceding fiscal year and remaining unobligated at the end thereof is not sufficient to pay the Federal share of the cost of construction of a specific facility included in the construction program of the State developed pursuant to section 134(b)(13), the amount specified pursuant to such section for such preceding year shall remain available for a second additional year for the purpose of paying the Federal share of the cost of construction of such facility.

"(4) Of the amount allotted to any State under paragraph (1) for the fiscal year ending June 30, 1975, not less than 10 per centum of that allotment shall be used by such State, in accordance with the plan submitted pursuant to section 134(b)(20), for the purpose of assisting it in developing and implementing plans designed to eliminate inappropriate placement in institutions of persons with developmental disabilities, and to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate; and of the amount allotted to any State for each succeeding fiscal year, not less than 30 per centum of that allotment shall be used by such State for such purposes."

(c) Section 132(e) of the Act is repealed.

(d)(1) Subsection (b) of section 132 of the Act is amended by striking out "this part" each place it occurs and inserting in lieu thereof "the State plan".

(2) Section 134(b)(4) of the Act is amended by striking out "under this part" and inserting in lieu thereof "under section 132".

(3) Section 138 of the Act is amended by striking out "under this part" each place it occurs and inserting in lieu thereof "under section 132".

CONSTRUCTION PROJECTS

SEC. 5. (a) Sections 135 and 136 of the Act are repealed.

(b) Section 134(b) of the Act is amended by striking out "and" after the semicolon at the end of paragraph (17), by redesignating paragraph (18) as paragraph (21), and by inserting the following new paragraphs after paragraph (17):

"(18) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate when such construction is completed, any facility, the construction of which is assisted with sums allotted under section 132;

"(19) provide reasonable assurance that all laborers and mechanics employed by contractors and subcontractors in the performance of work on any construction project assisted with sums allotted under section 132 will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(20) contain a plan designed to eliminate inappropriate placement in institutions of persons with developmental disabilities, and to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate; and".

(c) The headings of sections 137 and 138 of the Act are each amended by inserting "CONSTRUCTION," after "PLANNING,".

(d) Section 137 of the Act is amended (A) by striking out in subsection (a)(1) ", other

than expenditures for construction,"; and (B) by amending subsection (b) to read as follows:

"(b) For purposes of subsection (a), the Federal share with respect to any State for the fiscal year ending June 30, 1975, and for the next fiscal year shall be 75 per centum of the expenditures incurred by the State during such year under its State plan approved under section 134."

(e) Section 140 of the Act is amended to read as follows:

"NONDUPLICATION

"SEC. 140. In determining the amount of any State's Federal share of the expenditures incurred by it under a State plan approved under section 134, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than section 132, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

GENERAL PROVISIONS AND CONFORMING AMENDMENTS

SEC. 6. (a) Section 134 of the Act is amended by adding at the end the following new subsection:

"(d) For purposes of any determination by the Secretary for purposes of subsection (b) (11) as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas."

(b) Part C of the Act is amended by adding after section 140 the following new section:

"RECOVERY

"SEC. 141. If any facility with respect to which funds have been paid under section 132 shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization (A) which is not a public or nonprofit private entity, or (B) which is not approved as a transferee by the State agency designated pursuant to section 134 or its successor; or

"(2) cease to be a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities,

the United States shall be entitled to recover from either the transfer or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment."

(c)(1) Part A of the Act is amended to read as follows:

"PART A—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 101. For purposes of this title:

"(1) The term 'State' includes Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

"(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

"(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purpose of construction and operation of the project.

"(7) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or a neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(8) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"STATE CONTROL OF OPERATIONS

"SEC. 102. Except as otherwise specifically provided nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for the mentally retarded or persons with other developmental disabilities with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 103. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

"SHORT TITLE

"SEC. 104. This title may be cited as the Developmental Disabilities Services and Facilities Construction Act."

(2) Section 100 and part D of the Act and title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 are repealed.

(d) Sections 137, 138, 139, 140, and 141 of part C of the Act are redesignated as sections 135, 136, 137, 138, and 139, respectively.

STUDY

SEC. 7. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with section 101(7) of the Act (defining the term "developmental disability"), determine the neurological conditions of individuals which should be included as developmental disabilities for purposes of the programs authorized by parts B and C of the Act. Within six months of the date of enactment of this Act the Secretary shall make such determination and shall make a report thereon to the Congress specifying the neurological conditions which he determined should be so included, the neurological conditions which he determined should not be so included, and the reasons for each such determination. After making such report, the Secretary shall periodically, but not less often than annually, review the neurological conditions not so included as developmental disabilities to determine if they should be so included. The Secretary shall report to the Congress the results of each such review.

(b)(1) The Secretary shall contract for the conduct of an independent objective study to determine (A) if the basis of the definition of the developmental disabilities with respect to which assistance is authorized under such parts B and C is appropriate and, to the extent that it is not, to determine an appropriate basis for determining which disabilities should be included and which disabilities should be excluded from the definition, and (B) the return and adequacy of services provided under other Federal programs for persons with disabilities not included in such definition.

(2) A final report giving the results of the study required by paragraph (1) and providing specifications for the definition of developmental disabilities for purposes of such parts B and C shall be submitted by the organization conducting the study to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate not later than eighteen months after the date of enactment of the first Act making an appropriation for such study.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read,

printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will read the committee amendment.

The Clerk read as follows:

Committee amendment: Page 17, line 5, strike out "return" and insert "nature".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 3, strike out "or" at the end of line 6; strike out the period at the end of line 8 and insert in lieu thereof ", or"; and add after line 8 the following:

"(6) demonstration projects for the establishment and operation of programs under which students in institutions of higher education who are enrolled in a course of study leading to an undergraduate or graduate degree in psychology, sociology, or social work will be able, as part of such course of study, to engage in the provision of services for persons with developmental disabilities and will be encouraged to provide such services on a full-time basis upon completion of such course of study.

Mr. BIAGGI. Mr. Chairman, first, I would like to congratulate the chairman of this committee and the subcommittee, the gentleman from Florida (Mr. ROGERS) and the gentleman from West Virginia (Mr. STAGGERS) for reporting out this most commendable bill. We recognize the effort that is required and the need throughout the Nation.

My interest in this Developmental Disabilities Act has a substantial history. In the State of New York, we have many institutions dealing with retarded children. My personal investigations have shown that despite the fact that we do have some dedicated personnel, there is a crying need for an improvement in this area. In some instances the employees just put in time. However, when we have had volunteer programs with young people entering these institutions, the results were commendable and remarkable, in terms of 1-on-1 service. The young people at college and university levels bring with them a zeal, an idealism, a dedication, especially those who are pursuing courses in the social work, the psychological areas.

This amendment would call for demonstration programs that would, first, fill the need in the institutions of producing a more humane consideration on the part of the employees.

Second. It would enrich the educational process for those who are in the colleges. It would be more than just a classroom facility. It would be dealing with the realities of life.

Third. It might well start them into the direction of pursuing careers in service to the developmentally disabled, where absent from important contact they might want to go into other areas. I understand there have been some demonstration projects included in the bill.

The purpose of this amendment would be to specifically deal with all students who are currently in any college or who can provide an answer to a great need for increased personnel to treat the developmentally disabled.

We would be, in fact, utilizing a great human resource under Government instruction and assistance, we have been neglectful and really have not addressed ourselves to it and utilized it to the best of our ability.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

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

Mr. DELLUMS. I am deeply impressed by the statement of the gentleman in the well. As a former psychiatric social worker, I would like to associate myself with the gentleman's remarks and urge the adoption of the amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

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

Mr. ROGERS. I deeply appreciate the interest the gentleman has shown. Certainly he has been most active in this cause. The points the gentleman has made are important. We do need people trained appropriately and it is critical that college people in the midst of their training should be encouraged to receive training in the provision of services. As a matter of fact, as the gentleman and I have discussed, this bill already includes a provision for the training of these types of personnel.

Section 122 of existing law authorizes the award of demonstration and training grants to schools of higher education.

The authorizations for appropriations for such grants is continued by the provisions of H.R. 14215. In 1973, over 50,000 persons received training under this section and HEW's Division of Developmental Disabilities estimates that between 35 and 40 percent of these trainees were in the fields of psychology, sociology, or social work.

Moreover, section 130(a)(3) of the bill authorizes special project grants for training of specialized personnel for the provision of services with developmental disabilities.

Thus, the authority which the gentleman's amendment would provide already exists in the provisions of the bill before us.

So that I can assure the gentleman that the purposes of his amendment are covered in the bill, and it is the intention of the committee that the types of training proposed in the gentleman's amendment be used where possible, and that HEW, in awarding grants and contracts under sections 122 and 130 give particular attention to such programs. Therefore, I would urge on that basis that the amendment be withdrawn.

Mr. BIAGGI. Mr. Chairman, I thank the chairman for that comment and for that assurance. I would like to pose a question very precisely, for the record, at least. The gentleman is telling me that the bill, absent the amendment, now provides authority for demonstration projects which would implement the substance of my amendment; namely, to encourage thousands of college students majoring in psychology, sociology, and social work to work with the developmentally disabled.

Mr. ROGERS. This is correct. I can assure the gentleman of that fact.

Mr. BIAGGI. The gentleman is telling me further that currently some 50,000 individuals in colleges and universities today are being trained in this fashion?

Mr. ROGERS. Not necessarily in this particular fashion, but 50,000 persons received training in the area of develmental disabilities in 1973 under the law that the bill amends.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. ROGERS and by unanimous consent Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. I appreciate the gentleman's understanding and his support of the amendment. What concerns me is that in the State of New York, where we have hundreds of colleges and universities, we have very few programs of this nature, to encourage students in these facilities majoring in these fields to work with the disabled as part of their course of study, yet we have the definite need for these additional personnel.

Mr. ROGERS. Mr. Chairman, I would urge the gentleman to advise those institutions to get up applications to conduct such programs and submit them to HEW, and I am sure they would be approved. I am sure it would be the intent of this committee that these types of programs should be encouraged by HEW and the State.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to my colleague from New York.

Mr. HASTINGS. Mr. Chairman, I would like to concur with the statement just made by the chairman. I have a personal association with retarded children and rehabilitation centers which utilize these facilities. St. Barnabas University is a very active participant in a rehabilitation center. I can assure the gentleman also, as a member of the subcommittee, that I certainly will be more than happy to cooperate to make sure that this part of the State of New York has the advantages which my part has.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(On request of Mr. ROGERS and by unanimous consent Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. Mr. Chairman, in conclusion, I thank the chairman and the committee for its assurances, and for the quality of the legislation. I am delighted with it. I sincerely hope those institutions I have in mind make application for these demonstration programs.

Mr. Chairman, in light of the assurances of the Committee, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GETTYS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill [H.R. 14215] to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act, pursuant to House Resolution 1224, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 387, nays 2, not voting 45, as follows:

[Roll No. 375]

YEAS—387

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

NAYS—2

Crane	Landgrebe

NOT VOTING—45

Ashbrook	Byron	Clay
Brasco	Carey, N.Y.	Culver
Breaux	Cederberg	Davis, Ga.
Burke, Mass.	Chisholm	Diggs
Dingell	Hogan	Shipley
Dorn	Jones, Tenn.	Steiger, Wis.
Evins, Tenn.	Leggett	Stubblefield
Foley	Lujan	Talcott
Fulton	McEwen	Thompson, N.J.
Goldwater	McSpadden	Walsh
Gray	Macdonald	Whitten
Griffiths	Metcalfe	Wilson, Charles H., Calif.
Gubser	Murphy, N.Y.	
Gunter	O'Hara	
Hansen, Idaho	Roncallo, N.Y.	Young, Alaska
Hansen, Wash.	Rooney, N.Y.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Stubblefield.

Mr. Rooney of New York with Mr. Dorn.

Mr. Murphy of New York with Mrs. Griffiths.

Mr. Burke of Massachusetts with Mr. Gunter.

Mr. Fulton with Mrs. Hansen of Washington.

Mr. Shipley with Mr. Whitten.

Mr. Charles H. Wilson of California with Mr. Steiger of Wisconsin.

Mr. Brasco with Mr. Ashbrook.

Mrs. Chisholm with Mr. Culver.

Mr. Breaux with Mr. Goldwater.

Mr. Diggs with Mr. Gray.

Mr. Byron with Mr. Cederberg.

Mr. Leggett with Mr. Hogan.

Mr. Dingell with Mr. Gubser.

Mr. Clay with Mr. Foley.

Mr. Macdonald with Mr. Lujan.

Mr. Metcalfe with Mr. McSpadden.

Mr. Jones of Tennessee with Mr. McEwen.

Mr. O'Hara with Mr. Roncallo of New York.

Mr. Carey of New York with Mr. Talcott.

Mr. Davis of Georgia with Mr. Walsh.

Mr. Evins of Tennessee with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WALSH. Mr. Speaker, I was present in the Chamber today when the vote for H.R. 14215 was called. I was unable to get my card in before the gavel came down.

Mr. Speaker, I wish to state that I would have voted in the affirmative.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on July 11, 1974 the President approved and signed a bill of the House of the following title:

H.R. 5266. An act for the relief of Ursula E. Moore.

AMENDMENTS TO RAIL PASSENGER SERVICE ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15427) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15427, with Mr. CHAPPELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Tennessee (Mr. KUYKENDALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, we are back on an old subject here, one which has been discussed back and forth many times in the Congress. There is a reason for it in that we have extended this bill year by year. We could, as we have done on many other bills, extend it for 3 years, but we have tried to keep a close watch over the proceedings of Amtrak to try to be helpful to them and to see how they are doing their job. The Special Investigating Subcommittee of the Committee on Interstate and Foreign Commerce has investigated Amtrak quite extensively, and we have found several weaknesses which we have brought to their attention.

I know that every Member of the House probably has received some complaints, but I do not know of any Member who would like to abolish Amtrak. Most of the people who complain to me want a better Amtrak. They do not want it cut out; they want it better. What we are trying to do is to make it a better system, because when Amtrak took over, the passenger system of America was run down completely.

There were not any of the railroads that had renewed their equipment, that had taken care of their business, and Amtrak took over a completely rundown system, and now they are beginning to make some improvements. They need a lot more.

Within the last 2 or 3 weeks we passed a bill relating to railroad safety and the improvement of the tracks and making the railroads safer than they are now, which I think will help Amtrak immensely in the future.

In the year 1973 there were 16.3 million people who rode on Amtrak.

This year, according to the figures reported for the first quarter, 24 to 25 million people will ride Amtrak. There are some people who have complained that Amtrak does not run on time, that the cars are dirty, that the air-conditioning does not work, and that the tracks are so bad they cannot run the trains fast enough to make the air-conditioning work, but we are trying to correct these problems and I think we are making progress.

At this time I yield to the gentleman from Florida, the chairman of the Interior and Insular Affairs Committee, the gentleman from Florida (Mr. HALEY), for any remarks he cares to make.

Mr. HALEY. Mr. Chairman, I thank the chairman of the committee, the gentleman from West Virginia, for yielding to me.

Mr. Chairman, I want to say that wherever I can I do ride the trains. I want to say I have observed in the last couple of years especially that the trains are running more on time. They are not always on time but they are more often on time. I find the cars are clean and the personnel of Amtrak are kindly and they want to be helpful in every way they possibly can.

Mr. Chairman, we subsidize other means of transportation and I think it would be a tragic thing if we did not assist this type of transportation in this, as we might say, reorganization. As the chairman has said, we took over a broken-down, run-down proposition and we are constantly improving the operation. I just hope the Congress will see fit to go along and maintain this means of transportation which means so much to so many people in this Nation.

Again I thank the chairman, the gentleman from West Virginia, for yielding to me.

Mr. STAGGERS. I thank the gentleman from Florida for his remarks.

Mr. Chairman, I yield myself such further time as I may consume.

Mr. Chairman, the gentleman from Florida rides a train a great deal more perhaps than other Members of Congress. He has said the segment of Amtrak which he rides has improved and we hope every segment of Amtrak in America will see improvements and not only that but also an expansion of service all over America. This will not only save energy but will also prevent pollution from automobiles which use gas and oil and discharge the pollution on our highways, and it will prevent some accidents by making our railroads better and save some lives.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

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

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this legislation.

I would just like, however, to make the chairman privy to some information that has come to my attention, and that is a very calloused attitude on the part of Amtrak in the case of the handling of the disabled and handicapped. For instance, the Human Resources School in my area conducts a day camp for handicapped children. The school wanted to bring their children down to Washington and they had tremendous difficulty in arranging this trip because the Amtrak officials said they could not take care of these youngsters, and so on. I think it is very important that the handicapped be given the same right to travel as any of us who have our full faculties and therefore I would ask the chairman to look into this matter of the Human Resources School.

Mr. STAGGERS. I thank the gentleman for his comments.

I would like to say that last year under our bill we did mandate that this should be done, but this is like any other enterprise which starts from scratch. They have made many mistakes and some of their personnel have not had communication with others. When occasions do occur such as this if the gentleman will consult with someone on our committee or the chairman and we will try to be helpful.

But we are trying to make Amtrak a better organization. We need it for this country. I am glad they did finally take care of those children and bring them down here. I see no reason why they could not put an extra car or two on if they need them for groups such as this who are going from one city to another.

Mr. WOLFF. If the gentleman will yield further, one of the problems with the station here in Washington is that they are not able to get the wheelchairs off the cars. There are no ramps for the disabled and handicapped. That is something else. Here the Nation's Capital should be the leader to take care of the handicapped.

Mr. STAGGERS. I agree with the gentleman very much.

Mr. WOLFF. I thank the gentleman.

Mr. STAGGERS. I know most everyone here has a complaint of some kind. I am sure many of us would like to make remarks and tell what has happened in the districts, trains that are not on time or trains that travel too slow.

We are trying to see that Amtrak does a better job on this. They have been handicapped in many ways up to now. We hope in the next few years, that we can help them until they do become self-sufficient and self-paying. I think, given time, they will.

Mr. KUYKENDALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 15427.

Congress is faced with a critical question with respect to this legislation. Should the experiment which we authorized 3 years ago to provide, with Federal support, intercity passenger service for our Nation's citizens to be continued in the face of recurring deficits and need for additional Federal fiscal support? The Subcommittee on Transportation and Aeronautics and our full committee overwhelmingly answered this question in the affirmative. They concluded, and I urge my fellow members to agree, that Amtrak is a useful and necessary element in the Nation's transportation system.

A review of recent performance would indicate that citizens of our country agree. In 1973, Amtrak carried 16½ million passengers, the highest in its history. This upward trend in ridership continues at a rapid pace. In the first 5 months of 1974 Amtrak carried 7.7 million passengers, an increase of 35 percent over the same period last year. Thus, it should be clear to the Members of this body that despite Amtrak's continuing deficits and problems in operation, the American people want and will use an intercity passenger service. Enactment of H.R. 15427 will provide the people with what they want.

More money is authorized this year than ever before—$200 million in direct Federal assistance authority and an increase in the loan authority ceiling from

$500 to $900 million. The committee concluded that such financial support was necessary to enable Amtrak to overcome its most basic problem—inadequate equipment and deteriorating track conditions.

Amtrak has prepared an ambitious scheme to finance capital acquisitions so as to obtain a modern, efficient fleet which will enable Amtrak to render the kind of service that is necessary. The program, to be financed by Government guaranteed loans, includes purchases of 100 new turbine cars, 400 new low-level coaches, 235 bilevel coaches and 57 Metro-type cars at a total cost of $484.8 million. Motive power for this new fleet would be provided by 11 new electric locomotives and 160 new diesel locomotives, with 23 older locomotives being overhauled, at a total cost of $93.7 million. The program also contemplates $100 million in expenditures for improvement of right-of-way. These latter funds, along with moneys made available for Northeast corridor improvements in the Rail Reorganization Act, will enable Amtrak, if the railroads cooperate, to make the very necessary improvements in our deteriorating nationwide track system to bring it up to the level where efficient high-speed passenger service can be provided.

Let me remind everyone here who has heard horror stories of one kind or another about the conditions of cars or locomotives, as of now we just now have our first cars in sight. There have been no new rail cars yet delivered to Amtrak. All cars that have been used thus far are refurbished older cars. We have just gotten delivery on a major portion of our new locomotives, which should improve the on-time record. I said in my former remarks, nothing yet has been done constructively about the roadbed and improvement of the system.

Mr. Chairman, I urge adoption of H.R. 15427.

Mr. HUDNUT. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Indiana.

Mr. HUDNUT. Mr. Chairman, as a member of the House Interstate and Foreign Commerce Committee, I rise in support of H.R. 15427, to provide financial assistance to the National Railroad Passenger Corporation.

As reported from committee, this legislation authorizes a fiscal year 1975 appropriation of $200 million in Federal grants to Amtrak for operating expenses. In addition, it increases the amount of federal guaranteed loans which Amtrak can have outstanding at any one time by $400 million. The present ceiling on loans is $500 million—H.R. 15427 increases this to $900 million. These provisions should improve the financial structure of Amtrak.

Another provision of the bill prohibits Amtrak from discontinuing service over any route on which service was being operated on January 1, 1973. The freeze on existing service lasts until July 1, 1975. I support this provision wholeheartedly. You may recall that last year when we discussed this legislation I spoke of my concern about the proposal to discontinue the National Limited, a train which runs from New York to Kansas City via Indianapolis and the Floridan, a train from Chicago to Miami via Indianapolis. Since then a report of the Special Subcommittee on Investigations of our committee has concluded that—

> The National Limited will become increasingly viable. Amtrak and the Department of Transportation should not have requested discontinuance of the train because the opinions were based on outdated and erroneous information.

Ridership on the Floridan was up by 53 percent during the first quarter of 1974, and Amtrak has plans to initiate an auto-ferry service between Indianapolis and Poinciana, Fla., in the near future over this line, although the starting date has been postponed several times because of equipment problems and poor track conditions.

In my judgment the real key to restoring rail passenger transportation in America is upgrading the roadbeds and tracks as well as improving service and equipment on the trains.

The problem of track and roadbed condition has been of particular concern to me as I know it has accounted for Amtrak's poor on-time performance and, from a more serious standpoint, has resulted in train accidents—one of which occurred recently near Indianapolis—causing many personal injuries, property damage and further delays in service. Passengers could ride from Indianapolis to Richmond, Ind., in less time 35 years ago than they can today, due to deteriorated roadbed conditions. Traveling from Indianapolis to Cincinnati, to take another example, along Penn Central roadbed, there are places—I have ridden this route in the cab, and seen the posted warning signs myself—where the speed limit is drastically reduced, even down to 10 miles per hour in one stretch—which is made to appear all the more drastic and unfortunate and unnecessary when one sees parallel roadbed on the Chessy System approaching Cincinnati from Indiana, where much higher speed limits are possible and therefore permitted. If we are ever going to give rail passenger service its rightful place in the sun of a well-balanced national system of transportation, we are going to have to improve the quality of much of the roadbed, to say nothing of the grade crossings, which, in both rural and urban settings are not only too numerous, but all too frequently in woeful condition of repair and hazardous in the extreme.

I am pleased that our committee's report notes that under the 1970 act, as amended in 1973, railroads are obliged to maintain tracks at least to the level of May 1, 1971, when Amtrak began service. I believe, as does the committee, that Amtrak should vigorously pursue in the courts, and with the ICC and DOT, all avenues available to them to force the railroads to comply with adequate track standards. It seems to me to be an irresponsible action on the part of the railroads to defer maintenance on tracks which are used for passenger service.

In our 1973 bill some $50 million was provided to Amtrak to improve roadbed conditions. With that amount, plus pushing the railroads to live up to their obligations, we should see some improvement. However, in the long run, I feel that we need to pass an Interstate Railroad Act to rebuild and modernize railroad track and roadbed throughout the United States. I am working on such legislation and hope we can pursue this in the near future.

With reference to equipment maintenance, conditions of most Amtrak trains were found to be unsatisfactory by our Investigation Subcommittee. Most of the rolling stock is more than 20 years old and has had to be refurbished or continually repaired. An ambitious procurement program for new cars, and new locomotives is now underway and this should help improve service.

Some of the repair and refurbishing of cars is done at the Penn Central shop at Beech Grove, Ind., which is in the district I am honored to represent in the Congress. The work being done at this shop constitutes an important contribution to the economy of central Indiana and I know it has the capacities to absorb more work for Amtrak in the effort to bring and keep railroad passenger cars in good condition.

As I have stated before, I feel we need a balanced transportation system in America, and the railroads have an important part to play in this goal. The basic concept which gave birth to Amtrak was that the national transportation policy of this Nation should provide the public with alternatives for intercity travel and that rail passenger service in the country was necessary. The energy crisis of this past winter certainly proved the necessity for rail travel, but while this crisis seems to have abated, at least in the public mind, ridership on Amtrak trains is still running ahead of previous years. It is my hope that we will see continued improvements in rail service so it will provide a truly viable alternative for intercity travel, while at the same time it will be a means for conserving our natural resources and will help improve our environment by making it possible to have less travel by private automobiles.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I rise in support of this legislation. We know that this operation is not working without problems. We know that it is not yet in the black in its total operation, but this was anticipated and I might say planned and set in motion knowing full well this might be the case. I think, Mr. Chairman, that the management has been the best possible under very difficult conditions, and for this we should be grateful to those persons who are responsible.

Further, Mr. Chairman, I would like, if I might be permitted, to respectfully use this forum to bring out what I personally consider a deficiency in the routes selected so far. I know that the matter is under study, and for this we are most grateful, but the fact remains that more than 1 million people, and a very important area of our country is not being served. This being the great part of south Texas below Houston

down to the Rio Grande Valley, where the vast majority of the people of south Texas live. This is a great recreation area, it is a haven for many people from other areas of our country during the winter, due to our heavenly endowed mild weather. The energy crisis surely hurt our area this past winter and it surely will be a major factor on whether some of these people come next winter to our area. Economical public transportation would be of great assistance in this respect. We are also one of the most used ports of entry for travel both to and from Mexico, at Brownsville, Hidalgo, Progreso, Los Evanos, Rio Grande City, and Roma.

Therefore, Mr. Chairman, I again respectfully urge that serious consideration be given by the proper officials to alleviating the transportation problems of this very important area of Texas, and surely one way would be to provide rail transportation which we do not now enjoy and which would surely enhance the social and economic well-being of more than 1 million people of our great area of the United States. I thank you, Mr. Chairman, and my colleagues.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Chairman, I rise to support H.R. 15427.

As chairman of the Subcommittee on Transportation and Aeronautics, I believe I can speak for my colleagues in saying that this bill reflects our belief that Amtrak is important to the national transportation policy of this Nation.

The 91st Congress saved rail passenger service from almost certain doom in 1970 with the passage of the Rail Passenger Service Act—the legislation which created Amtrak. Only 500 trains carried passengers in that year—a mere fraction of the number once served America. Passenger service was losing $200 million a year.

In the 37 months that Amtrak has been operating, we have had to subsidize them with $319.1 million. But I believe we have turned the corner—and although we expect deficits for the next few years, Amtrak shows signs of progress.

Today, Amtrak is struggling with a host of problems—deplorable track conditions because the railroads have simply made it a policy to defer maintenance. They have antiquated rolling stock—much of it 20 years old and in bad need of repair. Their on-time performance is miserable because of this roadbed and equipment problem. But they are procuring new equipment, and we expect the Department of Transportation and the Interstate Commerce Commission to force the railroads to maintain their tracks for proper passenger train operation.

More people are traveling by rail today than in over a decade. The decline of rail passenger use has been halted. Last year Amtrak carried over 16 million passengers, the highest number in years For the first quarter in this year, ridership is up 41 percent. Many of these are on long-haul routes—such as the New York to Florida service which is up 80 percent and the Chicago to California route, which is up 78 percent.

The energy crisis has attracted people back to the rails—and again this shows the wisdom of the 91st Congress in giving the American people a viable alternative to the highways and air travel. Rail passenger travel is one of the most efficient uses of our scarce energy resources. Likewise, it is one of the most environmentally sound means of travel.

Amtrak has severe managerial problems. It has severe operational difficulties. Everyone of my colleagues here today could recount either a personal experience or a constituent complaint about Amtrak's problems. But I think things are getting better, and this company deserves our continued support and encouragement. After all, Amtrak is much like the ancient Phoenix. It has taken rail passenger service from the ashes, and is struggling to become healthy again. It is still in its infancy, and we should not cripple it in its youth, but nourish it, and give it our strong support and guidance if we want it to grow. We have already a heavy Federal involvement in tax dollars in the success or failure of this Corporation. I, for one, want to see it succeed. I believe it will. And I believe the bill before us today is one which will help it along the path to success.

Mr. KUYKENDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I rise in support of H.R. 15427. The American traveling public needs a well-balanced transportation system. Briefly, that means good highways, good public transit for our cities, a safe and efficient airway and airport system and adequate port and waterway facilities. It also means modern rail passenger service for all parts of the country.

Recognizing this fact, I actively supported the creation of Amtrak in 1970. The original charter instructed Amtrak to provide continuing service over a pared down rail network by contracting out to participating railroads for the necessary equipment and services, and required Amtrak to issue common stock or an equivalent tax deduction to these companies. Congress also provided Amtrak with a $40 million grant to cover start up costs and $100 million in loan guarantees to conduct a capital improvement system.

While Amtrak has had its imperfections and has faced a series of problems in assuming control of rail passenger service, I am aware of what it has accomplished and I anxiously await improvements in the quality of its operations that will bring faster and more frequent service throughout the Northeast, in New England and in other parts of the country.

All things concerned, I feel that the committee has brought to the House a bill which deals adequately with the various concerns about Amtrak. I recommend the bill and hope the House will give it favorable consideration.

Mr. KUYKENDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 15427, which amends the Rail Passenger Services Act of 1970 to provide continuing financial assistance to Amtrak for fiscal 1975.

In 1970 we passed the Rail Passenger Services Act, establishing this national corporation, in an attempt to revive rail passenger transportation. We have been rather successful in this endeavor. Amtrak carried 16.3 million passengers in 1973. Forty-one percent more people traveled the rails in the first quarter of 1974 than in the comparable period of last year. There can be no doubt that this dramatic increase was due to the energy crisis and the resultant fuel shortage. People took to the rails as gasoline became scarce and its prices soared. What could be a better example of the necessity for maintaining Amtrak? We need to promote a national transportation system, one that is fast, energy efficient, and environmentally sound. I am convinced that Amtrak is a viable part of that system.

Amtrak has the passengers, but now it must satisfy those customers in order to maintain its ridership.

Therefore, I strongly support the committee's recommendation of $200 million in Federal grants for its operating expenses and also raising its loan ceiling to $900 million, allowing the purchase of new equipment.

I also agree with the provision which prevents Amtrak from discontinuing any of its runs for at least another year. This will give the corporation more data on which to base the profitability of its routes.

Although I support the Committee on Interstate and Foreign Commerce's appropriations authorization requests, I also agree with the committee that an annual audit of Amtrak by the Comptroller General should be required. Under the 1970 act, this audit is discretionary. There is no question that the requested Amtrak authorizations are needed. But, we also must insure that the taxpayer's money is being spent wisely.

Mr. Chairman, just 2 weeks ago the Department of Transportation approved a 2-year experimental Boston to Chicago rail passenger route. I worked long and hard, pushing for approval of this run. I hope this experiment will prove successful and the route will be permanently established.

It would not only relieve the fuel shortage, but it would also enhance area job opportunities, reduce congestion, and lessen noise and air pollution. I am sure you can understand my personal interest in promoting the success of Amtrak. But I rise in support of Amtrak not merely for parochial interests, but also because of what the success of this Corporation means to the Nation. As ranking minority member of the Appropriations Transportation Subcommittee I am of the belief that we must promote a national transportation system. The energy crisis, environmental deterioration and the mobility of the American people require it. I feel Amtrak should be an integral part of that national transportation system. I, therefore, urge adoption of this bill in order to insure adequate

financial assistance to the National Railroad Passenger Corporation.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, we have talked about giving Amtrak a fair chance, and I think one thing that should be considered in this Amtrak discussion is giving a fair chance to the American people, because if anyone should ask an average man on the streets down in Dallas, Tex., if he wanted all of the Dallas income taxes for the past 3 years to go to pay off losses on Amtrak, he would ask if that person were crazy. He really would, because that is what this issue is about, is a billion and a half dollars for Amtrak a good way to spend the taxpayers' money?

This represents one and one-half billion dollars, and I will tell the members of the committee how it gets there. We now have $900 million of loan guarantee. This guarantee is simply money Congress has spent. The deficits for 4 years will top $600 million, so this totals $1½ billion.

I have here the Amtrak 1973 annual report, and in looking over its operating result, only the Northeast Corridor—only the Northeast Corridor had a cash flow break even. But, Amtrak does not consider 27 percent of its expenses which are semifixed in their operational figures. I used to run a business and we included depreciation and everything, but Amtrak runs a different kind of business.

Amtrak's problem is—this should be emphasized—its big problem is congressional interference. We tell them they have to operate losing lines. Congress mandates that they must open certain routes each year.

Congress ought to be completely out of it. We ought to let Amtrak management run the railroad. All we have to do is look at our own financial statements, look at the way we spend in Congress, to know that we are not in any position to tell Amtrak how to run a railroad.

Let us look at some of the losses. In these I added the unallocated expenses which represent the true operating losses.

Take these long runs such as from Boston to Florida. They had $24 million in revenue and they had $47 million in expense. Then take these: Chicago to Los Angeles, $16 million in revenue, $30 million in expense; Chicago to Seattle, $14 million in revenue, $30 million in expense; Chicago to Newport News, $1.6 million in revenue, $6.3 million in expense; Chicago to Houston, $4.3 million in revenue and $12 million in expense.

These are just rough figures I estimated last night as I reviewed the report.

Here is the problem: Folks today do not ride long-haul trains. The place for passenger trains is in the Northeast corridor of the United States; that is the place, from Washington to Boston. That is where they ride.

Tracks, railroad tracks, are for heavy freight. They are not made for passengers. Heavy freight is their purpose. Heavy freight is the responsibility of the railroads.

Why do we not get Congress out of this and let Amtrak run its own railroad? We spend and we spend and we are spending the people's tax money. Yet we do not know how much $1.5 billion is.

I have some figures from the Library of Congress on how much individual total tax income we get from entire cities. It amounts to all of the individual personal taxes from my city of Dallas for 3 years to take care of Amtrak's losses. Figures available were from 1970, but are typical.

In San Francisco the total tax income, on all the personal taxes in San Francisco, is $440 million. In other cities the following was the case: Denver, $344 million; Atlanta, $415 million; Peoria, $100 million; Omaha, $186 million; Cheyenne, $29 million; Helena, Mont., $14 million; Manchester, N.H., $43 million; Grand Rapids, $158 million; and Bismarck, N. Dak., $25 million.

Do the Members think that the folks in Denver, Colo., would vote that they wanted to spend 4 years of their total personal income taxes to be paid for this congressional loser?

I went to my hometown to see how folks travel. When I went back to Dallas. Mostly they go by car. A whole lot of them like to fly in an airplane.

Let me tell you what has happened in Dallas. Amtrak comes through our town three times a week, and in the spring, in April, we found that on an average 13 passengers were getting on the train each day—13 passengers. We checked the whole month of April, and we found that only 176 people rode Amtrak out of Dallas. Maybe twice as many do during the summer. Amtrak definitely does much better during the summer.

Let us just take the summer traffic as an example. Each Monday morning we have typical traffic. When we have 30 people get on the train, there are 110,000 automobiles being driven out of our city and 20,600 people get on airplanes each day, and there are 2,500 persons boarding the buses each day. Each time one person gets on the train in Dallas 1,000 people get on the airplane.

Let us look at costs. Some 1972 figures showed that the average train expense per Amtrak mile was $7.25, but the expense per bus mile was only 80 cents. In other words, it costs nine times as much to run the train.

Have we lost sight of public concern? Folks prefer highways and airports. The public wants highways and airports. That is where congressional interest should be.

Back in 1944 there were 90 billion passenger miles in intercity rail traffic, but by the end of the 1960's this volume had dropped to 8 billion miles. Today folks fly and drive. They do not ride the train. The short hauls appeal to railroad passengers. Today Amtrak charges $20 to go from Washington to New York, while Eastern Airlines gets $29.64.

Mr. Chairman, that is where Amtrak belongs, in the Eastern corridor. Let the railroads concentrate in this concentrated rail passenger-oriented market. They can then improve on their 60 percent on-time record schedule. They can improve schedules where we remove congressional advisors and get Congress off their backs.

I was interested in reviewing the Amtrak congressional debates of 1970 and 1972. I know right now we are in 1974, which is another election year.

I noticed that in 1972 most of the discussion was on whether their city could be added for a railstop. But the finance picture everywhere was optimistic.

I quote here members of the Commerce Committee in 1970 and 1972. The quotation, on October 13, 1970, is as follows:

> The Federal Government is authorized in this legislation to put up $340 million in grants and loans. Between this Federal backing and the funds contributed by the railroads, the corporation will hopefully be financially sound.

That was 1970.

In 1972, someone asked what was happening, and this is what he answered: "I say to him that those who work at Amtrak have said they expect by 1975 to be in business and making money, and will not need any more financial help from the Government."

We are now in 1974. I want to tell the Members what I said in 1972, and I wish to say I feel the same way now. This is what I said on this floor in 1972:

> The railroad future depends on freight. Our field of concentration for building a stronger transportation system in America should be to help railroads as they revitalize their freight operations.

Inflation is America's big challenge today. It is caused by congressional overspending. I want to repeat that. Inflation is caused by congressional overspending. We never have given Amtrak's management a fair chance.

Why should we in Congress insist on deadhead triple losers for rail routes? When we go home for this year's election, do you want to be known as one of the Nation's big spenders? Let us stop spending. Let us say that $1½ billion for Amtrak is not needed. Let us save America from inflation.

Mr. Chairman, the following is the statement of dissenting views which was included in the printed report which the Members have access to on the floor:

> Amtrak was created to salvage the most necessary portions of the railroad passenger service in the country. It was not originally intended to continue operating a national network of passenger trains servicing nearly all of the country, which service had previously been losing about $600 million per year. The act was passed giving to the new corporation the funds which had been predicted would set up a viable passenger network. The corporation is described as "for profit." Section 201 of the act states that the basic system should consider among other things, "the relationship of public benefits of given services to the costs of providing such services" and "potential profitability of the service."
>
> The corporation, originally called "Railpax", was given $40 million in hard cash to get established. It also had access to a guaranteed loan fund of $100 million to be used for capital expenditures. In addition, the railroads were obliged to pay in a portion of the sums they would be losing, for the privilege of dropping passenger service. That was the first bite. It is hard to believe that Congress would have been argued into creating the corporation if it had known that by fiscal year 1975 it would have gone through $1.5 billion with nothing but escalation in sight.
>
> The passenger rail network which has

been created pursuant to this legislation cannot be supported by any reasonable criteria of public service. Except for the Northeast corridor, it can never pay its way or come close enough that the huge expenditures of tax money necessary to keep it running can be justified.

In 1973 the operations lost $158.6 million. If that could be attributed to the newness of the effort and the difficulties of organizing, it would be possible to accept it. In 1974, however, we encountered the energy crisis. Ridership on Amtrak skyrocketed, or at least increased to the extent its equipment and schedules could accommodate. Here, certainly, was its chance to show that rail passenger service was needed and could make it. Actually, the result of the increased business was not profit, or even break-even operations. The result was a larger deficit.

Now, in 1974 the Congress is asked to increase the guaranteed loan fund to $900 million because the $500 million already authorized is completely committed. It should be here noted that even the officials of the Department of Transportation openly admit that this is not really a loan fund. It will never be repaid. Tax money will eventually be required to make good those guarantees.

For the fiscal year 1975 the budget anticipated operating losses of $148 million. By the time the authorizing legislation came before our committee, it was acknowledged by everyone involved that the figure should really be $200 million. These escalating losses are in the face of increasing ridership.

Let us look for a moment at what we mean when we talk of increased ridership. Most of the passengers carried are in the Northeast corridor, and that segment turns a profit. No one will argue with the desirability of continuing such a useful service. That corridor carried 75 percent of all of the Amtrak passengers, leaving 25 percent for the rest of the network which consists of 26 runs on 12 different railroads. That 25 percent of the traffic generates all of the staggering losses Congress and the taxpayers are called upon to absorb.

One of the most enthusiastic supporters of Amtrak as a concept is the National Association of Railroad Passengers. Its representative, in his testimony before the subcommittee, readily predicted that it would take ten years, if everything went right, for the Amtrak network to break even. But he was not talking of breaking even in the ordinary corporate sense. He was referring only to breaking even on operating expenses, and then only if very large sums were also spent upon capital improvements and roadbed repair. In effect, he testified that what the law calls for and the taxpayer deserves from this effort cannot be done.

Things get out of perspective when we look at one mode alone, and particularly if we look at it hopefully and romantically rather than critically. When ridership increases at a given point from 13 passengers a day to 50 passengers a day for a short season, that can be hailed as a 400% increase in ridership. It is another thing to say that it justifies any real consideration as progress when, at the same time, thousands are arriving and departing by air and hundreds of thousands by automobile in the same city.

The losses are large and increasing. When new contracts are negotiated with the railroads, and new employment contracts are signed with labor, the present losses will look small. Without these we are now asked to pick up the tab in fiscal year 1975 for $200 million in operating losses. Next year there will be more, plus paying off $900 million in guaranteed loans. The year after that there will be still more. How long can we possibly continue to support all of the unjustified and unnecessary waste of assets on a system which has thoroughly proved it cannot make the grade?

The only amounts which can be justified are guaranteed loans for equipment and track improvement in a few corridors like the Northeast where operations can clearly be profitable and the loans repaid.

Railroads' future rests with heavy freight, and therein railroads are essential to our Nation's economy.

With inflation of paramount concern to all America, we need to reduce government spending. Our excessive spending here in Congress is the primary cause of our Nation's serious inflation.

Amtrak can best be operated if Congress would completely remove itself from any management or advisory capacity. Routes and services should be determined by Amtrak with responsibility and authority exclusively within Amtrak to terminate unprofitable lines. If we gave Amtrak a fair chance by removing politics and Congress from the issue, and let Amtrak management concentrate on the successful and major market of the Northern and Eastern corridor, then Amtrak would have a sound future.

The present legislation compounds and continues an impossible management situation for Amtrak.

Mr. KUYKENDALL. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, in 1970 the 91st Congress passed a Rail Passenger Service Act because it felt that such service was necessary if we were to meet the passenger transportation needs of this country.

Many of us felt then, as I feel now, that the passengers at that time did not leave the trains; they were pushed off because the railroad companies found then that a dollar invested in freight services would provide a better return than a dollar invested in passenger services.

Besides, a piece of freight does not complain about a bumpy track, late arrivals, dirty and ill-kept cars.

But as our highways became clogged, our airlines choked, and intercity traffic reaching almost the disaster stage—Amtrak came into existence.

Amtrak was started with a $40 million Federal grant and payments of $197 million from participating railroads.

Since then, the Federal subsidy has totalled $319 million to cover operating losses.

In addition Amtrak has been able to borrow money on the strength of $500 million in Federal guarantees since 1970.

H.R. 15427 authorized an appropriation of $200 million to Amtrak for fiscal 1975 for operating losses.

The $400 million in guarantees is to help Amtrak purchase new equipment, locomotives and rolling stock.

Add to this $400 million—$500 million in guaranteed loans in 1970—makes a total of $900 million.

Mr. Chairman, none of us expected miracles of Amtrak—but neither did we expect it to do nothing.

Admittedly, Amtrak inherited most of its equipment from the railroads, most of it was obsolete, rundown and needed repair.

Admittedly the roadbed it was required to use was run down—high speed was dangerous.

This in itself made it impossible to provide an "on-time" schedule.

After 3 years and the spending of $1½ billion, the honeymoon is over and it is time for Amtrak authorities to either fish or cut bait.

The day for blaming all its faults on old equipment, no cooperation from the railroads is over—it is time now for Amtrak officialdom to perform or get someone who can.

A special Subcommittee of Investigations on the Committee on Interstate Commerce to review Amtrak operations as it relates to maintenance and repair activities submitted its report in March 1974. It pointed out that:

The Rail Passenger Service Act provides that Amtrak should directly control and operate all aspects of its rail service.

That in October 1971 Amtrak informed the committee that it was studying the feasibility of taking over railroad maintenance personnel and shops during fiscal 1973.

Yet in December 1972, one-half of fiscal 1973 over, GAO reported that Amtrak had not taken over any part of the maintenance and repair activities.

In April of 1973 Amtrak advised GAO that since January 1973 it had assumed full responsibility for operating the field point, Providence, R.I., shop for maintaining turbo trains and was constructing a similar facility in Chicago. It reported it was negotiating for the take over of the five car and/or locomotive running repair shops and service facilities. Well it is still constructing its shop in Chicago. It has not taken over a single one of the five shops it supposedly was negotiating for.

Since April 1973—the only additional repair shop Amtrak has taken responsibility for is a small one in Jacksonville, Fla.

It still negotiates with railroads to assume responsibility for repair terminals at Los Angeles, New Orleans, and Washington, D.C.—and for the repair shops in St. Louis, Chicago, and Sunnyside, N.Y.

When asked what is wrong Amtrak states that it has not been successful because the railroads are demanding exorbitant prices for its properties.

So the passenger cars continue to have—

Worn out seats and carpets;

Dirty and broken windows;

Drippy faucets, cockroaches, leaky windows; and

Broken down air-conditioners, torn seats, et cetera.

If you inquire of Amtrak about these conditions, and why its rolling stock is out of condition you are told that the railroads are at fault, they're doing a shoddy job. Yet the GAO found that—

Amtrak did not have any effective system of surveillance over car maintenance . . . and that Amtrak furnished the contractors inadequate advance scheduling of work and does not prepare adequate detailed specifications for refurbishment.

The special committee found that Amtrak does not supervise the maintenance, does not hold the railroads accountable for failure to live up to contractual agreements. Nor does it insist that the railroad properly maintain its roadbed.

It also found that although Amtrak established a spare parts inventory control system, it has not defined what parts should be carried in inventory—hence

cars lay in repair shops for months on end, waiting for parts.

Mr. Chairman, clear windows, seat covers, decent chairs, a paint job—all will do wonders for the inside of a house. They will do the same for a passenger car.

Repairing broken windows and seeing that they operate properly does not require a specially trained technician. Such work does not require a tremendous outlay of capital or a special railroad yard to get the job done.

It takes management with a will to see that a job is done.

Shabby, dirty cars with broken, dirty windows, filthy seat coverings, plus an undependable schedule, drove people from the trains. When the railroads run them—it will do the same under Amtrak.

Either Amtrak officialdom should get on the job or let's replace them with someone who will.

It is with grave reservations that I support this bill. It is only my conviction that we must develop a sound passenger service if we are to meet our transportation problems that I urge its adoption.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. ADAMS), a member of the subcommittee.

Mr. ADAMS. Mr. Chairman, I rise in support of H.R. 15427, the Amtrak authorization for fiscal year 1975. The sharply increased ridership, which has increased steadily since the beginning of Amtrak service in 1971, demonstrates that the public wants and will ride good passenger trains. According to an article by Bill Jones in the Washington Post of June 30, Amtrak already has 430,000 reservations for the next 6 months, and some trains are completely booked.

Many of my colleagues have expressed a justifiable concern about the continued deficits incurred by Amtrak. I believe that such deficits were inevitable in the initial period when Amtrak was required to take over and operate a passenger service that had fallen into disrepair. This 1-year authorization will allow congressional review of Amtrak operations next year, when the impact of increased ridership and the results of new equipment coming into service can be carefully scrutinized.

I do not think that now is the time to be penny-wise and pound-foolish. The Appropriations Committee reduced the Amtrak appropriation from the requested $143 million to $125 million. Fortunately, this appropriation was stricken from the DOT appropriations bill on a point of order, and the Amtrak appropriation will have to be considered again by the House. In testimony before the Commerce Committee, Amtrak officials said that, faced with an $18 million cut, they would have no choice but to reduce the level of service on routes they are required by law to serve. The basic route structure of Amtrak is fixed by law and Amtrak must operate within this framework. A cutback in service in the Northeast corridor, for example, would only increase the deficit, because this is a major, and profitable, market.

Reductions in service on longhaul routes, such as Chicago to Seattle, would turn away this summer on trains that are running full. Service cutbacks would discourage future business because people would be confused by schedule changes and the fact that Amtrak would be forced to turn away people who wanted to ride its trains. As any airline executive who has been through a strike will tell you, it is very hard to regain passengers after a service cutback. Further, the huge increase in fuel prices has added to Amtrak's costs, as have other inflationary increases, which have affected the railroads as much as they have any other industry. The bill sets an authorization ceiling of $200 million. I hope that the amount actually required by Amtrak will not be that much, but I think we must recognize that $125 million will simply not be enough.

There is one other matter of concern to me. The committee report refers, on page 4, to the apparent refusal of some railroads to maintain their tracks up to the standard required by law for the operation of Amtrak trains. Instances were also cited of railroads who have refused to permit operation of Amtrak trains over portions of their track. A good faith partnership between the railroad industry and Amtrak is necessary if this experiment in revitalizing passenger transportation is to succeed. And cooperation with Amtrak is in the best interests of the railroad industry. Rightly or wrongly, the general public will judge the efficiency of the railroads on the way in which passenger trains are operated. In the June issue of Modern Railroads, its editor Tom Shedd has a cogent editorial on this point entitled, "Amtrak's First 3 Years." Mr. Shedd points out that the new image of railroading that Amtrak has helped to create—

> And Amtrak's positive accomplishments can't help but increase the public's interest in railroading as a whole.

Mr. Shedd goes on to say that—

> We find it amazing that some railroads continue to oppose Amtrak, either directly or indirectly. Dog in the manger attitudes will do neither these railroads nor the industry any good.

This is a point well taken, and I hope those reluctant railroads just want Amtrak to go away will pay attention to this warning.

There are many railroads, including the Burlington Northern, the Union Pacific, the Sante Fe, and the Milwaukee, which are providing good service to Amtrak and they are to be commended for their good faith efforts. In addition, Autotrain Corp. and the Southern Railway have shown that good passenger service can be provided outside the Amtrak system, and offer a good yardstick for Amtrak service. I hope these railroads will set an example for their laggard brethren in the industry.

Mr. YATES. Mr. Chairman, will the gentleman yield?

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

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I shall vote for the bill, but I shall do so reluctantly. There are two areas—passenger service and track maintenance—in which Amtrak is not keeping faith with the public.

Let me say at the outset that I believe the Nation needs a viable passenger rail network. But so saying, let me hasten to add that this Nation shall never need the kind of service now being offered by Amtrak.

Since its inception, Amtrak has provided such clearly inadequate service that it has prompted my constituents to write and phone almost daily to complain about one abuse or another.

Let me list some of the more frequently voiced complaints:

The trains simply do not run on time. They do not adhere to the schedules and are subject to almost routine delays;

Serious overselling of seats has resulted in passengers having to stand on many trains, while equally poor planning results in other trains running almost empty;

A reservations system that sometimes requires days of phoning just to get through;

Trains which are rarely as clean, new, or comfortable as they are advertised to be; and

An overall lack of courtesy.

Train travel is often said to be unfashionable these days. The public is said to prefer cars and airplanes over train travel. If this is true, then Amtrak is certainly doing little to help the situation, and if my mail is any indication, Amtrak is losing far more passengers than it is converting.

Every railroad which is a member of the Amtrak network is required, under contract, to maintain its roadbed and track quality to a level at least consistent with their condition on May 1, 1971. That is in the contracts—in black and white. Every one of these railroads became a member of the Amtrak system voluntarily, and every one of these railroads signed the maintenance contracts voluntarily.

The situation today however, is far from what one might expect. The tracks and roadbed on many Amtrak lines are in miserable condition—far below that on May 1, 1971. The result has been both predictable and tragic. Since that date—May 1, 1971—just over 3 years ago—there have been at least 11 accidents directly attributable to track failures. The dollar cost to the taxpayer has been nearly a million dollars—$957,649. The human cost has been inestimable. At least one person has died, and at least 266 persons have been injured, again, as a direct result of track conditions.

The situation has not been resolved for lack of money. The money for the necessary repairs is available. It is money we appropriated. In calendar year 1973 Amtrak budgeted $50 million for track and roadbed repair. In fiscal year 1974 they increased that amount to $110. But they did not spend this money.

In fact, Amtrak has refused to spend a dime on any line's track or roadbed until that track and roadbed can meet the May 1, 1971, standard. Three times in as many years Amtrak has had to bring action before the National Arbitration Panel to force the railroads' compliance with their contractual agreements.

The Louisville-Nashville, the Illinois

Central Gulf, and the Penn Central have all allowed their track to deteriorate to a dangerous level. All have been called before the panel by Amtrak. To date, the repairs have been minimal—the progress not encouraging. Just last Friday two more Amtrak trains derailed, and though the causes are not yet known, track failure is suspected.

To add to this problem, the Federal bankruptcy court handling the Penn Central case has refused to allow the Penn Central to expend any money for track repair—thus assuring that the May 1, 1971, standard will not be met.

The Federal Railroad Administration has the power to declare any stretch of track unfit for use. It is a power they have not used—a power that 266 persons and the family of one other might well wish they had used.

Mr. Chairman, I think Amtrak, the railroads, and the Federal Railroad Administration ought to be put on notice, here today, that the Members of this Chamber find no excuse for the compromise of safety.

They ought to know that we have found both their service and their attention to safety to be unacceptable. They ought to know that without the demonstration of substantial progress by this time next year, there may not be an Amtrak authorization.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume. I should just like to make a brief statement.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

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

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Chairman, I support this bill strongly. I feel that we would be right to pass this bill because it gives Amtrak an increase in financial support.

I would hope that Amtrak could utilize this extra money to upgrade service nationwide. It is easy to understand the demand for rail service is greatest in the Northeast corridor. It is also easy to understand that costly improvements must be made in the Northeast region.

At the same time, Amtrak was given a mandate for nationwide rail passenger service. To follow this mandate, Amtrak's commitment must be nationwide.

It should also be stated, and stated forcefully, that the congressional policy should not be subverted by the Office of Management and Budget or the Department of Transportation.

Unless Amtrak supporters in Congress stand up and call the hand of this administration toward Amtrak, we may witness the demise of rail passenger service outside the Northeast corridor. For the sake of our energy reserves and our environment, moving people by rail should not become as extinct as the passenger pigeon.

One way, and the best way in my opinion, to judge what is happening to the national Amtrak system is to evaluate the experiences of each individual train run.

Many of these experiences seem to be minor problems which convert into major inconveniences for the rail passenger.

Through my congressional district, the Amtrak train, the Inter-American, runs. If the Members would scan over my supplemental views in the Committee's report for this bill, they would discover the annoying experiences of which I speak.

There is no need for me to repeat what I said in the report. Briefly, I highlighted air conditioning problems, station facilities, and train speed.

But one of my major purposes in writing the additional materials to the Committee report is to encourage members from all across the Nation to come forward with Amtrak information.

Such a national debate would put us on the right track.

An example of what I am speaking of is a recent letter from my good friend from San Antonio, the Honorable HENRY B. GONZALEZ.

He wrote Roger Lewis, president of Amtrak, and urged that Amtrak work out a true international schedule with the Mexican National Railways for the Inter-American. I would like to insert the Congressman's letter at this point in the RECORD:

WASHINGTON, D.C., *June 6, 1974.*

Mr. ROGER LEWIS,
President, National Railroad Passenger Corporation, Washington, D.C.

DEAR MR. LEWIS: From the outset of the Amtrak effort, the intent of Congress has been to establish international service as well as an acceptable domestic service. Insofar as international service between the United States and Mexico, the record thus far is extremely disappointing and I do not feel that Amtrak has made an adequate effort to establish through train service between the United States and Mexico.

The Mexican National Railways have been most cooperative and, indeed, anxious to assist in establishment of international service. For example, they have offered to provide all equipment necessary to establish through train service, but Amtrak has declined to accept this generous offer. Mexico has offered to alter its train schedules even at the risk of losing some business on the affected segments in order to establish good connections with Amtrak, but Amtrak for its part has not been willing to make any adjustments to its own schedule. In short, without reciting all the lengthy list of particulars, Amtrak has appeared unwilling to do anything in a positive manner to establish an acceptable level of service connecting with the Mexican system. The result is that we still have now a truncated service which, in effect, kicks passengers out at the end of the line in Laredo, leaving them stranded. This might be understandable if the railroad ended at Laredo, but it doesn't.

I sincerely feel that Amtrak could make, and should make, a positive effort to establish this service. I hope that you will review this matter and interest yourself in it personally, because I believe that a good service is in the interest of Amtrak and would attract a good level of ridership, just as your improved services to Montreal have.

With best wishes, I am
Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

May I add that I join with my good friend from San Antonio in his efforts to have a true international schedule for the Inter-American.

Not only should Members of Congress speak up, but those citizens who live along Amtrak routes should also become involved. In fact, I feel that our citizen groups are even more vocal than some of our elected officials.

For example, in my supplemental views, I discuss the closed station facilities in San Marcos, Tex.

Shortly after I wrote my views, I received a letter from Mr. J. E. Younger, Jr., of San Marcos. His letter is a result of citizen involvement in San Marcos over the train station. Local newspapers and civic leaders are interested in this problem.

This letter gives a cost estimate for opening the station depot and providing minimum service to the San Marcos Amtrak passenger.

I would like to also include this letter in the CONGRESSIONAL RECORD at this point:

JUNE 23, 1974.

Hon. J. J. "JAKE" PICKLE,
U.S. House of Representatives, Washington, D.C.:

Per your letter May 29 regarding Depot for Amtrak, San Marcos, Texas, we have not seen interior of depot in some time and do not know cost of putting into serviceable condition would be, however we feel that these steps could be taken in order to furnish train passengers a place for boarding train in San Marcos.

Painting and cleaning of station, $200.00.

Rest rooms (do not know if station has more than one) if not two, installation and modernizing of facilities, install paper towel rack, tissue racks and waste cans. If present facilities completely nil, $2,500.00.

Install drinking fountain, $250.00.

Install heating and cooling system, $450.00.

Safe for funds and ticket stock, $300.00.

Installation of adequate wiring and lights for security outside building, $150.00.

These items would constitute capital items, possibly items and work could be done by transferring items from other terminals and work done by railroad maintenance crews.

Expense items monthly basis

Keeping station open 3 hours per day 6 days per week	$250.00
Insurance	10.00
Electricity (including gas if heated by natural gas)	25.00
Phone	18.00
Water, sewage, garbage	20.00
Paper supplies (restroom) if not furnished by Amtrak	10.00
Variance 10%	31.00
	339.00

All items subject to review every 6 months. Public phone would be installed by phone co. no cost. Do not see how facility could be used without this expenditure, unless station in present condition opened at noon and closed at 6 p.m. and unattended.

Hope this covers information you wanted.

Very truly yours,

J. E. YOUNGER, Jr.

The Austin Chamber of Commerce, its officers and board members—have been most insistent on improving service. They feel, as I do, that Amtrak must force these decisions to give us proper service.

Of course, I do not know if these figures (San Marcos) are exactly correct, but they are certainly in the ball park. I am very familiar with this facility in San Marcos, and this is why I feel they are nearly correct. We might be able to cut down on those bathroom figures.

Again, my supplemental views give even more examples of minor things that could make riding the Inter-American even more fun.

Before concluding, I want also to state my extreme disappointment with the attitude demonstrated by the majority of the railroads top management people toward Amtrak. This attitude is basically that Amtrak is a nuisance, which should go away. And like most perceived nuisances, the railroads treat the nuisance with disdain.

Well, Congress does not intend Amtrak to be a nuisance. The railroads have only one thing to gain with this attitude. The gain would be the public's animosity, for the public wants train service. And Congress will not tolerate for much longer the unwillingness of Amtrak and railroad officials to improve this service.

To conclude, I urge Amtrak to heed the will of the Congress. I also urge the Congress to give strong support to rail passenger service. We must not allow administration and railroad policy to kill Amtrak. If changes are not made immediately, I think the Congress should force expenditures to give us proper service. This business of constantly pointing the finger at someone else—whether Amtrak or railroad companies—and doing nothing is going to irritate Congress so much that nationalization is in the offing if something is not done. This is a fact, not a threat, Mr. Chairman.

Mr. STAGGERS. Mr. Chairman, I think most of us understand the basic issue here. There has been spent $359.1 million, and this has been over a 4-year period. Before Amtrak took over, the private railroads were losing on passenger service over $200 million a year. We authorize this year $200 million more. That would make at the end of the fiscal year $559.1 million.

None of the Federal guarantee of loans that we have authorized have been defaulted upon, and we do not believe that none of them will be.

I should like to explain to the House that in the Chicago-to-Miami run the number of persons using this service this year through May has increased 138 percent; the Chicago-to-Seattle run has increased 21 percent; the Chicago-to-New Orleans run has increased 32 percent; the New York-to-Florida run has increased 37 percent. The long-haul routes are showing gains. Last year they wanted to discontinue the Chicago-Miami run. It is up 138 percent this year.

What I am trying to say is that with the energy shortage, there are more people who are riding these trains and who are going to ride them in the future. Congress has the duty to have vision, looking ahead not 1 year, but 10 years from now, 20 years, if we can, knowing that we are almost at a saturation point of cars today. We have built all of these roads across America. We cannot keep building more or we are going to have macadam all over the land. We just cannot do it. We cannot build parking lots if we are going to continue to saturate America with cars.

A lot of these people are people who do not have cars, the aged and the young, who want to go from point to point. They do not have automobiles or any transportation. Looking ahead 10 years from now, it is going to have to be the major mass transportation system across the land, because automobiles just cannot do it.

For that reason I think the bill ought to be passed.

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

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

Mr. GROSS. I thank the gentleman for yielding.

How much has been spent on advertising for Amtrak?

I have heard a figure of $4,000,000 mentioned.

Mr. STAGGERS. I cannot answer that question for the gentleman from Iowa at this moment. I doubt that we have that figure, but Amtrak has advertised and sometimes, I thought, wrongly. I thought they should put out more performance than advertising, because we judge by deeds and not by words.

Mr. GROSS. On some of the advertising that I have seen, I can heartily agree with the gentleman that money has not been wisely spent. What about consultants and public relations people?

Mr. STAGGERS. We are trying to investigate that with our investigating committee to find out just exactly where the money is being spent and what is being done to try to see that it is spent in the right way.

We have had them working on it and we have found several things we have made recommendations on. I think there have been some corrections made and there will be more made in the future.

Mr. KUYKENDALL. I yield 4 minutes to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Chairman, I have in my hand a copy of a letter dated July 10, 1974, from Sikorsky Aircraft Division of United Aircraft announcing that they are terminating their efforts in the surface transportation field. I would respectfully suggest, Mr. Chairman, that this committee—though I will reluctantly support this Amtrak authorization because I think it is needed—take a long hard look at the effect of DOT decisions on the employment market and the entire mass transportation futures market.

During consideration of the appropriation bill when I helped to uphold the point of order that took Amtrak's appropriation out, the gentleman from California (Mr. McFALL) and I had an exchange on where these trains were to be made. Amtrak presently has leased two French turbo trains on the St. Louis run and has ordered four more. This will be $18 million worth of rolling stock for Amtrak which is totally made in France. Rohr has the license to make these trains but they are not making the ones we have now contracted to purchase. French labor and the French company will be making the entire train in each single case.

I have sat in this body when we have argued until 11 o'clock and 12 o'clock at night about foreign aid and foreign trade and the Export-Import Bank and have concerned ourselves with American jobs.

The decision by the Department of Transportation to purchase the French-made turbine powered trains, rather than the Sikorsky Turbo Train, simply shows no promise of future support for private corporations, like Sikorsky which has invested $53 million of its own money to develop new American rail technology.

It seems to me what the Transportation Department is doing in this wild-eyed scheme of theirs is simply to turn around and say that America will not be in the ground transportation business.

True, Rohr in California will begin to make the French train under license, but let us take a long, hard look at the problems Rohr has now to face. They are running behind on BART and on the Metro and the possibilities are questionable that they will be able to make any of these trains and deliver them on time in the far distant future.

The fact remains that a Government financed rail system is going to build its first modernization with a foreign product, foreign labor, and foreign ideas. Unless we take steps to establish purchase criteria which give a priority to American labor and technology, we are going to bid ourselves right out of the transportation business.

It is admitted by everybody from the environmentalists right across the board that the greatest futures market we have is mass transportation. When I call the Department of Transportation and they say that they are going to buy French trains and they are not willing to invest one iota in trying to get American corporations to build their own product to keep us in this market, I can only blame the ludicrous, self-defeating purchase policies which had to play some part in Sikorsky's decision to withdraw from the surfact transportation field.

Despite assurances that no jobs will be lost as a result of the Sikorsky decision, I simply cannot support funding for rail projects which do nothing to add jobs to the U.S. labor market or curb unemployment which has again climbed above 7 percent in Bridgeport.

I urge the House today to put the Department of Transportation on notice that we will support no future appropriations which may force other companies to abandon transportation equipment production.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Connecticut.

Mr. SARASIN. I would like to compliment the gentleman for his remarks on the concern of all Americans for this train service, and it will not be, in fact, an American train.

Mr. SEIBERLING. Mr. Chairman, I rise in support of H.R. 15427 to amend the Passenger Rail Service Act of 1970. The House Interstate and Foreign Commerce Committee should be commended for its work in upgrading the operations of our national rail passenger service.

I would also like to associate myself with the excellent remarks of my distinguished colleague, Congressman PICKLE. In his supplemental view to the committee report on H.R. 15427, Congressman PICKLE calls for discussion of Amtrak service in our congressional districts.

I have received numerous complaints from my constituents and have repeatedly contacted Amtrak officials about

the poor conditions at the Canton, Ohio, Amtrak terminal. The Canton terminal serves the entire Cleveland-Akron-Canton metropolitan area. The daily Amtrak train from New York to Chicago—the Broadway Limited—is scheduled to arrive at Canton at 3:11 in the morning.

The Canton terminal consists of two small, wooden sheds. They are heated and have light. Two wooden benches are provided.

The terminal is located in an isolated part of Canton. However, there are no Amtrak personnel available, nor is there any information on the revised arrival time of the Broadway Limited. There is not even a telephone available. Too often, the police cruiser assigned to meet arriving trains must ferry passengers to the police station in order to make phone calls.

Passengers must await the arrival of the train among drifters, amidst filth and, in the winter months, dangerously ice-covered platforms and stairs. When I complained about icy conditions to Amtrak officials last March, the only solution they could offer was that the weather would be warming, and we could expect the ice to melt.

I certainly hope to see Amtrak take positive and immediate steps and attend to the conditions and upkeep of the Canton and other facilities around the country. Hopefully these efforts will result in making Amtrak service more attractive to passengers across the Nation.

Mr. HANLEY. Mr. Chairman, I am gratified that the House has overwhelmingly approved H.R. 15427, the Amtrak authorization for fiscal year 1975. This strong support for the continuation of the Federal Government's commitment to a revitalized rail passenger system will repay great benefits in future years when once again the rails will be an intricate part of this Nation's transportation system.

It seems to me that Congress acted very wisely in 1970 when it moved to replace our flagging system of private rail passenger service by forming Amtrak. From a very rocky start Amtrak has moved forward with improvements in routes, scheduling and the inauguration of the very successful Metroliner route from Washington to New York to Boston. Today, the decades long decline in rail ridership has not only been halted, but helped along the way by the energy crisis and increased public interest in mass transit, ridership has increased 41 percent in the first quarter of 1974.

Of course, much remains to be done. Equipment repairs, train and track conditions, arrival times and ticket operations must be tremendously improved. I do believe, however, that with proper management from the Board of Amtrak, and with continued monetary support from the Congress Amtrak will live up to the legislative promises proposed and engendered in the Rail Passenger Act of 1970.

One example of the kinds of needed service the Government can provide that will restore intercity rail transit in this country is the recent approval by the Secretary of Transportation of a 2-year experimental rail passenger route from Boston to Chicago. Known as the North Shore Route, this service will restore the major East-West passenger route in the Northeast, and provide a ready means of public transportation to some 10 percent of the Nation's population. Inauguration of the route climaxed a year-long effort by States and localities to be served by the train, with strong support from many Congressmen which gradually and successfully overcame stiff opposition from the Secretary of Transportation.

I, myself have devoted considerable time to seeing the North Shore Route placed in service, including numerous contacts with the Secretary of Transportation stressing the profitability of such an enterprise as well as several meetings with concerned groups and with colleagues who also supported this service. I was therefore very gratified to see that our efforts have met with success, especially in view of the crying need for effective intercity transit service in the Northeast. Indeed, should the North Shore Route attain a successful level of ridership the next logical step would be to completely overhaul the poor trackage on the route and purchase modern, high speed trains and develop an east-west rail passenger system similar to that enjoyed by passengers of the Metroliner in the Northeast Corridor. Given the high population concentrations along the North Shore Route and the flow of traffic between such cities along the route as Buffalo, Rochester, Syracuse, Albany, and Cleveland, development of an east-west corridor seems a most logical step. As a matter of fact, there is at present an opportunity to begin such a process for some 12 miles of track located east of Albany, N.Y. which has been abandoned must be restored before the North Shore Route can operate as planned. While this is only a small section of track it makes sense to restore this link with high speed, welded rail thus starting a gradual program of rail replacement and bed improvement that could eventually encompass all of the North Shore Route.

I feel very strongly that if we move forward with initiatives of this sort, rail passenger service in this country will again become a reality and not just a nostalgic bit of Americana remembered by those of us who rode the rails in their heyday. To me that is the importance of the legislation we passed today, and I can assure you that is where my commitment will lie.

Mr. MOAKLEY. Mr. Chairman, I rise in support of H.R. 15427 authorizing funds for fiscal year 1975 for the National Railroad Passenger Corporation (Amtrak).

I commend my distinguished colleague from West Virginia (Mr. STAGGERS) for his persuasive presentation of this legislation. The longstanding commitment of the Committee on Interstate and Foreign Commerce has been essential to the survival of rail passenger transportation in the United States. The distinguished chairman and his colleagues on the committee deserve our wholehearted thanks for their tireless efforts on this vital matter.

In adopting this bill, we will be committing $200 million in direct Federal aid to intercity rail transportation and authorizing a $500 million higher level of federally guaranteed loans.

At the present time, 75 percent of Amtrak's traffic runs in the Northeast corridor and Boston is the northern terminus of that busy route, so I am particularly pleased with the proposed funding and I would like to discuss what it will mean to my district:

LOW LEVEL PASSENGER CARS

This equipment will be used in the Northeast corridor to expand the volume and quality of service now available. Amtrak currently owns 200 such cars, has ordered 57 more—at a cost of $23.8 million. This legislation will make it possible to purchase an additional 200 cars whose cost is estimated at $83.5 million.

TURBO-TRAINS

One of the most exciting prospects for increasing use of trains is the initiation of high-speed service in the Northeast corridor. Six of these have been ordered and this bill will enable Amtrak to order an additional 14 cars. The total cost will be $233.3 million.

ELECTRIC LOCOMOTIVES

These are particularly important for rail service which links some of the Nation's cities with the highest level of air pollution. Amtrak has ordered 15 and an additional 11 can now be purchased at a total cost of $14.2 million.

DEPOT IMPROVEMENTS

This legislation will enable Amtrak to undertake improvements to depots in the Northeast corridor. Due to years of neglect by the railroads, this is a particularly big project. Estimates are that $32.5 million will be used for this work.

TRACK AND ROADBED IMPROVEMENTS

One of the greatest obstacles to bringing rail transportation into the 20th century is the slow speeds trains must operate at over roadbeds that have been neglected by the railroads. I am pleased that Amtrak will spend $20 million to improve existing tracks and railbeds.

MODERNIZATION OF EXISTING CARS

In its report, the committee has noted that Amtrak inherited most of its equipment from railroads which refused to make any improvements and even obvious maintenance. Thus a large portion of Amtrak's rolling stock is more than 20 years old and on any given day up to one-fifth of the fleet is tied up for repair. Amtrak's decision to spend $63 million on modernization of existing cars should go a long way toward improving this situation.

In addition, the U.S. Department of Transportation has established an office, funded at $20 million, to coordinate planning and development of the Northeast corridor, the only segment of Amtrak's service to yet show a profit.

At the present time that office and Amtrak are working on the planning of a Boston to Chicago train chosen to fulfill the legislative requirement that one new experimental line be inaugurated each year. This train will be a valuable addition to the 66 trains which arrive at or depart from South Station each week.

Mr. Chairman, I must also point out,

however, that the decision yesterday by U.S. District Court Judge John P. Fullam of Philadelphia that portions of the Northeast Rail Reorganization Act are unconstitutional place our entire planning in jeopardy.

I am therefore hopeful that the committee will undertake a study of the implications of this decision to the long-range future of Northeastern railroads.

But, no matter what happens, our commitment to a viable rail transportation system in this country cannot falter. I am therefore pleased to be able to support the authorization before us today.

Mr. BAUMAN. Mr. Chairman, I rise in opposition to passage of this measure which would authorize funding for the operation of Amtrak during fiscal year 1975. I take this action to protest Amtrak's failure to comply with the intent of the Congress as expressed in the Rail Passenger Service Act of 1970.

Congress acted then in response to 30 years of neglect and distain of rail passengers by the private railroad industry. This attitude had led to the use of ancient passenger cars, antiquated engines, and a deteriorating roadbed. It also led to a natural decline in ridership and a large operating deficit. Naturally, the railroads wanted to eliminate their rail passenger services and were successful in convincing the administration and the Congress of the necessity for Government intervention.

Our solution to the existing gap in a balanced transportation policy was the birth of the National Railroad Passenger Corporation which was to maintain and eventually expand intercity passenger service. Unfortunately, the same conditions which led the railroad industry to abandon rail passenger service in 1970 are still with us today. None of the concerned governmental or private entities have made the necessary commitment to improve rail passenger service in this country since the adoption, 4 years ago, of the Rail Passenger Service Act. The Department of Transportation, the National Railroad Passenger Corporation, the railroad industry, and the Congress have all failed to make the necessarily hard decisions which must be made if we are to revitalize rail passenger service in this country.

The recent oil embargo produce shortages of gasoline, lowered highway speed limits, raising costs of other means of transportation, and caused a dramatic increase in the use of rail passenger service. Yet, as made clear by a recent article in Fortune magazine, Amtrak seems inclined to miss this opportunity to regain its share of the Nation's commuting population.

In my district Amtrak has eliminated passenger stops at various points in northeastern Maryland which had been serviced prior to the acquisition of such service by Amtrak. Shortly after my election to the Congress I wrote to Mr. Lewis, the president of Amtrak, requesting immediate action to reopen the Havre de Grace, Aberdeen, Joppa, Perryville, and Elkton, Md., train stations in order to provide service south to Baltimore and north to Wilmington. I took this action in response to requests from many citizens and government officials and in the awareness that the train is certainly more energy efficient than the automobile.

My response from Amtrak was typical. Amtrak officials stated that they needed to regularize the schedule and would incur a loss if they stopped an intercity train for one or two passengers. This reaction to my request, which was supported by the other Members of the Maryland delegation, exemplifies Amtrak's inability to comprehend the need for the creation of an effective rail passenger system. Indeed, traffic surveys showed that potentially thousands of passengers would use Amtrak service if such stops were scheduled.

I had intended to offer an amendment to this measure which would have required Amtrak to initiate additional service in the Northeast corridor; however, it is my understanding that this amendment would not be germane at this time. I would hope that Amtrak would finally respond to the need for such service and take the necessary steps to create an effective rail passenger system. Until they do, I will not support increased spending for Amtrak.

Mr. ALEXANDER. Mr. Chairman, I believe that a viable passenger rail system is essential to serve the transportation needs of the people of this country. In the last few years, my daily mail has been filled with pleas for the reestablishment of passenger service in Arkansas.

Finally, this spring, with the institution of the inter-American route between St. Louis, Mo., and the Texas-Mexico border, Arkansas became one of the last States to be served by Amtrak. The people of my district were encouraged to hear that this route would pass through northeast Arkansas on its way to Little Rock. However, the good news was overshadowed by the discovery that there were no plans for a stop in our area.

Many people saw the train as a way to get to Little Rock for the day to shop, enjoy cultural events, take advantage of the medical facilities, visit friends and relatives, and take care of business. Those with no means of traveling to Little Rock or Memphis, Tenn., to connect with other forms of transportation planned to use the train for longer journeys.

Although we have received word recently that Amtrak does intend to put one stop in this region, that will not be enough to afford the citizens of this 21-county area the necessary transportation advantages that a region of this size should offer.

As Amtrak examines methods of becoming more self-sufficient financially, I would recommend it consider adding more stops along its existing routes. The train is still not popular for long trips. More stops would encourage more passengers.

I would like to share with you at this point a letter which is typical of some of the mail I have received from my constituents who do not live in the large cities and because of faulty transportation systems are isolated from their friends and relatives in other towns:

CORNING, ARK.

DEAR SIR: I am writing about the passenger train, the Amtrak, as it goes right through our town. Each time it makes the trip north or south and I saw in our paper where some of the Congressmen have asked the company to get it to stop at Walnut Ridge and Hoxie and I would like to know why it couldn't stop in Corning. I don't drive and I don't have any way to go, only walk. I'd rather ride a train than a bus. I am a widow and I have 2 sons living in Michigan and if the train would stop here, I could go and visit them more often. Is there anything you can do about it to get it to stop in Corning? I know quite a lot of people that would ride the train if it would stop in Corning. Corning has grown quite a lot in the last 10 or 12 years. We have 3 or 4 factories in Corning and if you can do anything about the train to get it to make stops in Corning, I would appreciate it very much.

Yours truly,

Mrs. A. W. A.

Much could be learned from the people in the heartland of our Nation if only Government would listen.

If Amtrak sincerely strives to operate at a profit, it simply needs to provide passenger service. If it provides the service, the people will buy it.

Mr. HOGAN. Mr. Chairman, as we consider this legislation extending authority for the Amtrak railway system, I want to call my colleagues' attention to two matters of particular concern to Washington area rail commuters.

The first problem concerns the development of a joint Metro-Metroliner station in the New Carrollton area of Prince Georges County, Md.

I have long been encouraging the development of this joint station, to serve as the gateway to Washington for the entire eastern region of the United States.

There could not be a more ideal locale than New Carrollton for development of a major transportation center serving the Washington area and the eastern seaboard.

A 100-acre tract of land in New Carrollton, now largely undeveloped, can serve as a crossroads for the Amtrak Metroliner, the Washington Metro system, and the Capital Beltway—Interstate 495.

A $500,000 appropriation has already been approved by the Congress for planning and other startup purposes for a new Amtrak station at New Carrollton, but the record of cooperation and coordination between Amtrak, the Washington Metropolitan Area Transit Authority, the Penn Central railroad, and others involved has not been—and is not today—as good a record as it should be.

One organization blames another, and the second blames a third, and the seemingly interminable delay continues while valuable time slips away.

As I have said on countless occasions, it is simply inconceivable to me that two separate stations should be built within 2,000 yards of each other simply because of a lack of cooperation and coordination. But we face that very real prospect if the delay in planning a joint station continues much longer.

Maryland's Secretary of Transportation, Harry Hughes, has assured me and, more importantly, has assured Amtrak officials that direct highway access from U.S. Route 50 to the New Carrollton station can be provided by the time of the Metro station opening in 1977.

Both Amtrak and Metro officials have assured me they concur in my belief that

a joint station could be enormously beneficial, both to the New Carrollton area and to local and long-distance rail passengers.

The money is there; the commitment is there. All that is missing is the essential element of cooperation to bring this very worthwhile project to fruition.

A second project—and the second problem for Washington area commuters—is the still-uncompleted renovation of Washington's Union Station.

Though it holds the promise of improved service for the future, the present chaotic condition of the station aptly reflects the present disarray of transportation planning in the Capital City.

The renovation of Union Station is supposedly intended to provide an integrated auto-bus-rail-subway transportation facility, coupled with a Visitors' Center through which most of the city's tourists would pass.

Unfortunately, we find again that the gap between the ideal and the real, due to poorly coordinated planning, is daily becoming more evident.

Recent newspaper articles tell of the Environmental Protection Agency's concern that automobile traffic may have to be banned from downtown Washington in the foreseeable future. And still we find that the capacity of the park-and-tour parking facility planned for the renovated station has been drastically cut.

At a time when the intercity passenger train is making a dramatic comeback—especially here in the Northeast corridor—the rail passenger facilities presently planned for the renovated station are inadequate.

At a time when support is growing for upgrading the capabilities of the Penn Central and Chessie System commuter lines—a program I have vigorously supported—the future of the commuter is being largely ignored in the planning of the rail facility.

The promise of future progress is of slight comfort to the thousands of intercity and commuter rail passengers who must daily cope with interminable wooden gangways passing through a sea of mud with construction equipment strewn all about, the noise of air hammers and pile drivers falling heavily on the ear, and the sparest of waiting room facilities.

Here again, Mr. Speaker, we are faced with poorly coordinated planning, not only for long-range facilities, but for short-range facilities as well, those designed to ease the transition from the present to the future. Each agency or company involved is apparently concerned only with its own plans, with slight attention being given to the overall planning effort.

Just as in the case of the New Carrollton joint station, we are faced with the possibility of losing the opportunity to provide a well-planned and fully integrated transportation center. And that lost opportunity will be due to nothing but a failure to communicate and to coordinate planning efforts.

Mr. Chairman, I believe we have seen enough confusion, enough delay. We would like to see some progress for a change.

Mr. PRICE of Illinois. Mr. Chairman, high on this country's list of priorities are effective mass transportation systems. In the past few years we have seen the problems of mass transit systems grow and become increasingly important to large segments of the population. Systems once considered an alternative to private transportation are now necessary in the light of today's energy problems.

Mass-transit systems are most often considered on a city-wide level, and the Federal Government has responded to metropolitan needs by funding many of these programs. Undoubtedly this funding is well-intentioned, however, last winter's crisis has shown that urban transit systems alone cannot alleviate all our fuel problems. A nationwide transit system must also be initiated.

The first step in the building of an efficient rail system was taken in 1970 with the creation of the National Railroad Passenger Corporation or Amtrak. In the past few years this Corporation has made progress in providing rail service throughout the country, however, additional assistance is needed to improve this system.

Many of us either personally or through our constituents have experienced some of the problems Amtrak has had in the 4 years of its existence. Scheduling problems, faulty equipment, and mismanagement have plagued the railroad systems for years and Amtrak did not bring immediate solutions. I do not raise these problems for malicious reasons, but I feel the public has the right to know that Congress is not blind to Amtrak's failings. Still we cannot refuse to provide resources to establish mass transit programs. Congress should continue to insist that Amtrak comply with congressional intent.

Amtrak has the potential to succeed, and the provisions of H.R. 15427 will give a badly needed boost to the Corporation. Financial aid will be provided and additionally, a 1-year freeze on existing rail service will keep all current Amtrak routes in operation. The passage of this legislation will be instrumental in enabling our rail system to become the equal of that of any other national system. I, therefore, support the measure and strongly recommend my colleagues to do likewise.

Mr. PREYER. Mr. Chairman, the conflict surrounding Amtrak is generally in two areas:

The philosophical question of whether rail service is needed and the Government's role in providing it.

The operating efficiency of Amtrak.

In addressing the philosophical question one is reminded that Government operation of anything provokes controversy. Amtrak is no different. The free enterprise purist will never accept the idea and the socialist will feel that the Government has not done enough. The varying views concerning Amtrak must be considered before reaching a conclusion. These arguments, both for and against, follow:

A. PRO

First, overcrowded highways and the energy crisis dramatize the need for an alternative transport mode to the airplane, bus, and automobile. Trains as an efficient user of energy qualifies for that alternative.

Second, the majority of railroads allowed passenger service to deteriorate in both quantity and quality in an attempt to eliminate passenger trains. This business was largely unprofitable and considered a nuisance. The railroad industry purchased no new passenger equipment after 1955 and permitted other passenger facilities such as stations to degenerate. Therefore, to revitalize passenger service requires enormous capital expenditures for facilities and equipment which cannot possibly be underwritten by the railroads, a number of which are already in bankruptcy. Thus, a Government subsidy is necessary to provide the rail alternative.

Third, Government funds for transportation, both freight and people, are not new in this country. Billions have been spent on highway construction, airports, and waterway improvements. Transportation is as an essential service as tax supported water supply or public power projects.

If these public necessities can be met by the private sector, they should; if not, the Government must support with subsidies and loan guarantees to provide the public with the benefits. This concept is readily accepted by Japan and the Western European countries. These nations provide highly efficient rail transportation as a public service run by the government.

Fourth, Amtrak in 3 years of operation has reversed the declining trend of passenger ridership. This has been accomplished largely without new equipment and other capital improvements that are so essential to a successful service. This shows that the public perceives a need for rail travel and will use it when it is attractively provided.

B. CON

First, Amtrak, from a fiscal standpoint, is a disaster for the taxpayer. It has spent $1.2 billion versus revenues of only $543 million. This is ridiculous and a totally unnecessary expense. If all trains stopped tomorrow only 1 percent of the traveling public would be affected and there would be other modes available for use.

Second, there is no need for rail passenger service—except commuter and northeast corridor trains—with the current airline and bus service available. Airplanes, because of speed, will be a principal mode for long distance travel in this country. Buses, because of economy, will always be an attractive alternative and private automobiles, due to their flexibility, will continue to be the primary mode of transportation in this country. Therefore, with the planes advantage of speed, the buses of price, and the car of flexibility, where does this leave the train? The answer is out. To insist on preserving this mode is merely financing nostalgia which this country can ill-afford. The passenger train, as in the case of the stagecoach, should be permitted to gracefully retire from the transportation scene.

Third, the success of auto-train service has demonstrated that the private sector can operate trains better than Am-

trak. Auto-train is strictly private and is an operating and financial success. It operates in direct competition between Washington, D.C., and Florida with Amtrak and makes money, while Amtrak, on the same route, loses money. Amtrak should either quit operating losing trains or turn them over to a private corporation to run them as they ought to be run.

Arguments for and against Amtrak have some merit, depending on one's view of the role of Government, the national priorities, and the future transportation needs of the country.

The best argument against Amtrak is that which challenges the need for passenger trains. Opposition based on lack of profitability resulting in losses being covered by tax dollars will not stand up to even superficial scrutiny. The taxpayers built most of the Nation's airports and highways and continue to provide air traffic controllers for the airlines. The comparison of auto-train and Amtrak will also not wash. Auto-train serves two cities, Lorton, Va.—Washington, D.C.—and Sanford, Fla.—Disney World—while Amtrak serves 22 cities along the same route. The differences in overhead expenditures are obvious.

The most compelling case for the passenger train is its inherent energy utilization efficiency. One-half of the Nation's energy consumption is used for transportation. Nearly all of this is derived from petroleum. With the likelihood of energy shortages over the next several decades, the efficiency of transportation's energy utilization becomes a factor of vital national concern. Rail transport is 5 times more efficient than air and 2½ times more than the automobile. One train could replace 200 cars on the highway.

In addition, rail is unique in having the potential for using energy from any source: Oil or electricity generated by coal, gas, or atomic energy. Thus rail could potentially be shifted away from petroleum to other energy sources in greater supply.

If one agrees that rail passenger transport is needed, now or in the future, the acceptance of Amtrak or something like it becomes much more palatable. The simple fact is that no one except the Federal Government has the resources to preserve, revitalize, and expand the Nation's rail passenger system. Therefore, if rail transportation is considered a public necessity, and I believe it is, there is no alternative to a tax supported enterprise of some fashion.

The real argument is not against Amtrak but against inter-city passenger trains. It is clear that people can move about this country without the assistance of the railroads. This will be the case for the near term until shortage of energy makes it a necessity. When that day arrives, it is absolutely essential that this Nation have a basic rail passenger network in order to meet the challenge.

After an examination of the main arguments, both pro and con, I have concluded that:

Rail passenger service in a world of meager energy sources becomes a public necessity.

Regardless of one's view regarding Government's role in business, no transportation enterprise can exist without direct Government help and involvement.

In order to expand the rail passenger system in the event of an energy crunch, a skeleton network must exist. Amtrak provides that basic system.

Amtrak for the immediate future should be kept lean, mean, and highly efficient with minimum funding until there is a clear need for expansion.

In any assessment of how well Amtrak is doing its job one must keep in mind two things.

The relatively short time the corporation has been in existence; and

The conditions that existed prior to its creation.

This is not to imply that Amtrak should be immune from criticism and I believe that in certain areas criticism is justified and in others high praise is in order.

Intercity rail passenger service, prior to Amtrak, was characterized by the most dismal conditions imaginable. Service provided by the Southern, Seaboard Coast Lines, and many Western lines was not of this character and these railroads ran many fine trains. The salient features of this service were:

First, ancient equipment, both locomotives and cars, with failures the rule rather than the exception. The equipment was normally filthy and in bad disrepair.

Second, trains rarely ran on time.

Third, dining cars were nearly nonexistent and when available the food prices were exorbitant.

Fourth, sleeping cars were not available on most overnight trains.

Fifth, train crews were surly and uncooperative.

Sixth, no nationwide reservation system existed.

Seventh, schedules were made intentionally slow and unattractive.

Eighth, no railroad sought passengers.

The challenge for Amtrak was to correct the deficiencies and make trains worth traveling again. This was much easier said than done. An evaluation on how they have done is outlined below.

A. EQUIPMENT

Amtrak has placed orders for 176 new locomotives and has completely rebuilt an additional 40. These orders were placed in 1972–73 and deliveries began in June 1973. Amtrak's management failed to recognize that an engine is merely a component—admittedly a vital one—of a train and neglected to purchase passenger cars. It is safe to assume that most passengers spend more time in cars than locomotives. This phenomenon dawned on Amtrak and on June 6, 1974, 200 conventional passenger cars were ordered with deliveries beginning the end of 1975. Therefore, the public will continue to have to settle for the so-called "refurbished" cars which all too often means only that an interior decorating scheme has been applied. This cosmetology provides little comfort to a passenger when the restrooms and airconditioning/heat are not operative. In 1973, Amtrak had 7,100 cars malfunction en route to such an extent that the train was delayed. Amtrak officials tend to blame the DOT for the lethargic approach to new equipment purchases, however, Amtrak's board never requested the cars until March of this year and then only after being spurred on by the fuel shortage.

The bright star in Amtrak's equipment acquisition program is its purchase of 6 complete 308-seat turbine trains from a French firm that supplies similar equipment to the French National Railways. Two of these trains have been delivered and are running between Chicago and St. Louis. For the first 4 months of operation they have compiled a 99 percent reliability record.

Amtrak has done a fair job in keeping the cars clean and repaired, however, much could still be done. It is commonplace for windows to be either so filthy or fogged up that a person cannot see out. In fairness to Amtrak, the age of the equipment mitigates against an effective cleaning and repair program. Additionally, the demand requires that the maximum number of cars be in service at any one time and to meet this usage rate maintenance is often superficial.

B. ON-TIME PERFORMANCE

Amtrak established a 6-minute standard—trains must arrive at end-point cities within 6 minutes of schedule—to determine on-time performance of its trains. The corporation started out well by averaging 75 percent on time during 1971 and 1972. In 1973 this average dropped to 60 percent. The long-distance trains averaged only 30 percent on time last year. The Washington-Chicago train, for example, was on time only 8 percent for all of 1973. The prime reason for this performance as cited by the railroads was slow orders—poor condition of track—and equipment malfunction. There is little doubt that these are the chief factors but there is a wide disparity between the various railroads performance for Amtrak. The Union Pacific, for example, average 77.5 percent on-time in 1973 compared to 33.8 percent for the Illinois Central Gulf.

To offer some incentive to the poor performers, Amtrak is negotiating new contracts with the railroads offering graduated incentive payments for on-time performance in excess of 60 percent for long distance trains and 65 percent for short haul. In my opinion this is too low and is bad psychology. A high standard, for example, 75 percent coupled with substantial incentive payments would appear more likely to attain Amtrak's objective. The New York-Kansas City train is the worst on-time performer—2.7 percent—in the entire system. Amtrak solved this problem by lengthening the schedule to bring it more in the line with actual performance. It is now theoretically possible for the railroads that operate this train to draw incentive payments without substantially improving the service.

C. FOOD AND BEVERAGE SERVICE

Amtrak has made remarkable progress in this area. Dining cars are on all long distance trains and offer freshly cooked food at reasonable prices. Full breakfasts are under $2 and a complete dinner is between $3 and $7. On short runs there is usually a snack bar that serves sandwiches and drinks and on the Metroliners and Turbo-Trains airline-style food on trays is served.

One negative aspect of Amtrak's food service was its proposal, later reversed, to lower the standards of service on the "Super Chief" by eliminating one diner. This action was enough to prompt the Sante Fe to forbid Amtrak from continuing to use its copyrighted name. Even with Amtrak's assurance that both diners would remain, Sante Fe contended that Amtrak had already reduced the standard by doing away with free newspapers and magazines, ripping out Indian motifs, covering the sand paintings with synthetic paneling and replacing the distinctive china. Thus, the "Super Chief," a legendary train in this country has become the "Southwest Limited."

D. SLEEPING CARS

Amtrak has placed cars with sleeping accommodations on all overnight trains throughout the system. This is a substantial improvement over the pro-Amtrak situation. New routes have been inaugurated with the most innovative being two coast-to-coast routes between New York and Los Angeles. One route is via Washington, D.C., and the Southern Railway to New Orleans then on Amtrak to Los Angeles. This service is available to Greensboro, N.C., patrons and provides for an evening and morning in New Orleans with the customer permitted to use the sleeping car as a hotel. Sleeping car utilization increased 8 percent in 1973 which completely reverses the trend prior to Amtrak.

E. EMPLOYEE ATTITUDE

The public perception of a passenger train employee was that of an individual who believed trains should be operated for his benefit rather than the passengers. This perception was correct more often than not and most employees were a study in contrariness.

Amtrak tried several approaches to change this attitude with little success. The present formula calls for all crews to be employed by Amtrak rather than the railroads. Amtrak retrains them as to their duties. This procedure is apparently successful and by the end of this year all on-board service employees will be working for Amtrak.

F. RESERVATION AND TICKETING SYSTEM

Amtrak has made commendable and innovative improvements in this area. They inherited the railroads fragmented reservation and ticketing procedures which were chaotic at best and for the most part inoperative. After study, Amtrak correctly decided because of their multiplicity of stops, fares, and accommodations to design a totally new system. This computerized system is now about 75 percent in operation and puts the rail reservation and ticketing system on a par with the airlines. Additionally, all Amtrak reservation offices can be reached via a toll free telephone call.

G. SCHEDULES

The railroads for many years prior to Amtrak had been attempting to discontinue passenger trains. In order to obtain ICC approval the railroad must show that the ridership was so low that there was no need for the service. One way to insure no passengers was to extend the duration of the trip to unreasonable limits. The B. & O. railroad in 1971 provided a classic example of this on its Washington St. Louis route. Passengers were required to lay overnight in Cincinnati resulting in a 31-hour journey of only 882 miles. In 1960, the same trip took only 18 hours. Amtrak reduced the 31 hours to 21 hours, 15 minutes in 1972 and the present schedule calls for 22 hours. There is still much improvement to be made and Amtrak should aggressively follow through to insure that the situation improves.

H. MARKETING

Prior to Amtrak no railroad solicited passengers so that any action taken would be an improvement. This is the one area where Amtrak has done too well. They aggressively advertised for passengers to such extent that demand exceeded the capacity which has resulted in the over use of antiquated equipment which in turn further reduces capacity. Amtrak President Roger Lewis puts the dilemma this way:

Tomorrows ridership is at the station today wanting to use yesterday's equipment.

I. MANAGEMENT

Amtrak's management, particularly its president and board members, has come under increasing criticism in the last few months. Although a number of Amtrak's problems are beyond their control and will require outside assistance to resolve, for example, condition of track and roadbed, this criticism is not totally unwarranted. The greatest fan of Amtrak has been the Congress and the public, which is not fully appreciated by the corporation. The administration's support has been lukewarm and at times obstructionist. The White House delayed initiation of a congressionally authorized route between St. Louis and Dallas for over a year while the DOT has consistently attempted to block the capital improvement program. When the rhetoric is over, the simple fact is, that the DOT, the White House, and most of the railroad industry do not believe in long distance train travel and only support rail travel in the corridors of the East and Midwest. The Congress, on the other hand, supports both and has insisted that the basic system be expanded by a new experimental route each year. The Congress has also reduced the influence of the administration by not permitting the DOT to veto or delay Amtrak decisions on capital investments or improvements. Amtrak, it appears, does not fully understand the commitment of the Congress and remains lethargic in its approach to the challenge. The delay on procurement of cars was a clear example of this inertia.

Another example is the imaginative advertising campaign which lured riders by the thousand. Unfortunately, the corporation was short of capacity and unable to maintain the cars it had. All too often the new riders are finding out that the trains do not measure up to the advertising. A junior executive, according to Fortune magazine, warned Amtrak's top management that the marketing campaign could be too successful with disastrous results. He was ignored and eventually fired.

It has been reported that morale among Amtrak's middle management is low. These executives feel that because of congressional support and the lessons learned from the fuel shortage that Amtrak has a golden opportunity to prove the efficacy of train travel. They are certain the top management is missing this opportunity.

The Amtrak board of directors offers little solace to those dedicated to the success of rail travel. This group has not been noted for its enthusiastic support of passenger trains. Some members, especially those representing the railroads, have frequently publicly called for the elimination of all long distance passenger trains. One former member of the board was the chief executive officer of a bus company.

Congress and the administration do not always contribute to good management, particularly when they cannot agree on the direction that Amtrak should take, that is small and profitable, or large and subsidized. Congress is especially vulnerable in this area. Amtrak is a child of Congress and by legislation it has stripped the executive branch of most of its oversight authority. If Amtrak fails, there will be no one for the Congress to blame but itself.

Mr. BOLAND. Mr. Chairman, as we conduct our consideration of H.R. 15427, the 1974 amendments to the Rail Passenger Act of 1970, I would just like to express my approval of the recent decision taken by Secretary Brinegar of the Department of Transportation in selecting the newest Amtrak experimental route. The Boston-Chicago corridor is the most heavily populated and industrially concentrated route that up to now did not have Amtrak passenger service. I feel confident that its selection will prove a wise one economically and further encourage development along its length. It will bring new jobs and promote further business travel between two major financial and business centers, Boston and Chicago. The other large cities along the route will also have an opportunity to share in this commerce to a degree that has been impossible until now in these days of reduced plane schedules and inadequate fuel supplies. The National Rail Passenger Network which Amtrak is dedicated to improve and enlarge should receive a large boost in traffic and receipts as a result of the Boston-Chicago route selection. I join my colleagues in the House whose districts and States will be affected by this new service in welcoming Amtrak to what have been hitherto neglected markets. We shall be looking forward to a speedy beginning to train service through all major connection points on the route.

Mr. KUYKENDALL. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 15427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)), relating to discon-

tinuance of service by the Corporation, is amended—

(1) by striking out "July 1, 1974" in paragraph (1) and paragraph (3) and inserting in lieu thereof in each such paragraph "July 1, 1975"; and

(2) by striking out "the expiration of the one-year period beginning on the date of enactment of this sentence" in the second sentence of paragraph (2) and inserting in lieu thereof "July 1, 1975".

SEC. 2. Section 601 of such Act (45 U.S.C. 601), relating to authorization for appropriations, is amended by striking out "$334,300,000" and inserting in lieu thereof "$534,300,000".

SEC. 3. Section 602(d) of such Act (45 U.S.C. 602(d)), relating to the maximum amount of guaranteed loans which may be outstanding at any one time, is amended by striking out "$500,000,000" and inserting in lieu thereof "$900,000,000".

SEC. 4. Section 304(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 544(b)), relating to stock ownership limitation, is amended by striking out "owned" and inserting in lieu thereof "voted", and by adding at the end thereof the following new sentence: "If any railroad or any person controlling one or more railroads, as defined in this subsection, owns, in any manner referred to in this subsection, a number of shares in excess of 33⅓ per centum of the total number of common shares issued and outstanding, such excess number shall, for voting and quorum purposes, be deemed to be not issued and outstanding.".

SEC. 5. Section 601(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 601(a)) is amended by adding at the end thereof the following new sentence: "Payments by the Secretary to the Corporation of appropriated funds shall be made no more frequently than every 90 days.".

SEC. 6. (a) The first sentence of section 805(2)(A) of the Rail Passenger Service Act of 1970 (45 U.S.C. 644(2)(A)) is amended by striking out "may be audited by the Comptroller General of the United States" and inserting in lieu thereof "shall be audited annually by the Comptroller General of the United States".

(b) Such section 805 (45 U.S.C. 644), relating to records and audit of the Corporation, is amended by adding at the end thereof the following new paragraph:

"(3) This Act shall be construed to require the Corporation to furnish information and records to duly authorized committees of the Congress.".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. STEELMAN

Mr. STEELMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEELMAN: Page 2, after line 23 insert the following: (3) by inserting after the word "system" in paragraph (1), a comma and the following: "except where a rerouting of an existing service would result in better service between major markets and increased revenues for the Corporation,".

Mr. STEELMAN. Mr. Chairman, the effect of section 1 of the bill as I read it is to freeze the existing route structure until July 1, 1975. I want to read from the committee report, page 6:

This section amends Section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)) to prohibit the Corporation from discontinuing service over any route which was operating on January 1, 1973. The prohibition, which amounts to a freeze on existing route service, lasts until July 1, 1975. Part (2) of the section prohibits the discontinuance of any experimental train which was in operation on January 1, 1973 until July 1, 1975.

Now, Mr. Chairman, it seems to me that what we are doing by taking this action today, if the bill passes in its existing form, is freezing the management of Amtrak into the existing route structure, even if it is their intention to reroute any existing service over a more profitable route.

I think this falls short on two grounds. My colleagues from Dallas do not agree on this Amtrak question, but we do agree that Congress should not bind the management of Amtrak, especially when the management of Amtrak could make a move to increase the revenues to the Corporation and give better service in those areas.

The first objective is rail service between major urban areas. Second, this service should be profitable as quickly as possible; therefore Amtrak must be concerned about the amount of revenue that is generated from these routes, and their longrun cost benefit.

Now, the specific problem is that the Amtrak management promised in its first report to the Congress in 1971 with respect to the Chicago-Houston run, that the train would be shifted, leaving out of Fort Worth and Dallas and going south to Houston, the objective being to serve this major market area; but because of various technical problems Amtrak feels they have to go through Temple. It is still their intention to make the shift, but Amtrak feels there are presently certain problems; however, these problems are not insurmountable.

The way I see it now, Amtrak management would be frozen from making a decision that would bring greater revenues and give better service to these major urban areas.

I would like to amend the legislation to simply say what we want to provide is flexibility to the Amtrak management, if they have an alternative route within an existing service that would provide greater revenue and better service, which the Congress has set up, and second, to provide greater revenue to the Corporation.

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

Mr. STEELMAN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to reassure the gentleman from Texas that by freezing the routes as we did last year, we did it only from point-to-point, origin to destination, say to Miami, for example; but they can make any changes they want and I can assure him it is the intention of the committee that they have that right. I am sure that the ranking minority Member would agree this was the intent of the legislation.

The amendment he offers is completely unnecessary. Hopefully, when the track is ready they can change it from one point in Texas to the other, as we have talked about.

I am sure the ranking Member on the minority side would say that we only froze from point of origin to destination not in between.

Mr. STEELMAN. Is this the understanding of the gentleman from Tennessee?

Mr. KUYKENDALL. I concur with the chairman of the full committee. This is the intent of the legislation, and I see absolutely nothing in the legislation we have written before and this present legislation which would prevent compliance with the intent of the amendment of the gentleman.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

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

Mr. PICKLE. Mr. Chairman, I am glad to see that we are making colloquy to indicate that there may be some changes in the requested schedules on a point-to-point basis. The gentleman in the well is interested in the route from Dallas to the Houston area. There are others interested in similar slight changes. I am interested in one going north and south, from Dallas to Laredo.

Amtrak gets locked into a position that it has to go one way, and it will not budge from it. They have got their problems with the railroad companies, and we are trying to give them leeway by giving increased loan authority in this bill.

We have kept them at the same level, but we are trying to help. But I think they ought to be served with notice today that we are saying to Amtrak and also saying to the companies that, "You should get together now and make these systems viable and workable where you can. You cannot just sit back and keep in a locked position because the public is not going to permit it any more.

I am glad to see the gentleman offer his amendment simply because I think we must get better refinement from these various routes.

The CHAIRMAN. The time of the gentleman from Texas has expired.

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

Mr. STEELMAN. Mr. Chairman, if I could have the attention of the chairman of the committee, do I understand his assurance to be that the apparent conflict on page 6 of the committee report in the initial commitment made by Amtrak with regard to service being shifted to Dallas-Houston, the gentleman from West Virginia does not see, on the basis of this legislation today, any freezing of existing routes?

Mr. STAGGERS. That is right. There is no conflict. It was not meant that way when the report was written and when the legislation was written. I can assure the gentleman of this.

Mr. STEELMAN. Mr. Chairman, on the strength of the assurances of the distinguished chairman and the ranking minority member of the committee, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

Mr. PEPPER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was down at the Amtrak train at Union Station this morning and talked to a good many of the employees there. They could not understand why they only had four cars on the Amtrak train to New York. They said that every day, almost, they have more passengers wanting to travel than there were accommodations for them, and they could not understand why we did not provide, or somebody did not provide accommodations adequate to meet the public demand.

A lot of these people come in off the highways and are using the train instead of consuming petroleum in their cars, so I would recommend to the distinguished chairman that if there is a demand, it would seem to me that we ought to enable the railroad some way or other to meet it.

They tell me that there is not a single Amtrak train available from South Florida to New Orleans and on to the west, although there are two or three airlines that are running many schedules. So, it would seem to me that we ought to find some way to expand the facilities to accommodate, at least, public demand.

Mr. Chairman, I would like to mention one other thing. The engineer took me into his cabin and showed me where rocks had been thrown into the train. They had to put in a special kind of unbreakable glass in there to keep these rocks and other things from hitting the engineer driving a train at 100 miles per hour.

He showed me some large pieces of steel which join the rails together, which vandals had put on the railroad tracks to try to wreck the train.

Also, the engineer told me on one occasion someone had put a 2 by 4 piece of timber across the track. Each day, he said, every train from Washington to New York and back had to run the risk of such vandals, some of them adults and some of them teenagers, who were apparently trying to wreck the train.

They said we should try to work out an adequate penal offense—maybe there is a penal offense—for trying to damage or wreck a train endangering the lives of many people. If we have not provided a penal offense with appropriate penalty for people who try to wreck trains, we certainly should do so.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield further, I want to compliment him on his remarks and say what he talks of is one of the reasons for the loans. They have promised to get new equipment. They just do not have the equipment sufficient to have adequate service at this time.

There is a somewhat similar situation all over America. When people try to get a reservation, they cannot get one except for 2 or 3 or 4 days ahead of time. Amtrak needs more equipment.

We hope the time will come in the next year or so when they will have enough of these cars.

Certainly there are enough criminal penalties, which we have in each State, to take care of this vandalism, and it should be taken care of.

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

Mr. Chairman, I was interested in the colloquy which just took place with respect to vandalism and the attempts to wreck trains.

We have laws for the prosecution of criminals in this country. I suspect the real trouble, as it has been with many other law violators, is to find a judge, especially in this part of the country, who will send an individual to prison for trying to wreck a train. I think that is where most of the trouble lies.

I was here in 1970 when this railroad subsidy program, now fast becoming a nightmare, was started. I thought we were promised in 1970 that everything was going to be lovely and the goose was going to hang high, that with $40 million we were off to a roaring start with a new deal in train service in this country. Yet, if what I have heard today is true, we have dumped about $1 billion into this, at least $900 million, and we are going nowhere fast.

Is that not the situation? Is there anyone here today who will stand up and stake his reputation or his future, political or otherwise, on the fact that having dumped all this money into this enterprise, we are going to get the rail service we were promised?

Mr. STAGGERS. As I explained to the gentleman a while ago, the different runs across the Nation have expanded, some of them up to 138 percent.

Another thing is that Amtrak cars were run down. The locomotives were run down. The tracks were run down.

Mr. GROSS. We knew that in 1970, did we not?

Mr. STAGGERS. That is right, and now there are 500 new cars on order. I hope that when they are delivered and when some of the new locomotives which they are now acquiring themselves get into service that the service will be much better, that the trains will be on time, and that we can have those improvements.

Mr. GROSS. How many more hundreds of millions of dollars is it going to take to achieve that goal?

Mr. STAGGERS. If the gentleman will yield. I cannot project that, as he knows.

What we are trying to do is to look into the future and expand for what will be a viable, useful means of transportation to be used by the citizens of the United States, and not have only one single person riding in a car, but to enable people in general to get from place to place.

I would agree with the gentleman about the vandalism.

Mr. GROSS. Thus far we have not gotten very far with this latest boondoggle, have we?

Mr. STAGGERS. Mr. Chairman, let me say to the gentleman that one reason is that each month the Department of Transportation has been giving authorizations to Amtrak. We are saying in this bill that it will not be from month to month; it will go for at least 3 months, so they can do a little bit of planning.

Mr. GROSS. Mr. Chairman, next week the House will be confronted with a bill to aid cattle feeders in the losses they sustained in recent months—to subsidize them with Federal funds. What are the Members of the House going to say to them if they support this kind of a subsidy for the railroads? And where are these subsidies to private enterprise going to end? How is it possible to support this one and deny another?

Mr. SISK. Mr. Chairman, will the gentleman yield?

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

Mr. SISK. Mr. Chairman, I fully appreciate the comments the gentleman from Iowa is making.

Many of us were here, of course, in 1970, and we authorized this. I believe the gentleman has said that we have already put about a billion dollars into this? Is that approximately right?

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, the figure is $359 million.

Mr. GROSS. Almost a billion dollars.

Mr. SISK. Mr. Chairman, the chairman of the committee has just informed me the figure is $359 million.

Here is the point, if my colleague, the gentleman from Iowa, will yield further: I realize that we are putting money into this——

Mr. GROSS. Mr. Chairman, first let me summarize this very quickly.

There was the amount of $319,100,000, and there was $40 million to get it off the ground in 1970, and there is now a loan guarantee of $500 million, as contained in this bill.

I will ask the gentleman from West Virginia: Is that not about right, or is it more or is it less?

Mr. STAGGERS. Mr. Chairman, the gentleman is correct, but if the gentleman will yield further, let me explain this.

Right up to date, we have spent $359 million, and we have put out loans. They have put out loans, and none of those have been defaulted in any way, and we hope and expect that they will not be.

Mr. GROSS. The gentleman means there have been none reported?

Mr. STAGGERS. That is correct.

Mr. GROSS. Mr. Chairman, let me ask this:

What unencumbered assets does Amtrak have?

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GROSS) has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Chairman, I am sure that Amtrak does not have any unencumbered assets. And, of course, there are not likely to be defaults as long as Congress pumps in a steady flow of money.

Mr. SISK. Mr. Chairman, will the gentleman yield?

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

Mr. SISK. Mr. Chairman, I, of course, want to raise another issue.

I personally am in favor of getting and making whatever moneys are needed available to do the job. This, of course, is the question I have, frankly, and that

is as to whether in fact the committee and the chairman of the committee—and I wish to compliment them on the fine job they have done here—really feel that this will meet the need.

Let me say to my friend, the gentleman from Iowa, that we are going to have up for consideration on the floor shortly—at least I was told that this is now before the Committee on Rules—a little bill calling for a mass transit authorization of, I believe, $17.5 billion.

Now, we have supported some pretty substantial mass transit bills around here.

Mr. GROSS. Mr. Chairman, will my friend make an exception to that? All of us have not supported such bills.

Mr. SISK. Mr. Chairman, I would be happy to make an exception on behalf of my good friend, the gentleman from Iowa.

The point I am trying to make is that I want to get some comparison here in this situation and point out that many of us are in a position where we desperately need the transportation that hopefully will be made available by Amtrak. I happen to be in a position in my own particular State—we all get a little bonus now and then—where, frankly, we do get some service now.

We know they are operating, but we find that actually people are standing, they are having trouble getting aboard trains, and there are times when they do not have enough cars and they cannot get seats. At times they cannot make reservations. They have taken the dining car off, I understand.

Mr. GROSS. Mr. Chairman, I wish to inform the gentleman that in the State of Iowa we do not have Amtrak service in any substantial part of the State, but we help contribute to it elsewhere in the country.

Mr. SISK. Mr. Chairman, if the gentleman will yield further, let me say to my good friend that the point I am really trying to make is that in fact we are heavily involved in going ahead with mass transit already to the tune of several billions of dollars. As I say, we will shortly have another bill before us on this subject.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GROSS) has expired.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the point I was trying to make is that I think there has to be some balance. This is a big country. Many of us are in a position where we cannot use money necessarily for mass transit. It is perhaps not applicable in our district because of the sizes of the communities, their locations, and a variety of other factors.

On the other hand, I am not going to oppose support for mass transit systems in the great cities of this country, because I know there is a need for it. But what I am trying to say here is that when we look at what really amounts to a rather infinitesimal amount of money that we put into Amtrak, as compared to what we have already authorized in mass transit and what we expect to authorize very shortly in the future, really, I think we are asking these people to do a job on what amounts almost to a shoestring.

Mr. Chairman, I am pleased to see this bill come before us because I think it documents to some extent the Congress willingness to assist Amtrak in a reasonable way. I fully support the provisions increasing allocations and allowing substantially more borrowing capacity. Clearly those provisions are needed if we expect Amtrak to modernize its fleet, facilities, and services.

While I intend to support this bill, Mr. Chairman, I must admit I am growing concerned at some of the practices of Amtrak.

I am proud to say that after several months' delay, Amtrak was established through the heartland of my district and my State earlier this year. The reception to the return of passenger train service has been most encouraging.

As pleased as I am, however, I must admit I am highly distressed at recent decisions by Amtrak which threaten to destroy public acceptance of Amtrak.

I do not know if the members of the Committee on Interstate and Foreign Commerce are aware of this, but after only 3 months of operations, and despite good ridership, Amtrak pulled off some of its more modern cars and replaced them with old and hardly adequate ones. Amtrak terminated dining car service and it terminated porter service. Amtrak does not permit reserved seating on the Bakersfield to Oakland run—a route of about 280 miles—and there have been occasions when families had to stand because of inadequate seating.

Furthermore, from day to day, one cannot be sure how many cars Amtrak will provide for the run through the San Joaquin Valley.

I fully recognize the problems faced by Amtrak. It has by its own estimates, a 500-passenger car shortage nationally, it is operating in poor facilities in some cases without the funds to improve them, nor does it have the funds to hire a staff as large and efficient as some of us would like.

But I am afraid that a policy of reducing services at the same time Amtrak is attempting to lure the public back onto the trains will only spell the failure of Amtrak. We need only look at the U.S. Postal Service as an example of what can happen when agency officials decide that the best policy for reducing costs is by reducing service.

I think we have already seen evidence of the fact that the American people will use Amtrak's service if we can make that service available. I believe that Amtrak officials must be put on notice that the Congress will not tolerate a policy aimed at reducing service. Likewise, the Congress—for its part—must be willing to supply the necessary funds so that Amtrak can indeed provide reliable transportation for this Nation's citizens.

Mr. Chairman, I want to compliment the committee on its fine work, and I hope and trust that the committee will continue to push for the kind of services and supportive funding which are so essential for the success of the Amtrak system.

Mr. POAGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this opportunity to suggest that while I have always supported Amtrak, and expect to support the legislation dealing with the Department of Transportation, that I think it would help the Department of Transportation if we took into consideration all kinds of transportation and not simply the Amtrak services by itself.

These are the biggest cities in Texas

One of the suggestions that was made a few moments ago was the attempt to establish greater transportation facilities between two of the major cities in Texas. I am sure that they can justify almost unlimited service there, but let me point out that there are three airlines right now that are running planes each hour on the hour between Dallas and Houston, three of them: They are Braniff, TI, that is, Texas International, and Southwestern. And they are running, as I say, each one of them, a plane, every hour.

These are the biggest cities in Texas but it is hard to believe that they need train service as badly as those areas where there is no such air service. None of the rest of the remaining cities are as large, but there are other large communities in Texas. Many of those other communities, and I happen to live in one, are over 100,000 population. I have two adjoining metropolitan areas with more than a quarter million in population in my district. In my hometown there is no transportation comparable to that now provided between Dallas and Houston. There is no railway passenger transportation into my home city, none. There are three air trips a day to Dallas, and there are none to Houston.

So what I am suggesting is that we should try to arrange these schedules so that we can render service in localities where people do not have the necessary transportation, rather than trying to double up on transportation in areas which are now well served. There are now two passenger trains between Fort Worth and Milano, but none on the Katy about 20 miles east. Does that make sense?

Now I would like to call the attention of the Members to the fact that one of the reasons that this Amtrak, is losing so much money is that they are running a train—and there has been a train there for nearly 100 years, from Dallas to Galveston. It stops at Houston now. They have been running that train almost 100 years, and they are still running it. It is needed. They give good service, but it is losing money like all the rest of the Amtrak trains, and at about the same rate.

Now they propose to take that train around by Dallas, and to duplicate that service where they have three airplanes every hour. And yet Amtrak has no service through Waco, and the Department of Transportation does not propose to provide any other kind of service. It is now time that that Department should give some thought to a coordinate system of passenger service.

Amtrak runs a train from Chicago by Fort Worth, down by McGregor in my district, and by Temple, which is also in my district, on to Houston. This train is needed and is used. Then they run an-

other train from Dallas over to Fort Worth and down the same route and on from Temple to Milano but they do not stop at Milano to pick up passengers. That train then runs into Mr. PICKLE's district. The catch is that it is 48 miles further to go around there, where there are no stops. That is 96 wasted miles per round trip. Nearly 100 extra miles that they are running, without picking up a passenger. But those miles do take time and that train gets to the border just about half an hour after the Mexican train has gone to Mexico City.

That is the kind of thing, that is the kind of system, that is bringing Amtrak into bankruptcy. So I am suggesting that we should have some coordination between Amtrak trains and other forms of transportation—both at home and with foreign trains.

The chairman has pointed out that the bill as written would allow some leeway as to routes between two major points.

I think that is proper, but I think it would be a tragic mistake—and I want to call this to the attention of the Chairman—to try to put all of the railroad transportation in the State of Texas on a route that is already served by 36 airplanes and many buses each day. I think we have got to take into consideration transportation and not simply the railroad trains. If we are going to consider only the railroad trains, and if we have only two, let us run one over one route and one over another. Right now we are running two trains from Fort Worth to Temple via the Santa Fe. We are running none down by Waco via the Katy. Does that make much sense? And, it is 4 miles further to go around that way, with 2 trains missing a city of 100,000 and going 4 miles further to do it. Does that make much sense?

I am not here to condemn. I want to help make this passenger system a success, but I think we have got to talk about those things and to consider those things if we are going to get this Amtrak system and our other transportation systems out of bankruptcy. But there is too much disposition in the Department of Transportation to let each system develop without regard to the other systems.

I appreciate what the chairman of this committee is trying to do, and that is to give us a sound system. I appreciate that, and I hope he can succeed.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the debate in the committee one of the most difficult problems we faced when we approved this legislation was. What could we do about the condition of the tracks? The problem which the gentleman from Texas just raised is one which relates directly to the condition of the track.

I would believe that Amtrak would run a train from a north-south direction and go through his city of Waco if the tracks were such that it could be done. They take another route simply because another railroad was an Amtrak railroad, and they choose to do that in the interest of economy rather than take the short ride which would be in the long run a more profitable route. As it is now, the route snakes around through the State, yet it does really a commendable job in spite of all the difficulties that have been raised on it. The speeds are deplorable, however, and we miss the connecting train to Mexico City.

The reason I raise this point in the report on the bill before us is they make this statement that "Railroads are obliged to maintain the condition of tracks at least to the level of May 1, 1971, when Amtrak began service."

We passed this legislation in 1970, and it was amended in 1973. I think that we, the Congress, must say to Amtrak and to the railroads that they must maintain their tracks in a condition at the level of maintenance of the first of May, 1971. I am mindful that if we do that we may run the risk of literally bankrupting, or we might run that risk of coming close to putting some of these railroads down, but at the same time we cannot go on like this in a crippled manner.

The ICC has just given the railroads a 10-percent raise in rates, and they have said that specifically is a set sum that must be used on the maintenance of tracks. I think that is good. I think we must see that that is carried out. In addition, I think we have got to say to these railroad companies, which are Amtrak companies, that they must maintain the condition of the tracks, and I think we, the Congress, must see that this is carried out.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. I thank the gentleman for yielding.

The tracks in Texas may not be the only tracks in the country that have not been able to be maintained. As a matter of fact, over the last 4th of July recess when I was home and out visiting with my constituents, I visited the city officials, the village officials, of several different communities, and without exception in each of those communities the question raised was, "What are you going to do about the railroad tracks?"

They say, "In our community the tracks are not maintained and we are afraid the trains are going to be run into our community and through some of our buildings because those tracks are not well maintained." It seems to me the Congress ought to give some consideration to the possibility that the Federal Government maintains the highways and the Federal Government maintains the waterways and the Federal Government maintains the airways in terms of safety and other things that go with running those transportation systems, but we do not do that in the case of the railroad tracks. I wonder if we ought not to consider perhaps having the Federal Government take care of the rights-of-way and letting free enterprise operate on the tracks.

Mr. PICKLE. Mr. Chairman, I want to point out one other statement in the report which I think the House ought to be mindful of. It says:

If the maintenance problem on these tracks continues to exist when the 1970 Act is reviewed in the next Congress, this committee intends to seek strong new legislation to correct this deplorable situation.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Washington.

Mr. ADAMS. Mr Chairman, I agree with the gentleman from Ohio that this is a problem we will have to face and it is highlighted by the particular track the gentleman from Texas (Mr. PICKLE) is addressing himself to and which the gentleman from Texas (Mr. POAGE), also addressed himself to. It costs $2.8 million to repair that track so we can run passenger trains on it, and we do not have the money to spend on it, and so that is why the train goes through this circuitous route.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHAPPELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15427) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, pursuant to House Resolution 1208, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

Mr. COLLINS of Texas. 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 317, nays 67, not voting 50, as follows:

[Roll No. 376]

YEAS—317

Abzug	Bell	Brotzman
Adams	Bennett	Brown, Calif.
Addabbo	Bergland	Brown, Mich.
Alexander	Biaggi	Broyhill, N.C.
Anderson, Ill.	Biester	Buchanan
Andrews, N.C.	Bingham	Burgener
Andrews, N. Dak.	Blackburn	Burke, Calif.
	Boggs	Burlison, Mo.
Annunzio	Boland	Burton, John
Arends	Bolling	Burton, Phillip
Ashley	Bowen	Butler
Aspin	Brademas	Carney, Ohio
Badillo	Breckinridge	Carter
Bafalis	Brinkley	Casey, Tex.
Barrett	Brooks	Chamberlain

Chappell	Hutchinson	Reuss
Clark	Ichord	Rhodes
Clausen, Don H.	Jarman	Rinaldo
Cleveland	Johnson, Calif.	Robison, N.Y.
Cochran	Johnson, Pa.	Rodino
Cohen	Jones, Ala.	Roe
Collier	Jones, N.C.	Rogers
Collins, Ill.	Jones, Okla.	Roncalio, Wyo.
Conable	Jordan	Roncallo, N.Y.
Conte	Karth	Rooney, Pa.
Conyers	Kastenmeier	Rose
Corman	Kazen	Rosenthal
Cotter	Kemp	Rostenkowski
Coughlin	King	Roush
Cronin	Kluczynski	Roy
Daniel, Robert W., Jr.	Koch	Roybal
Daniels, Dominick V.	Kuykendall	St Germain
Danielson	Kyros	Sandman
Davis, S.C.	Lagomarsino	Sarasin
de la Garza	Latta	Sarbanes
Delaney	Leggett	Scherle
Dellenback	Lehman	Sebelius
Dellums	Lent	Seiberling
Denholm	Litton	Shoup
Dent	Long, La.	Shriver
Derwinski	Lott	Shuster
Dingell	Luken	Sisk
Donohue	McClory	Skubitz
Downing	McCloskey	Slack
Drinan	McCollister	Smith, Iowa
Dulski	McCormack	Smith, N.Y.
du Pont	McDade	Spence
Eckhardt	McFall	Staggers
Edwards, Ala.	McKay	Stanton, J. William
Edwards, Calif.	McKinney	Stanton, James V.
Eilberg	Madden	Stark
Erlenborn	Madigan	Steed
Esch	Maraziti	Steele
Eshleman	Martin, N.C.	Steelman
Findley	Mathias, Calif.	Steiger, Wis.
Fish	Matsunaga	Stephens
Fisher	Mayne	Stokes
Flood	Mazzoli	Stratton
Foley	Meeds	Stubblefield
Ford	Melcher	Stuckey
Forsythe	Mezvinsky	Studds
Fountain	Mills	Sullivan
Fraser	Minish	Symington
Frelinghuysen	Mink	Taylor, N.C.
Frenzel	Minshall, Ohio	Thompson, N.J.
Frey	Mitchell, N.Y.	Thomson, Wis.
Froehlich	Mizell	Thone
Fuqua	Moakley	Thornton
Gaydos	Mollohan	Tiernan
Gettys	Moorhead, Calif.	Towell, Nev.
Giaimo	Moorhead, Pa.	Traxler
Gibbons	Morgan	Treen
Gilman	Mosher	Udall
Ginn	Moss	Ullman
Gonzalez	Murphy, Ill.	Van Deerlin
Grasso	Murtha	Vander Jagt
Green, Oreg.	Natcher	Vander Veen
Green, Pa.	Nedzi	Vanik
Grover	Nelsen	Veysey
Gude	Nix	Vigorito
Guyer	Obey	Waggonner
Haley	O'Brien	Waldie
Hamilton	O'Neill	Walsh
Hammer-schmidt	Owens	Ware
Hanley	Passman	Whalen
Hanna	Patman	White
Harrington	Patten	Whitehurst
Hastings	Pepper	Widnall
Hawkins	Perkins	Wiggins
Hébert	Pettis	Williams
Hechler, W. Va.	Peyser	Wilson, Charles, Tex.
Heckler, Mass.	Pickle	Winn
Heinz	Pike	Wolff
Helstoski	Poage	Wright
Henderson	Podell	Wydler
Hicks	Powell, Ohio	Wylie
Hinshaw	Preyer	Wyman
Hogan	Price, Ill.	Yates
Holtzman	Pritchard	Yatron
Horton	Quie	Young, Fla.
Hosmer	Railsback	Young, Ill.
Howard	Randall	Young, S.C.
Hudnut	Rangel	Young, Tex.
Hungate	Rees	Zablocki
Hunt	Regula	Zwach
	Reid	

NAYS—67

Abdnor	Broyhill, Va.	Dickinson
Anderson, Calif.	Burleson, Tex.	Duncan
Archer	Byron	Fascell
Armstrong	Camp	Flowers
Ashbrook	Clancy	Flynt
Baker	Clawson, Del	Goodling
Bauman	Collins, Tex.	Gross
Beard	Crane	Hanrahan
Bevill	Daniel, Dan	Harsha
Bray	Davis, Wis.	Holt
Brown, Ohio	Denholm	Huber
	Devine	Ketchum
Landgrebe	Parris	Schroeder
Landrum	Price, Tex.	Sikes
Long, Md.	Quillen	Snyder
Mahon	Roberts	Steiger, Ariz.
Martin, Nebr.	Robinson, Va.	Symms
Mathis, Ga.	Rousselot	Taylor, Mo.
Michel	Runnels	Wampler
Miller	Ruth	Whitten
Montgomery	Ryan	Wilson, Bob
Myers	Satterfield	Zion
Nichols	Schneebeli	

NOT VOTING—50

Blatnik	Goldwater	Mitchell, Md.
Brasco	Gray	Murphy, N.Y.
Breaux	Griffiths	O'Hara
Broomfield	Gubser	Rarick
Burke, Fla.	Gunter	Riegle
Burke, Mass.	Hansen, Idaho	Rooney, N.Y.
Carey, N.Y.	Hansen, Wash.	Ruppe
Cederberg	Hays	Shipley
Chisholm	Hillis	Talcott
Clay	Holifield	Teague
Conlan	Johnson, Colo.	Wilson, Charles H., Calif.
Culver	Jones, Tenn.	Wyatt
Davis, Ga.	Lujan	Young, Alaska
Diggs	McEwen	Young, Ga.
Dorn	McSpadden	
Evans, Colo.	Macdonald	
Evins, Tenn.	Metcalfe	
Fulton	Milford	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Burke of Massachusetts for, with Mr. Rarick against.

Mr. Johnson of Colorado for, with Mr. Conlan against.

Until further notice:

Mr. Rooney of New York with Mr. Dorn.

Mr. Davis of Georgia with Mrs. Hansen of Washington.

Mr. Murphy of New York with Mr. McSpadden.

Mr. Carey of New York with Mr. Milford.

Mr. Mitchell of Maryland with Mrs. Griffiths.

Mr. Teague with Mr. Riegle.

Mr. Charles H. Wilson of California with Mr. Young of Alaska.

Mr. Holifield with Mr. Wyatt.

Mrs. Chisholm with Mr. Culver.

Mr. Diggs with Mr. Evans of Colorado.

Mr. Shipley with Mr. Metcalfe.

Mr. Clay with Mr. Blatnik.

Mr. Brasco with Mr. Broomfield.

Mr. Breaux with Mr. Hansen of Idaho.

Mr. Evins of Tennessee with Mr. McEwen.

Mr. Fulton with Mr. Burke of Florida.

Mr. Gray with Mr. Lujan.

Mr. Jones of Tennessee with Mr. Goldwater.

Mr. Hays with Mr. Hillis.

Mr. Macdonald with Mr. Gubser.

Mr. Young of Georgia, with Mr. Ruppe.

Mr. O'Hara with Mr. Talcott.

Mr. Gunter with Mr. Cederberg.

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 revise and extend their remarks on the bill just passed.

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

There was no objection.

PERMISSION FOR MANAGERS TO HAVE UNTIL MIDNIGHT TOMORROW, JULY 12, 1974, TO FILE CONFERENCE REPORT ON S. 39

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow, July 12, 1974, to file a conference report on S. 39, to prevent aircraft piracy.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 223. Concurrent resolution requesting the President to proclaim the seven-day period of July 16 through 22, 1973, as "United States Space Week"; and

H. Con. Res. 559. Concurrent resolution to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JULY 12, 1974, TO FILE CONFERENCE REPORT ON H.R. 11873, ANIMAL HEALTH RESEARCH ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, Friday, July 12, 1974, to file a conference report on 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.

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

There was no objection.

FOURTH ANNUAL REPORT OF THE SECRETARY OF TRANSPORTATION ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce.

To the Congress of the United States:

I transmit herewith the Fourth Annual Report of the Secretary of Transportation on Hazardous Materials Control, as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458. This report has been prepared in accordance with Section 302 of the Act and covers calendar year 1973.

RICHARD NIXON.

THE WHITE HOUSE, *July 11, 1974.*

REQUEST TO CONSIDER HOUSE CONCURRENT RESOLUTION 559, AS AMENDED

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the concurrent resolution (H. Con. Res. 559) to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

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

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

LEGISLATIVE PROGRAM FOR THE WEEK OF JULY 15, 1974

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have taken this time in order to ask the distinguished majority leader if he will advise us as to the legislative program for the following week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

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

Mr. O'NEILL. Mr. Speaker, in response to the request of the minority whip, I will state that the legislative program for the House of Representatives for the week of July 15, 1974, is as follows:

On Monday, we will call the Consent Calendar, and we will consider the following legislation under suspension of the rules:

H.R. 14494, simplified purchase procedures;

H.R. 15233, Office of Federal Procurement Policy;

H.J. Res. 910, National Hunting and Fishing Day; and

H. Con. Res. 559, additional copies of the hearings and report of the Committee on the Judiciary concerning the impeachment inquiry.

For Tuesday and the balance of the week, the schedule is as follows:

We will call the Private Calendar on Tuesday. There are no further bills to be considered under suspension of the rules.

We will then consider the following bills:

H.R. 15560, emergency guaranteed livestock loans, under an open rule, with 1 hour of debate;

H.R. 11500, Surface Mining Control and Reclamation Act, under an open rule, with 4 hours of debate;

H.R. 15416, AEC omnibus legislation, under an open rule, with 1 hour of debate; and

H.R. 15582, Atomic Energy Act Amendments, to enable Congress to concur in or disapprove certain international agreements for peaceful cooperation, under an open rule, with 1 hour of debate.

Conference reports may be brought up at any time, and any future program will be announced later.

Mr. ARENDS. Mr. Speaker, I thank the gentleman from Massachusetts.

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

Mr. O'NEILL. I will be happy to yield to the gentleman from Texas. However, the gentleman from Illinois controls the time.

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

Mr. KAZEN. Mr. Speaker, I would just like to ask the distinguished majority leader if the gentleman expects the House to be in session on next Friday.

Mr. O'NEILL. In response to the inquiry of the gentleman from Texas, may I say that after reviewing the program for next week and other matters before the House, this morning, I anticipate that there will be no Friday sessions for the remainder of this month unless something unusual or extraordinary comes up. So I think the Members can plan that there will be no Friday sessions until at least August.

Mr. KAZEN. I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 15, 1974

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERSONAL EXPLANATION

Mr. GOLDWATER. Mr. Speaker, when the rollcall occurred on the passage of the Rail Passenger Service Act of 1970 (H.R. 15427) I was unavoidably detained, and could not be present to vote. Had I been present I would have voted "no."

DISPOSAL OF LEAD FROM NATIONAL AND SUPPLEMENTAL STOCKPILES

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

Mr. PATTEN. Mr. Speaker, on May 16 of this year, I introduced legislation which authorizes the disposal of 464,900 short tons of lead from the national and supplemental stockpiles. The measure can most easily be described as an anti-inflationary move in the domestic lead market. A more detailed explanation of that appears in the letter to Chairman BENNETT of Subcommittee No. 3 of the House Armed Services Committee submitted below.

A number of my colleagues have joined me in the reintroduction of H.R. 14845 because they, too, feel that there is a strong economic reason for the legislation. Those Members include, Mr. DANIELS, Mr. DERWINSKI, Mr. RINALDO, and Mr. ROE.

Mr. Speaker, for further explanation of the legislation, I submit two pieces for the RECORD. The first, a letter I sent to my distinguished colleague from Florida (Mr. BENNETT), citing the importance of H.R. 14845 and the need for subcommittee action on it. Second, an article which appeared in an industry publication on the battery industry's problem with the lead supply.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 11, 1974.

HON. CHARLES E. BENNETT,
Chairman, Subcommittee No. 3,
House Armed Services Committee,
U.S. House of Representatives.

DEAR MR. CHAIRMAN: The lead industry is experiencing increasing prices of primary and secondary lead which are having an inflationary effect on the metal's domestic market. Due to the regulations of the Cost of Living Council, the domestic price was kept at a level lower than that of the London Metal Exchange. While the U.S. price hovered at 21.5¢/lb. the London Metal Exchange listed 24.5¢/lb. and more recently LME prices have exceeded 26¢/lb.

American industries could easily live with the domestic price. However, the United States, at the present time, is not completely self-sufficient either in the mining or smelting of lead. While recent statistics indicate that approximately 1,375,000 tons of primary lead are produced here, consumption is somewhere near an annual rate of 1,550,000 tons. The deficit is made up by importing the product at prices generally governed by the LME, up to a reported 30¢/lb. This constitutes a drain on the U.S. economy of roughly $10–$30 million per year, and possibly more.

The attractive prices on the foreign market resulted in increased exports of domestically produced lead. According to the Bureau of Mines, in 1973, lead exports reached a 34 year high, and a dramatic increase over 1972. As further illustration of the need for reasonably priced lead in America, the GSA lead release program during the first quarter was over-subscribed and the demand for the maximum 720 tons per buyer was so great the firms were allocated only 400 tons each.

Another contributing factor to the shortage of reasonable priced lead was the anti-dumping decision of the U.S. Tariff Commission. The Commission had decided to place anti-dumping duties on lead being imported from Canadian and Australian companies. Then-Secretary of the Treasury, George Shultz, requested the Commission to change its decision which would force up the price of lead from the two countries. This was at a time when, "one of our primary concerns is how to deal with basic shortages of essential commodities at non-inflationary prices." The Commission held fast; and as a result, two of the three companies withdrew from the American market.

That is the principal reason for the introduction of H.R. 14845. Our American industries have had to import some part of their lead requirements at prices considerably higher than that of our own. Even some domestic prices have started to rise due to the production shortage. Recently, Gould, Inc., raised its secondary lead price for the East Coast from 21.5¢/lb. to 23.5¢/lb. principally due to the shortage of supply in the Eastern region of the U.S.

One thing must be understood when considering this legislation. When I refer to a shortage, it is not a shortage of the natural supply. Like coal, there is an ample supply of lead ore in the United States soil. The shortage then is in the mining and smelting capacity of the industry.

Primary producers are running several weeks behind in their shipment, and second-

ary producers cannot obtain sufficient scrap to meet demands. Should the battery industry, let us say, wish to maintain production and of course jobs, it might be forced to pay the high prices of the LME. Because this is not a shortage of the raw materials, there is also not a threat to the national defense in terms of a depletion of the stockpile over a long period of time.

Should a national emergency arise, the industry would naturally be geared toward the national interest and for providing maximum supplies of the metal for the use of the government. Also, our neighbors, Canada and Mexico, who along with other South American countries, are major exporters, would handily contribute to the national stockpile.

Increased production on the part of the industry is, of course, the ideal solution to the current price problem; however, the capacity to produce at increased levels is not presently possible. In the long run, it is possible that the smelting sector of the industry might expand its facilities and therefore provide for increased production, but for now, it is unlikely.

No known increase in the smelting and refining capability of the U.S. is currently being considered. It is even thought that instead of alleviating the situation, the pending environmental rulings which would decrease the use of lead in TEL (tetraethyl lead), will further discourage additional investment in the domestic smelting and refining sector.

Another fact should be understood. I am not sponsoring this legislation as a long term solution to the economic plight of the lead industry. A relase of 464,900 tons of stockpiled lead would help relieve the existing situation; it is a short term, quick infusion of lead into the U.S. market at current prices. It would act as an anti-inflationary move for the lead market, and prevent the higher prices of the metal products consumers would be almost forced to pay. The release of the metal would be available only to American consumers for domestic use.

Your consideration of this matter would be greatly appreciated. Please do not hesitate to contact me for further information or clarification.

Sincerely,

EDWARD J. PATTEN.

SHRINKING LEAD INVENTORIES WORRY BATTERY MAKERS

(By Rich Miller and Debra Patton)

NEW YORK.—With their inventories running hand-to-mouth, battery manufacturers are running into difficulties getting lead and said they are experiencing delays in lead shipments from domestic producers.

According to the battery makers, which account for about half of the United States lead consumption, domestic producers are sometimes behind in shipments as much as two weeks.

One producer source said that domestic shipments have been running behind schedule for the past six or seven months but now that battery manufacturers' inventories are down, the problem has become more noticeable.

Several battery makers said that the supply situation is so tight they might be forced to buy lead at London Metal Exchange prices if automotive orders pick up. One large battery manufacturer said that even without a pickup in battery business, he has "plants very close to being out of lead with no line of supply coming in."

The battery makers said they have been particularly hard hit lately because of the shutdown of American Metal Climax Inc.'s lead smelter in Boss, Mo. As was previously reported, the company lost about 50 percent of this month's production at Boss because of the shutdown. American Metal Climax estimates that monthly production at Boss is about 12,000 tons of lead.

One battery manufacturer said that he is having trouble getting lead to fill in for delayed shipments from both American Metal and American Smelting & Refining Co., Inc.

"There is not enough lead in this country," he said. "The only lead is from Mexico and that is at LME prices."

He said that his company had experienced a downturn in production and, "I let the slowdown run past me." He did not buy any higher priced lead which was available at that time because "as long as you have a comfort zone the price is important to you."

There are reports that some spot lead is selling at 27 to 29 cents a pound.

However, times have changed, he said.

"Right now prices are a lot less significant than supply," he said. "We have got ourselves boxed in pretty tight (regarding the United States lead supply situation) and we don't know quite what to do."

He also said he had heard rumors that the domestic price of lead would jump to 25 cents a pound after May 1, when the Cost of Living Council no longer existed. (The CLC had decontrolled lead in December, however, industry sources said domestic producers still have been reluctant to raise prices to LME levels because of the CLC.) Domestic primary lead is currently selling at 21.5 cents a pound.

"CAN'T GET MATERIALS"

"I'd like to build up my inventory so that I could sell for two-three weeks without buying," one manufacturer said. "But you just can't get the material for that type of inventory."

Another leading battery company said it would like to have a three-week inventory period for corroding grade lead from the Midwest, but that instead the lead is only in his plant a week before being shipped out.

He felt the delay was partly due to the fact that "sales are greater than production." He said that some lead producers were having problems getting railcars but added that often that reason was "a catch-all."

SEE LAG AT GSA

Battery manufacturers also complained of late shipments from the General Services Administration. One manufacturer said that GSA shipments were two weeks behind schedule.

The first quarter GSA lead release program was oversubscribed, manufacturers noted, and the result was that firms which had put in for the maximum 720 tons shipment only received some 400 tons.

"I don't think the demand for GSA material will be as heavy in the second quarter," one battery manufacturer said. He explained that April and May are traditionally slower months for business and that this and the drop in automobile sales should cut back on orders from the GSA.

Some battery manufacturers are hoping they can get more lead from the second quarter GSA lead offerings because they are heavily dependent on GSA material. One manufacturer said he might have to cut back on his shipments if it were not for GSA material.

[Cosponsors of H.R. 14845 by Hon. EDWARD J. PATTEN for himself and Mr. DANIELS, Mr. DERWINSKI, Mr. RINALDO, and Mr. ROE]

H.R. 14845

A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately four hundred and sixty-four thousand nine hundred short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

CONGRESSMAN CLAUDE PEPPER SPEECH, HARVARD LAW SCHOOL, CLASS OF 1924 REUNION, JUNE 11–12, 1974

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

Mr. HUNGATE. Mr. Speaker, our distinguished colleague, CLAUDE PEPPER, was a featured speaker at the golden anniversary of his class at "the Law School." His address follows:

CONGRESSMAN CLAUDE PEPPER SPEECH, HARVARD LAW SCHOOL, CLASS OF 1924 REUNION, JUNE 11–12, 1974

Thank you very much, Chairman Houston, Judge Wyzanski, other distinguished guests, ladies and members of the Class and friends. Anybody who has been in politics as long as I have is grateful if the introducer is just kind; he doesn't have to be complimentary as Houston was; he knows that we are all very grateful to him for this fine arrangement that he has made for our pleasure and enjoyment here this evening—he and all those who worked with him.

I'm certainly glad to see all these wives who were able to accompany their husbands; I want each of you ladies to know that we looked into many other pretty faces before we finally found you. (laughter and applause) We are very glad that you are able to be here. By the way, speaking of pretty faces, I would like to introduce if I may, of course you know they are all here, but I'm very proud of the fact that they all come from Florida, Charles and Helen Murchison. Please stand up, I want all of you Floridians to stand up. (applause) George English, over here, from Fort Lauderdale. (applause); and Jim and Ruth Dixon, where are they back there? Here they are over here. (applause)

I was rather comforted recently to hear two stories that gave some encouragement to me to believe that any of us perhaps will find somebody who will say a kind thing about us when finally we pass on. This story was about a Quaker funeral. They had waited for a good while for anyone to say anything complimentary to the deceased who didn't leave a very savory reputation. Finally after a long silence, one fellow arose and said, "Well, I will say that some times he wasn't as mean as he usually was." (laughter) I was telling Tip O'Neill, who is a Representative from Cambridge and our Majority Leader of the House, that story and he said I will give you the Boston-Irish version of that story. They were having a wake for an Irishman in Boston who didn't leave a very good reputation, either. And the few who made up the wake played cards all night; just about dawn the next morning, one of them rather sadly said, "You know nobody has said a kind word about old Timothy." Another silence ensued and a little bit later one of the fellows who was a barber said, "Well, I will say, he was always easy to shave." (laughter) But, I think we want to make it very clear that it wasn't one of the members of this Class that the little boy was talking about one day when a man asked him, did he see an old man pass that way and if he did, where was the old man going? The boy said, "Mister, that old man ain't going nowhere, he's done been where

he is going." (laughter) Well, we have got a long way to go yet and we are having fun getting there. Rather, I think our Class belongs to that famous story about Justice Holmes and Justice Brandeis, who were going down a street in Washington when Justice Holmes was about 90 (Brandeis was a little younger). They saw a pretty girl pass on the street and the wind was blowing her dress a little bit and Justice Holmes, with that sharp critical eye of his, said "Oh, if I were just 70 again." (laughter)

Well, we are very happy that we could come back here this evening, all together again in this happy atmosphere and so many able to come. We are very proud, of course, that for 50 years it has been our privilege to carry with more or less dedication and distinction the banner of Harvard. And we hope that it will be said that we have borne it with some appreciation of what Harvard really is, what it means to those who have been privileged to be a part of it. And we hope also that we have been able to realize what Dean Pound on one occasion said should be the ambition of every lawyer to leave a stone in the edifice of the law, bearing his own craftsman mark. We hope where our stones shall be found by those who may be coursing through our past in the future will find that there was some credit, at least some appreciation, in what we have left behind.

It doesn't seem like it has been 50 years since we were here and left as students; since we recall hearing the inimitable Scottie tell us that the legal profession owed and has paid much to the West Publishing Company; since Manley Hudson, you remember, reminded us often how cold we left him; and one day in a conflict class, I believe it was, when Joey Beale said, "Ah, stick a pin in that," when by his Socratic questioning he induced some member of the Class to say that a debt did not have any solvency. Then you remember Fuller Warren, just before we took our first examinations at the end of our first year admonished us to look on either side of us, he said next year one of you will not be back. And yet we know that those years have sped away and we have had a large part of what was then our future. But we are very proud of the vitality, of the deep concern that we still have for life, and all around us; the vitality that animates our actions, our aspirations, our ideals, even our dreams to which we still cling. And we are very proud, too, that this great institution, of which we have been privileged to be a part, can still say as those who love it say: calm rising through change and through storm. Harvard has had its changes; it has had its storms, but it has risen with dignity and added strength with each change and with each passing storm. And if there be some more half centuries, in addition to the more than six that already have transpired, we have faith to believe that this great institution, motivated by its search for truth, by its deep dedication to knowledge and to learning and to competence and character, will still make it possible for those who love it to say, even in the distant centuries, that it is still calm rising through change and through storm.

And what about a word about our country. When you think about the fact that Calvin Coolidge was serving in his first term as President of the United States when we left here, you can realize how far back that was. There have been seven Presidents since that time; I think there were two or three thousand radio sets in the United States in that year, 1924. Earlier in the year, I believe at the end of the previous year, the President had made the first broadcast of an address to the Congress of the United States by radio, in December, 1923. Knute Rockne had won nine football games that year as coach at Notre Dame. A young playwright, Eugene O'Neill had his first play performed at Provincetown by the Provincetown Players; they never heard of such things as Social Security, atom bombs or hydrogen bombs; it took 27 hours to go by air from the East coast to the West coast and several days even by train. That was the country then into which we graduated and in which we have been privileged to have a part in the intervening years. Well, there have been a lot of changes in that country, a lot of change in the concept of its government, in the function that it was believed the government could perform, to play; the part it should have in the lives of the people. It wasn't a callous Hoover, a man unconcerned about human misery or suffering; it was a man, as President, who didn't believe that it was a proper function of the federal government to concern itself with governmental efforts to avoid unemployment; the price of farm commodities, the interest that one pays for housing or the availability of housing facilities and the like. Whether the change has been good or bad, others will have to judge. We were following largely precedents in Europe by Western nations of our common background and there are today those who are so disturbed by the trauma of events that they have even begun to express some doubts about the vitality, the viableness of this great country of ours. I thought I might advert to a Gallop poll that was taken the last week in March of this year, published on May 20th in the Washington Post. According to that poll, 68% of the people of the United States said that they had a high degree of confidence in the survival of our government and our country. Whites were 72% and Blacks 45%; women, 64% (women have always been a little skeptical, I'm told) and men, 72%; college graduates, 63%; high school graduates, 66%; grade school graduates, 63%; and here's an interesting one, the age group 18 to 29, 53%, still had a high degree of confidence in the survival of America as we know it today; 30 to 49, 72%; and those above 50 in age, 75%. It is encouraging to see that those who know the most and have had the largest experience have the highest degree of confidence—so that is the reason we can look with confidence upon the future that stretches ahead.

I wonder if these young people have read the Old Testament enough to remember the experience of the children of Israel coming out of Egypt, you recall, by the beneficence of God and the leadership of Moses, they escaped the bondage of Pharaoh. By the intervention of God, the Red Sea opened; and they walked across on dry land to salvation, making possible their exit. Then they found no food in the desert, but Manna came down from heaven; and they were nourished. And then they got to the very border of their destination, the Promised Land Kadesh Karnea, and just on the other side was the objective of their long search, their dangerous and painful journey, and there they hesitated. They thought they had heard stories that indicated that there were sons of Anack giants over there and so they appointed some spies to go and bring back reports of what they discovered. And the spies returned and said, yes, it is true, it is a land flowing with milk and honey, but the people are giants, these sons of Anack. And something happened to the faith of those people who had been escapees from Pharaoh, who had come through the Red Sea, who had been nourished in the desert when they faced an unknown danger—little faith, and they faltered. And if I remember correctly, nobody who was of adult age at that time among the children of Israel ever thereafter, after their long wandering in the wilderness, reached the Promised Land—rather a severe punitive punishment for those who lacked faith at a critical time. So, if anybody just takes a glimpse at the background of this country, where we have come from, what we have done, what we have had to surmount, what we have been able to survive, they would have no doubt about the stability, the future and the assured continued greatness of this land of ours, America. And while I hope Lincoln was not literally correct in saying, it is the last best hope of earth, the kind of dedication that we believe America possesses today and its people will assure that at least it will remain the best hope of earth.

Now let me, if I may, just give you a little something here: It is a poem to another group of men who gathered together a long time ago for their reunion but it is as applicable to us now as it was to them then. You've heard the poem, but I hope you won't mind if you hear it again—it doesn't take very long. You remember it—it is by Oliver Wendell Holmes, entitled, "The Boys":

Has there any old fellow got mixed up with
The Boys?
If there has, take him out, without making
a noise.
Hang the Almanac's cheat, and the Catalogue's spite,
Old Time is a liar, we're twenty tonight!

We're twenty! We're twenty! who says we are
more?
He's tipsy, young jackanapes, show him the
door!
Gray temples at twenty, Yes, white if we
please,
Where the snowflakes fall thickest, there's
nothing can freeze!

Was it snowing I spoke of? Excuse the
mistake!
Look close, you will not see a sign of a
flake!
We want some new garlands for those we
have shed,
And these are white roses in place of the
red.

We've a trick, we young fellows, you may
have been told,
Of talking in public as if we were old.
That boy we call "Doctor" and this one we
call, "Judge";
It's a neat little fiction—of course, it's all
fudge.

That fellow's "The Speaker", the one on the
right;
Mr. Mayor, my young one, how are you
tonight?
That's our "Member of Congress" we say
when we chaff;
There's "The Reverend", what's his name?
Don't make me laugh.

That boy with the grave mathematical look,
Made believe he had written a wonderful
book.
And the Royal Society thought it was true,
So they chose him right in, a good joke it
was, too!

There's a boy, we pretend, with a three-
decker brain,
That could harness a team with a logical
chain.
When he spoke for our manhood in syllable
fire,
We called him "The Justice", but now he's
"The Squire".

And there's a nice youngster of excellent
pith,
Fate tried to conceal him by naming him
Smith.
But he shouted a song for the brave and the
free,
Just read on his medal, "My Country of
Thee."

You hear that boy laughing? You think he's
all fun,
But the angels laugh, too, at the good he has
done.
The children laughed loud, as they troop to
his call,

And the poor man who knows him, laughs loudest of all.
Yes, we are Boys, always playing with tongue or with pen,
And I sometimes have asked, shall we ever be men?
Shall we always be youthful, laughing and gay?
Till the last year companion drops smiling away.

Then here's to our boyhood, it's old and it's gray,
The stars of its winter, the dews of its May.
And when we have done with our life-lasting toys,
Dear Father, take care, of Thy children, The Boys!

And if you will just allow me, with my own poor doggerel to add a few lines in the nature of a toast to our Class, it would run something like this:

Now we are together once more,
The members of the Class of 24.
The thrill to shake the hands of those friends again,
And once more to revel in those days of yore.

To one another we say, Hail! But not, Farewell.
For the fire still shines within,
We are sturdy, straight, we are stalwart men,
And with God helping us, we are coming back to many Reunions again.

ELECTRIC UTILITY FINANCIAL SITUATION

(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, over recent weeks, there have been a number of newspaper articles regarding the financial difficulties of the Nation's electric utilities. Electric utility stocks have deteriorated. Construction plans for new generating plants have had to be canceled or deferred in several instances. These developments have grave implications with respect to our ability to meet the Nation's future energy needs.

The Joint Committee on Atomic Energy received testimony on this matter last month from Mr. John F. Childs, senior vice president of Irving Trust. Mr. Childs, who is one of the Nation's foremost experts in the field of utility financing, provided an excellent exposition of the underlying problems causing the serious determination of the utilities' financing position. A copy of Mr. Childs' statement is appended to my remarks.

On a related matter, allegations have been made by some that the difficult financial position of the utilities is due primarily to the operating difficulties and high costs of nuclear powerplants. While some of utilities' difficulties can be attributed to a degree to nuclear power, it is a gross exaggeration and oversimplification to place major blame on nuclear power. Electrical utilities have been having problems financing all types of construction. As Mr. Childs' testimony suggests, the utilities' problems are more directly attributed to the inflationary pressures in our economy, high interest rates, rapidly increasing fossil fuel costs, and an inability to obtain prompt and adequate rate relief. By far the greatest problems have occurred with those utilities dependent upon oil—which has doubled or tripled in cost over the past year or so. I might note in passing that nuclear energy can and does directly displace use of oil for the generation of electrical energy. In fact, each large nuclear plant displaces the use of about 14 million barrels of expensive oil each year.

Experience to date indicates that the generating costs of nuclear power units have generally been lower than the generating costs of the comparable large fossil-fired powerplants. That this is the case is evidenced by the continued high rate of new nuclear power orders—averaging over 50 percent of new orders. I would like to cite some statistics from one of the Nation's largest utilities—Commonwealth Edison Co. of Illinois—to further demonstrate this point.

Commonwealth Edison has in operation some seven nuclear units at three sites with a total capacity of 5.1 million kilowatts. This year, it is estimated that about one-third of their power generation will be by nuclear units. Commonwealth has indicated that the availability record of its nuclear units has been distinctly better than that of its large coal-fired units. For example, in 1973, the availability of its four new nuclear units averaged 82 percent compared with an availability of 69 percent for its new coal-fired units. Oil-fired costs were more than double coal. While it costs more to build nuclear plants, operating costs are lower, because nuclear fuel is much less expensive than oil or coal which can meet environmental standards. Fuel and operating expenses for Commonwealth's fossil-fueled units—most which use coal—over a 12-month period ending March 1974 amounted to about 7.2 mills per kilowatt hour. If these units burned oil, of course, this figure would be even higher. The comparable number for Commonwealth's nuclear units was about 2.8 mills per kilowatt—or a differential of some 4.4 mills per kilowatt in favor of nuclear. This differential well offsets the costs associated with amortizing the higher initial capital cost of nuclear powerplants.

The statement of Mr. Childs, which I have referred to follows:

THE FINANCIAL POSITION OF THE ELECTRIC UTILITY INDUSTRY

(By John F. Childs)

MY BACKGROUND

My principal job is advisor to all types of companies on corporate finance. For many years I have worked closely with utility companies. I have run seminars on corporate finance that have been attended by most of the top utility executives and State utility regulatory commissioners. I am currently working with electric utility companies and commissioners and I am thus able to observe the problems the industry faces.

THE ELECTRIC UTILITY FINANCIAL PICTURE

In the 1920's the electric utility holding companies got in a bad financial mess. As a result the Public Utility Holding Company Act of 1935 was enacted and the financial abuses were eliminated.

After World War II, the industry started to experience growth and as a consequence there developed a large demand for capital. At first, it appeared questionable whether the market would be able to supply the equity capital. One of the first common stock issues was an offering by the Southern Company. That issue was successful and from then on there was an increasing interest in electric utilities by investors, and the industry was able to finance their capital requirements readily.

The industry raised $23 billion in the period 1960–1969 with relative ease. Investors were looking at electric utility stocks as growth stocks and common stocks were selling at low yields, good price—earning ratios, and at good premiums over book value.

However, starting in the 1970's electric utility stocks began to deteriorate and a final climax occurred with the announcement of April 23, 1974 of the elimination of the common dividend by Consolidated Edison. Electric utility stocks were already at poor levels at that time but they then sank even further.

The serious deterioration of the financial position of electric utility companies occurred very fast and unexpectedly. It has been a major shock to Wall Street and investors, both individuals and institutions.

Fortunately, as I have stated, the industry started out in a strong financial position, with reasonable debt levels and bonds well rated at either AAA, AA or A. If it had not started out in a strong position many companies would be on their backs today.

The reasons for the present situation are many:

1. The high cost of borrowed money.
2. The increase in cost of oil due to the Arab embargo.
3. Inflation of all other operating costs.
4. Increase in construction costs.
5. Operating problems with atomic plants.
6. The need for pollution control investments which produce no revenues.
7. Conservation of electricity on the part of consumers which slowed revenues growth.
8. Inability to get prompt and adequate rate relief.

Today, the financial picture is serious, and in fact very serious.

Most company stocks are selling below book value—many as low as 50% of book value. They are selling at low price-earnings ratios around 7 times, and yields are very high, ranging from 8% to 13%. The principal thing attracting investors today is the yield, because earnings do not offer much prospects of growth.

Since dividend yield is so important, the cut of the common dividend by Consolidated Edison raised questions in investors minds as to whether other companies might follow.

By no means are all companies in the same position; some are far worse off than others. Utility analysts grade electric utility company stocks as to their outlook. Unfortunately, there are certain companies which are being put in a category close to the dire situation of Consolidated Edison.

The problem of raising capital has been highlighted by:

One company being unable to sell a 12% preferred stock.

Some common offerings having to be reduced or postponed.

Coverages of interest charges falling so low that some companies can't sell bonds because of indenture restrictions.

Bond ratings deteriorating at a rapid pace; some companies now being BBB and even BB.

The institutional investor has practically given up buying utility common stocks because of concern for the industry. It is the little investor who is now supplying the common equity money. It is grossly unfair to ask the small investors to put his vital savings into utility commons unless his investment has hopes of surviving.

The electric utility industry has been the bright spot in inflation since World War II. There were practically no increase in rates until recently and in fact some companies reduced rates; utility bills increased primarily due to greater use of electricity. From 1945 to 1973 the consumer price index in-

creased 147%. Even with the rate increases which electric utilities are now requesting, electric service is economically underpriced. If the companies were not hindered from raising rates by regulatory lag, the companies could be made sufficiently profitable so that they would be able to raise the necessary capital.

The electric utility industry is a highly capital intensive business. It requires about four times as much capital per dollar of sales as an industrial company. Its internal generation of cash is small. Therefore, the electric utility industry requires tremendous financing in order to provide the customers with service.

Our entire economic fabric is dependent on the electric utility industry. Our economy can't function without electric power, and a large portion of the savings of our nation are invested in utility securities. The long run interest of all types of consumer—industrial, commercial, and domestic—is to have power. It is inevitable, if the companies are unable to raise capital that power will not be available to meet their needs.

Because each consumer is a voter, there is an opportunity for local politicians to arouse consumers unfairly. This adds to the problem of getting adequate rate relief. It should be in the best interest of our country to have the consumers understand that rate increases are necessary in order that the power will be available.

The regulatory authorities are in a difficult position because of the pressure they receive from consumer groups. Unfortunately, because of the problem of regulatory lag, the returns which utilities are earning are not even equal the rates that regulation has said they should earn.

The solution is not easy but it is obvious. What is necessary is to give faith to investors that common stock dividends will be maintained and increased, and this can only be done by prompt and adequate rate increases.

With regard to new enrichment plants, it is realized that the electric utility industry may have to bear some of the burden in one way or another. However, because of their current financial difficulties, some companies are having to consider cutting back on their capital requirements. Therefore, at present, the added burden of directly financing the enrichment plants would be more than they could handle.

Of course, if the industry were able to get back on its feet with adequate earnings the picture would be more hopeful.

A FEDERAL-AID RURAL OFF-SYSTEM HIGHWAY PROGRAM

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

Mr. HAMMERSCHMIDT. Mr. Speaker, for the past several months, members of the Public Works Committee, in which I serve, have been hard at work preparing legislation in the field of mass transit. The focus of our attentions throughout has been on the urbanized areas of the Nation. Our aim has been to formulate a program responsive to the growing needs of the Nation's cities for more balanced transportation modes and systems.

But our emphasis on urbanized areas has been a source of concern to me. While I am all for equitably providing for the transportation needs of the cities in order to minimize congestion, pollution, and other problems which presently plague them, I am always mindful of the transportation problems faced by rural America. Unless the crops and other diverse products of our farms, our mines, and other rural enterprises can be quickly and economically transported to the city markets, the rural economy, as well as that of the urban areas, will be adversely affected. That is one of the reasons, in this period when the trackage of our railroads is shrinking, that an adequate road program for rural America can and must be established.

Because of my concerns in this regard, I have been working with members of the Transportation Subcommittee and staff; preparing the legislation that I am introducing today. There seems to be somewhat of a concensus developing in the committee toward a 2-year road bill. However, I believe the Nation would be better served by enactment of legislation that would provide authorization within the same time frame as the proposed Federal Mass Transportation Act of 1974 we are now considering in the Public Works Committee. Enactment of the bill I am introducing today will, I believe, help assure that our rural areas remain economically viable and integrated with the rest of our Nation. It would help make available the needed Federal help to improve and maintain rural road systems.

I am mindful of and certainly appreciative for the legislation introduced earlier by my colleague, Congressman BILL ALEXANDER, along similar lines. Congressman ALEXANDER, as chairman of the Subcommittee on Family Farms and Rural Development of the Committee on Agriculture, has been very helpful to our Public Works Committee, not only with testimony, but also with the bill he has introduced along with a number of cosponsors. I am sure that his initiative will be valuable to our deliberation:

H.R. —

A bill to establish a Federal-Aid Rural Off-System Highway Program to increase safety and mobility of the Nation's rural roads

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

SHORT TITLE

SEC. 1. This Act may be cited as the "Federal-Aid Rural Off-System Highway Act of 1974.

SEC. 2. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 219. Off-System Roads

"(a) The Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road (including, but not limited to, the replacement of bridges, the elimination of high hazard locations and roadside obstacles).

"(b) On or before January 1 next preceding the commencement of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the several States as follows:

"(1) one-third in the ratio which the area of each State bears to the total area of all States;

"(2) one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; and

"(3) one-third in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States. Off-system road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(c) Sums apportioned to a State under this section shall be made available for expenditures in the counties of such State on a fair and equitable basis.

"(d) Sums apportioned under this section and programs and projects under this section shall be subject to all of the provisions of chapter 1 of this title applicable to highways on the Federal-aid secondary system except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section. The Secretary is not authorized to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

"(e) As used in this section the term 'off-system road' means any toll-free road (including bridges) in a rural area, which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel."

(b) The analysis of chapter 2, title 23, United States Code, is amended by adding at the end thereof the following: "219. Off-system roads."

HIGHWAY AUTHORIZATIONS

SEC. 3. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $900,000,000 per fiscal year for the fiscal years ending June 30, 1976, June 30, 1977, June 30, 1978, June 30, 1979, and June 30, 1980. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $500,000,000 per fiscal year for the fiscal years ending June 30, 1976, June 30, 1977, June 30, 1978, June 30, 1979, and June 30, 1980.

(2) For special bridge replacement under section 144, title 23, United States Code, out of the Highway Trust Fund, $200,000,000 per fiscal year for the fiscal years ending June 30, 1977, June 1978, June 30, 1979, and June 30, 1980.

(3) For off-system roads under section 219, title 23, United States Code, $200,000,000 per fiscal year for the fiscal years ending June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, June 30, 1979, and June 30, 1980.

(4) For high-hazard location projects under section 152 title 23, United States Code, out of the Highway Trust Fund, $75,000,000 per fiscal year for the fiscal years ending June 30, 1977, June 30, 1978, June 30, 1979, and June 30, 1980.

HOW TO HALT THE TIDE OF ILLEGAL ALIENS

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

Mr. VAN DEERLIN. Mr. Speaker, the illegal alien problem is getting out of hand, particularly in the Southwest; yet we seem unable or unwilling to do much about it.

San Diego County shares a border with Mexico and knows the problem well. Drawing on resident expertise, the Federal grand jury in San Diego has just completed a provocative study of the situation in that area. Most alarming fact: an astonishing 112,000 illegal aliens

were apprehended in the San Diego district in a recent 6-month period. How many more managed to slip through the thin line of surveillance undetected?

While I do not concur completely with every finding of the grand jurors, I think it is difficult to quarrel with their theme that Federal laws and resources for stemming this illicit human tide are terribly inadequate.

The report correctly notes the aliens themselves are not to blame; rather, they are the "pawns" of smugglers and employers eager to exploit them. In a sense, we share the blame, for failing to do enough to slow this traffic in human misery.

I include the report at this point with my remarks:

FINDINGS OF GRAND JURY NO. 74–1, FOR THE SOUTHERN DISTRICT OF CALIFORNIA

After six months as an active Federal Grand Jury within the Southern District of California, we have learned a great deal about this country's illegal alien problem which has reached monumental proportions. During the period of our Grand Jury service, over 112,000 illegal aliens were apprehended in this District alone. The effect of the problem is far-reaching not only in terms of violations of the immigration laws, but in the number of other crimes sometimes associated with illegal entry, in increased welfare rolls, and loss of employment for those who right fully may claim such as well as other related situations.

Our concern has heightened when week after week we returned indictments regarding alien smuggling, listened to agents, lay witnesses, informants and defendants. We feel these experiences have given us a comprehensive view of the situation. The problem is obvious; and although the solutions are somewhat evasive, we are convinced that certain responsible actions on the part of the courts and Congress would clearly alleviate much of the problem.

We recognize the difficulties in the enforcement of immigration laws and the need to protect the rights of Mexican American citizens and legal residents of the District. These difficult questions will continue to be resolved in the Courts.

Our concerns are that the immigration laws be directed toward the economic realities involved. Illegal aliens are attracted to the United States by the promise of economic opportunity. They are illegally brought into the country and transported by alien smugglers reaping rich rewards from their efforts and often hired by employer seeking to enlarge their profits. The illegal aliens are themselves pawns in the hands of smugglers who frequently transport them under terrible conditions, treating them little better than animals.

We wish to focus on three areas of the problem: (1) the need for stringent laws regarding employment of illegal aliens, (2) the need for adequate resources on the part of the Immigration Service to adequately check the activities of alien smugglers; (3) the need for the courts to sentence convicted alien smugglers with the severity appropriate to the crime.

1. The need for stringent laws re employment of illegal aliens:

At this time, there are no such laws. Estimates of the number of illegal aliens presently in the United States run as high as ten million. Certainly most of these are employed, many perhaps by employers who do not know of their illegal status. However, we have heard considerable testimony indicating that many employers knowingly seek to hire illegal aliens, often at wages far below minimum. The Rodino Bill H.R. 982 introduced during the last session of Congress is one example of a way to address this problem. Laws making it a crime to knowingly hire illegal aliens would be a major step toward dminishing the magnitude of the problem.

2. The need for adequate resources for the Immigration Service and Border Patrol:

We see two immediate needs in this area:

(a) Border Patrol agents in the field (370 in the entire district) and those agents in the investigative field (12) are understaffed to such an extent that effective enforcement of immigration laws is impossible. In the Chula Vista district, due to lack of adequate staff, agents are often unable to answer calls from citizens reporting illegal entries along the border. In the same sector seven investigators are clearly unable to pursue the large number of cases involving organized smuggling rings. The fact that 382 Border Patrol agents apprehended over 112,000 illegal entrants in a six-month period is a credit to the hard work of the Patrol; it is also indicative of the size of the problem and the need for more agents and equipment for a department sorely overburdened. Of the cases involving over 160,000 illegal aliens in 1973, only 3,137 cases were prosecuted. There are simply not enough agents to do the work.

(b) The Immigration Service does not have the authority to permanently confiscate vehicles which are used as transportation for the illegal aliens from the border area to the interior of the United States. We have heard testimony of the same vehicles being used on numerous occasions for these illegal activities and yet, the authorities do not have jurisdiction to keep these vehicles off the road or from the possession of the smugglers. For some period of time, the United States Customs Agency has had the authority to forfeit vehicles transporting contraband. This has proved an effective method of controlling entry of illegal contraband into the United States. We submit the Immigration Service should have the same authority under similar circumstances dealing with aliens. Such authority would make alien smuggling less profitable.

3. Need for sentencing of convicted smugglers appropriate to the crime:

Once a smuggler has been apprehended, tried and convicted after substantial expenditure of time and expense by the government, a sentence is pronounced upon the defendant which does not appear to be appropriate for the crime and, certainly, does not act as a deterrent. We have listened to many witnesses, including admitted smugglers who were lured into these activities with the promise that if they were caught, a sentence of probation would be forthcoming or, at most, a very lenient jail term. For the most part, these predictions have invariably proved to be true.

Of the over 121 persons indicted by this Grand Jury for alien smuggling and convicted and sentenced, only 4 were given sentences to actually serve of over 1 year. (10 received 3 year sentences, however, these were either suspended, or made to serve 120 days or less). Over 40 left the court on probation, and over 30 were sentenced to serve 6 months or less. Many of those convicted were not first time offenders.

It is our conviction that these light sentences only serve to make alien smuggling one of the more attractive forms of illegal enterprise. A smuggler can make a fortune before his third or fourth conviction, relatively secure in the knowledge he will not pay any significant penalty for beating the law.

Date: June 27, 1974.

JOSEPH EMMERT,
Foreman.

FEDERAL LAND USE CONTROL

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

Mr. CASEY of Texas. Mr. Speaker, today I am introducing a bill that I would like to call to the attention of our colleagues because it has a direct bearing on preserving both the authority and the integrity of the Congress.

My bill prohibits the Environmental Protection Agency from considering indirect sources of pollution in the granting of construction permits. In its effect, that is all the bill does. In no way does it alter the EPA's authority to control and supervise emissions into our air by industries or individuals.

But the reasons behind this bill and its implications are far more serious, because it will stop a Federal agency from usurping congressional authority and in this case from going against the expressed intent of the House of Representatives.

Just recently we voted not to consider Federal land use control on this very House floor. But Federal land use control is not dead.

Indeed the opposite. It went into effect last Monday by administrative edict of the Environmental Protection Agency.

Before I go further, let me also say that in this particular context, I am not arguing the case against land use controls. I am arguing the right of the Congress, not bureaucrats, to make this decision. It just happens that in this case, we made our decision and now the bureaucrats of the EPA are overruling us and making a contrary decision.

That, in my opinion, is not the way our Government is supposed to work.

We are elected by the people to run the bureaucrats, not to let the bureaucrats run us.

I think that this is the time to show both the people and the bureaucrats that we will live up to our responsibilities.

What the EPA did was to go ahead with proposed rules on "indirect source emissions" that will apply to construction projects commencing on or after January 1, 1975.

But when we really look at the definition of "indirect source emissions" which means we have to carefully analyze some bureaucratic jargon, we find that what we are really talking about is land use control—land use control plain and simple.

What is an "indirect source?" Briefly, it is a facility that stimulates traffic. In the words of the regulation itself:

Such indirect sources include, but are not limited to:

(a) Highways and roads.
(b) Parking facilities.
(c) Retail, commercial and industrial facilities.
(d) Recreation, amusement, sports and entertainment facilities.
(e) Airports.
(f) Office and government buildings.
(g) Apartment and condominium buildings.
(h) Education facilities.

The regulations further provide that—

No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator.

Now these days we often hear talk about "czars."

Let me assure you that if these regulations are allowed to stand, "czar" will be far too mild a description for the Administrator of the EPA.

He will have the authority to approve or reject every construction project of significance in the United States.

Every builder, developer, landowner, and industry, plus State and local governments, would have to go to the EPA to get a construction permit.

With a stroke of his pen, the EPA Administrator could undo years of planning if by some whim—and mind you no scientific evidence would be required—he decided that some project should not be built, because it would cause more automobile traffic, which might make pollution worse.

Think of what such power, vested in one bureaucrat, could cost our taxpayers at the local and State level.

Mr. Speaker, this House has said that it does not want Federal land use controls. And now we are on the verge of allowing not only much greater land use controls than ever envisioned in the bill rejected recently by the House, but of vesting those controls in a single man who has no accountability to the citizen and taxpayer.

Now I know that the present EPA Administrator, Mr. Russell Train, said in issuing these regulations that he had the "hope" that State and local governments will soon assume administration of the "indirect source" review program. But he also made it clear that the EPA would see that the review was made.

And I think we already have ample proof of what the EPA will do unless State and local governments do exactly as the EPA says to do. Anyone who has doubts about the EPA's intent should note that just this week Mr. Train announced the formation of a new division to deal specifically with land use.

I would like to reiterate that the House of Representatives only recently rejected the concept of Federal land use planning, which would, in effect, tell our States and cities, and even individual citizens, how they could use their land.

Now we find that the EPA is going full speed ahead in attempting, through bureaucratic regulation, to do exactly what Congress has said should not be a Federal concern. The EPA is already trying to tell our States and cities where they can build public facilities. Logically, the next step will be to tell private citizens where they can build their homes. The Congress must not allow this to happen.

All of us want clean air and the EPA has a most important role in achieving that goal, but reason must prevail. We must not allow the EPA, or any other Federal agency, to circumvent congressional intent by bureaucratic lawmaking.

No matter what guise the EPA places on its edicts, this is land use planning by the Federal Government. Unless we stop this new EPA power grab immediately, we will open the door to bureaucratic control of our lives, as we have never before witnessed.

Mr. Speaker, I invite and urge every colleague to join me in the sponsorship of this bill so that we may make it clear to both the people of this Nation and to all of our Federal agencies that we do accept our responsibilities as an elected Congress and that we will not tolerate rule by bureaucracy.

OPENING GAME OF WORLD FOOTBALL LEAGUE

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

Mr. BUCHANAN. Mr. Speaker, it was my privilege last night to be in Legion Field, Birmingham, Ala., the football capital of the Nation, to observe one of the five opening games of the World Football League, this between the Birmingham Americans and the Southern California Suns. Appropriately enough, the Birmingham Americans won, 11 to 7, before a wildly cheering record-breaking crowd of some 53,000 persons.

It is apparent that the World Football League is off to an auspicious beginning, as illustrated in the enclosed press reports.

Mr. Speaker, in 1970 Look magazine and the National League of Municipalities declared my city to be an all-America city. It is obvious that we are matched and represented by an all-America team. I predict that there are great days ahead for the Birmingham Americans and their colleagues and competitors of the World Football League.

I include the following:

[From the Washington Star-News, July 11, 1974]

WFL ROUNDUP—BIRMINGHAM: ALL AMERICAN DEBUT

When the Birmingham Americans ran on their home field last night the crowd of 53,231 gave them a standing ovation. To keep things even, the Americans gave Birmingham an 11–7 victory over Southern California as the World Football League opened its season.

WFL President Gary Davidson was at the game and said he was "awed" at the turnout which exceeded the pre-game estimate of 40,000.

For the Americans, defensive back Steve Williams turned the game around by intercepting a pass in the fourth period and going 50 yards for a touchdown. Then he saved the victory by knocking down a Sun's pass at the goal line near the end of the game.

Williams' touchdown tied the game and quarterback George Mira passed to Paul Robinson to make it 8–7. Later in the final period Earl Sark kicked a 26-yard field goal for the Americans.

The Suns had scored in the second period after a 70-yard pass catch and run by James McAlister put the ball on the one. Kermit Johnson, the Sun's major runner, scored two plays later.

The Sun's attack was built almost solely around the running of Johnson and the passing of Tony Adams. The leading runners for Birmingham were veterans Robinson and Charley Harraway.

Jim Bright intercepted Mira passes twice in the second period to halt Birmingham drives.

Birmingham drove to the eight late in the third period but Ken Lee recovered a Mira fumble on the 14.

Williams' interception came when he stepped in front of the intended receiver and ran untouched to score. It was on the second play of the final period.

AMERICANS GET A RECORD WELCOME

(By Jimmy Bryan)

Some of them didn't get inside until the second quarter, but Birmingham and Alabama fans gave the Birmingham Americans one more fantastic welcome to the Football Capital of the South.

They came 53,231 strong and brought down-South football enthusiasm. They never quit screaming. The Americans never got introduced. A mighty, sustained roar drowned the public address announcer, and the Americans simply trotted on, one by one, as the thunder rolled over them.

The crowd was a record for a first year pro football team. The largest crowd an American Football league team drew during that league's first season was 42,000 by the Dallas Texans. Birmingham easily wiped that out at game one. Many fans were turned away by a report that no more tickets were available. But there were empty seats. Not many, but a few. Fantastic, incredible, unbelievable, were some of the superlatives used, but World Football League Commissioner Gary Davidson said it best, "I'm awed."

RECORD THRONG SEES AMS CLIP SUN

(By Bill Lumpkin)

The biggest crowd ever to see a new football team in a new league open a new season, 53,231, cheered so loud at the beginning that player identification was lost in the noise.

Birmingham had turned out to see the debut of its own professional football team, and the Birmingham Americans responded. They didn't disappoint the multitude.

And even though it looked dark at times, when the visiting Southern Cal Suns held a 7–0 lead at the end of three quarters, the robust spectators never despaired.

It turned out to be a perfect night for the Americans under cool skies built for such a brilliant debut.

What sealed it made it even a more magnificent occasion. Earl Sark calmly put his toe into a 26-yard field goal with one minute and 55 seconds remaining, and the Birmingham Americans had won their first game ever, by the appealing score of 11–7.

The crowd was caught up in such a spine-tingling occasion.

NIXON ADMINISTRATION SEEKS NEW SCAPEGOATS FOR ITS MISTAKES

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, in my long tenure in Washington I cannot remember an administration which was more blessed with wrong guessers than the crowd assembled by President Nixon.

Every time something goes wrong with the economic projections—and this is pretty often—the so-called economic advisers start turning on the people and blaming them for the defects of the administration. The latest to engage in this was Dr. Herbert Stein, Chairman of the Council of Economic Advisers, who appeared on "Face the Nation" Sunday to denounce the American people and blame them for inflation and for failing to pay more taxes.

As the Washington Post pointed out in an editorial on Tuesday, July 9, Mr. Stein was in effect criticizing the very policies which his own President had pursued. The Washington Post stated:

After five years of telling Americans that

taxes were too high, that they couldn't possibly be raised, and that they certainly wouldn't be raised under Mr. Nixon, the White House on Sunday has the consummate impertinence to complain of inadequate public support for a tax increase. And on the following day another voice from the same White House assures the country once again that the President sees no need for higher taxes.

The truth is Mr. Stein, like other economic advisers in this administration, has performed more as a public relations man than as an economist. They have consistently run around the country, appearing on television shows, and as ad hoc campaigners during election years, to rewrite the economic history of this past 6 years.

Mr. Speaker, I want to place in the RECORD a copy of the Washington Post editorial commenting on Mr. Stein's latest attempt at hucksterism entitled "Inflation at the White House."

The editorial follows:

[From the Washington Post, July 9, 1974]

INFLATION AT THE WHITE HOUSE

If there were a Nobel prize for sheer gall, this year's award would certainly go to the hapless Dr. Herbert Stein. As the chairman of the Council of Economic Advisers, Dr. Stein has made himself a kind of cheerleader for the Nixon administration in all matters of economic policy. Hard pressed on the question of inflation during a television interview Sunday, he invented the highly imaginative theory that the real blame for it over the past 10 years lies with the American public. The public didn't want the tax increases that the country needed, Dr. Stein alleged, and that is where all the trouble started.

". . . Government policy operates within the limits of what the American people want and will tolerate," Dr. Stein gamely asserted, making the best of a bad position. "Now this doesn't mean that the American people were voting explicitly for inflation, but being so reluctant to have a tax increase, they created the conditions." Where was Dr. Stein in those crucial years? Attempting to explain to the American people the need for higher taxes? Hardly. For the last five of those years, President Nixon and his whole staff were assiduously telling the country that taxes were quite high enough and it was time to cut. And they did cut, hard and deep.

In 1968 the Johnson administration finally gave up its attempts to finance the Vietnam war without higher taxes, and got Congress to enact the stiffest increase since World War II. That increase turned the federal budget from a tremendous deficit to a surplus in the fiscal year 1969. Then Mr. Nixon came to office. Taxes were cut in 1969, and again in 1971. The budget swung back to deficit in 1970 and, over the next three years, it rolled into the heaviest peacetime deficits in our history.

The emphasis on the administration's devotion to low taxes, and its pledges never to raise them, grew steadily more explicit as Mr. Nixon began running for re-election. His budget message in early 1972 was the one that talked about returning "power to the people," by which he meant money power. "In 1973, individuals will pay $22 billion less in federal income taxes than they would if the tax rates and structure were the same as those in existence when I took office." He was speaking at the midpoint of a fiscal year in which the actual federal deficit was $23.2 billion. But his position was adamant. Just before the election, he declared: "My goal is not only no tax increase in 1973, but no tax increase for the next four years."

The point is worth pursuing because it illustrates a profound defect in the Nixon administration. The first is Mr. Nixon's own inability to level with Americans when the news is bad and the truth is unpleasant. It is his constant message, in economic matters, that Americans can safely cut down on the proportion of our wealth that we pay, through the tax system, to support our common welfare. Mr. Nixon has never had much feeling for the common welfare. These shortcomings are now compounded by the attempts of the White House, in its present desperation, to lay off the blame on anybody else or even, as in the case of Dr. Stein's effort, on everybody else. After five years of telling Americans that taxes were too high, that they couldn't possibly be raised, and that they certainly wouldn't be raised under Mr. Nixon, the White House on Sunday has the consummate impertinance to complain of inadequate public support for a tax increase. And on the following day another voice from the same White House assures the country once again that the President sees no need for higher taxes.

Now, of course, it is inflation that is balancing the budget for us. In a graduated income tax system, inflation steadily increases the tax rate on each family's real earnings. The next question is where to find a remedy. Kenneth Rush, the newly appointed presidential adviser for economic policy, is off to a weak start with his most recent proposal. He seems to be thinking of some sort of voluntary restrains on wage increases. During the period of general wage and price controls, from 1971 until last April, wages remained astonishingly stable and contributed little to inflation. One reason was, obviously, that the government was simultaneously holding down prices and profits. If the administration does not intend to restrain profits and prices, it can hardly expect much cooperation from the unions in keeping down wage demands.

Bridling a runaway inflation is going to be painful in many ways to most Americans. No policy will work unless it has wide public understanding and acceptance. Dr. Stein undercuts public understanding of the present trouble, with his absurd attempts to blame the American voter for five years of weak and procrastinating fiscal leadership from the White House. If Mr. Rush persists in his attempt to load a disproportionate burden of restraint onto wages, he will surely sacrifice any possibility of public acceptance for a realistic and effective remedy.

Mr. Speaker, I also want to place in the RECORD a telegram I have received on the same subject from Stanley S. Langendorf, a businessman in San Francisco, Calif. Mr. Langendorf says that if Mr. Stein's philosophy is continued by the administration, "it will take approximately 1 year for our Nation to meet with an economic collapse and the possibility of being followed eventually by a social revolution."

Mr. Speaker, I place in the RECORD a copy of Mr. Langendorf's telegram to President Nixon:

SAN FRANCISCO, CALIF., *July 8, 1974.*

President RICHARD M. NIXON,
Office of the President, The White House, Washington, D.C. 20500

Dr. Herbert Stein, on "Face the Nation" on CBS Sunday, July 7, 1974, stated that it would take three to four years for inflation to be brought under control. If his philosophy is continued by the administration it will take approximately one year for our Nation to meet with an economic collapse and the possibility of being followed eventually be a social revolution. It is urgent that the economic philosophies of Milton Friedman, Paul Samuelson, Herbert Stein and others be disregarded and abolished as they have proven to be theoretically incorrect and have led us into the distressed economic situation which our nation is currently confronted. President Franklin Roosevelt pulled us out of the 1933 Depression by initiating practical measures, among which was the NRA and the 40-hour work week which put men to work and broke the depression cycle. The administration currently is pursuing a negative approach by causing a slowdown of business and increasing unemployment and thereby intensifying the recession, as a means of halting inflation, which has proven to be a fallacy in the past. A recession or depression is positively impossible with full employment and will develop government surpluses instead of deficits. There is a backlog in projects needed by municipal, State and Federal governments that will take more than 20 years for completion. Gradually start construction for the urgently needed projects to be financed by the issuance of bonds by municipal, State and Federal governments as currently practiced, to put the unemployed to work with the objective of obtaining full employment and this will cause prosperity, reducing welfare and unemployment payments and causing the heretofore unemployed to use their savings to buy homes. It will reverse the recession cycle and the economy can go forward indefinitely, feeding on itself. Unless new measures are inaugurated promptly, our nation is in jeopardy, as warned by Dr. Arthur Burns. It is extremely urgent that action is taken immediately to avoid an economic disaster.

STANLEY S. LANGENDORF.

NATIONAL DEVELOPMENT BANK PROPOSED AS SOURCE OF FUNDS AND AT REASONABLE INTEREST RATES

As Mr. Langendorf's telegram states, there is a backlog of projects needed by local and State governments for all kinds of community development. What these projects need is a source of funds on reasonable terms and that is why I am continuing to push for a National Development Bank—modeled after the old Reconstruction Finance Corporation—which can provide low-interest-rate loans for worthy projects including housing and municipal undertakings.

Mr. Speaker, such a development bank could be used as a bank of last resort for these types of projects. It could be capitalized initially with a billion dollars with the power to lend 20 times its capital—in other words we would have a $20 billion bank which would be of great help to this Nation.

THE NATIONAL LEGISLATIVE CONFERENCE ON CHILE: AN EXAMPLE OF COMMUNIST PARTY FRONT OPERATIONS AND ISSUE EXPLOITATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, this weekend—July 14–15, 1974—the Communist Party, USA, is staging a "National Legislative Conference on Chile and People's Lobby" here in Washington, D.C., at George Washington University. Literature disseminated by the conference's Communist-front organizing committees reflects that the ostensible purpose of this gathering is to "discuss and begin to implement concrete proposals for legislation" that would, if enacted, "end our Government's intervention in Chile and leave the Chilean people free to restore democracy within their own country." This literature the official call to the conference, further states:

Our own rights are not safe in the United States if we allow the U.S. Government to aid and abet fascism in Chile.

This is, of course, typical Communist rhetoric. Translated into plain English, it means simply that the Communist Party, USA, acting in accord with the policy dictates of the world Communist movement, has initiated a campaign designed to pressure the United States into withdrawing all aid to the present anti-Communist government of Chile so that the Chilean Communists and their stooges can regain the power that they held in the government of the late Salvador Allende.

As any competent observer could readily see, Allende's government represented nothing less than an extension of Communist power in the Western Hemisphere. Allende himself, while professing only to be a Marxist, was in fact a member of the World Peace Council, one of the most important of the Soviet-controlled international Communist front organizations, and all of the available evidence clearly indicates that, prior to his overthrow, he and his Communist allies were plotting a total takeover of the Chilean government, including the elimination of all opposition, however faintly anti-Communist.

It is precisely this sort of Communist power that the call to the National Legislative Conference on Chile refers to as "democracy." Likewise, because the current regime in Chile is both actively anti-Communist and pro-United States, it is branded as fascist, as are all anti-Communist governments.

The present Communist-led campaign of agitation and propaganda against the Government of Chile is only one more reflection of a major CPUSA attempt to exploit so-called Third World issues and groups. An earlier example was the founding conference of the CPUSA-controlled National Alliance Against Racist and Political Repression, held in Chicago, Ill., during May of 1973. The NAARAPR is a direct outgrowth of the Communist Party-directed Angela Davis defense movement, which had as a collateral effort the Soledad Brothers Defense Committee, which the party also controlled.

Documents obtained at the NAARAPR founding conference reflect that there was heavy emphasis on Mexican-American and Indian problems, along with a resolution of support for the so-called Carabanchel 10 in Spain. The latter resolution was presented by a representative of the Communsit Party-controlled Veterans of the Abraham Lincoln Brigade.

Currently, the NAARAPR is conducting extensive agitation around the phony issue of alleged repression of minorities in North Carolina, reflecting again the line of the parent CPUSA. For additional information on the NAARAPR and its Communist origins, I refer my colleagues to the fourth volume of the House Committee on Internal Security's hearings on "Revolutionary Activities Directed Toward the Administration of Penal or Correctional Systems," which contains a definitive presentation on the subject by committee minority investigator Richard R. Norusis, who testified before the committee on July 25, 1973, shortly after the founding of the National Alliance.

Another example of Communist Party efforts to exploit "Third World" issues was the October 1973 National Anti-Imperialist Conference in Solidarity With African Liberation, also held in Chicago. The NAICSAL was coordinated and chaired by Franklin Alexander, a member of the National Council of the CPUSA, and the eastern regional coordinator for the conference was Anthony Monteiro, a member of the Community Party and of the Central Committee of the Young Workers Liberation League, official party youth and recruiting apparatus.

The NAICSAL was attended by several representatives of Communist-backed African terrorist groups in an attempt by the Party to link struggles in Africa with black and working-class struggles in the United States.

Monteiro himself described the conference as an outgrowth of a meeting held in Chicago on June 16, 1973. The meeting had been called by three African-American journals—Freedomways, African Agenda, and Afro-American Affairs." Freedomways has long been known to the official CPUSA quarterly publication aimed at Negro Americans, and the Chicago publication African Agenda is edited by Prof. Harold Rogers, who has served as a member of the Illinois State Committee of the Communist Party.

Like the NAARAPR founding conference and the upcoming National Legislative Conference on Chile, the list of sponsors for the National Anti-Imperialist Conference reads like a veritable "Who's Who" of leading Communists. Among them were Henry Winston, national chairman of the CPUSA; William L. Patterson, a member of the CPUSA National Council; Charlene Mitchell, John Pittman, and Jarvis Tyner, members of the CPUSA Political Committee; Carl Bloice, Angela Y. Davis, and Jose Stevens, members of the Party Central Committee; Jesse Gray, New York State Assemblyman and former Harlem CPUSA organizer; Esther Jackson, managing editor of Freedomways; George B. Murphy, Jr., a newspaper editor; Professor Harold Rogers, editor of African Agenda; Carlos Russell, dean of the School of Contemporary Studies in Brooklyn, N.Y.; Judi Simmons, a member of the CPUSA and prominent activist in the NAARAPR and Southern Conference Educational Fund; and Victoria Stevens, wife of Jose Stevens and campus director of the Young Workers Liberation League.

It is instructive to note that the June 16, 1973, meeting in Chicago described by Tony Monteiro was a result of many months of national discussion and coincided perfectly with an appeal issued during the Communist 10th World Youth Festival, held in East Berlin from July 31 through August 5, 1973. One of the other Communist projects discussed at the June 16 meeting, incidentally, was the so-called World Congress of Peace Forces that was staged by the World Peace Council during October of 1973 in Moscow, U.S.S.R. I shall return to this shortly.

It can readily be seen that the Communist Party, U.S.A., has maintained a continuing interest in exploitation of "Third World" peoples, as shown by the above two examples of party activity in this area. Now we have the National Legislative Conference on Chile, which is equally as much a creature of the CPUSA as either of the foregoing conferences.

The sponsoring organization for the National Legislative Conference on Chile is the National Coordinating Committee in Solidarity With Chile, which is headquartered in New York City. The conference, however, is merely the most recent reflection of party concern with Chile, especially since the overthrow of the Communist-ridden Allende regime. Since Allende's overthrow, the party has conducted a major campaign to win support for the Chilean Communists and to discredit the present anti-Communist government.

In 1973, the party was instrumental in arranging a nationwide tour in the United States by Allende's widow, Mrs. Hortensia Allende. Mrs. Allende's contact in the United States was John Gilman of Milwaukee, Wis. Gilman is an identified member of the Communist Party, U.S.A., and was one of the most influential leaders of the party-dominated Peoples Coalition for Peace and Justice, which recently ceased operations. Gilman served as midwest regional chairman of PCPJ and also as chairman of PCPJ's Milwaukee chapter.

Mrs. Allende's major stops predictably saw party delegations there to greet her at the airports, but nowhere was the party's role in promoting this tour more blatant than in Chicago, Ill., where the party front geared to the issue of Chile is variously known as the Chicago Committee to Save Lives in Chile and the Chicago Citizens Committee to Save Lives in Chile. This party front, as shown by the call to the National Legislative Conference on Chile, operates from 542 South Dearborn Street in Chicago, which is also the address of the Chicago Peace Council, which functions as a wholly owned subsidiary of the Illinois Communist Party. The Chicago Committee to Save Lives in Chile is one of the principal organizing forces for the National Legislative Conference on Chile, which makes some background information as to its nature imperative.

On December 16, 1973, the Chicago Citizens Committee to Save Lives in Chile, according to the official program of the gathering, supported the appearance of Mrs. Allende in Chicago at a meeting sponsored by the Chicago delegates to the World Congress of Peace Forces, Moscow, October 1973. This delegation included Brian Adams of the Vietnam Veterans Against the War and the following known party members: Sylvia Kushner of the Chicago Peace Council, Lula Saffold of the party-controlled Women's Peace and Unity Club, and Ernest DeMaio of the Communist-controlled United Electrical, Radio, and Machine Workers of America (UE). Master of ceremonies for the meeting was author Louis "Studs" Terkel, a member of the Illinois Communist Party.

The same organization also had placed a full-page advertisement in the Chicago

Sun-Times on November 7, 1973, attacking the anti-Communist government of Chile and urging an end to all American aid to that government. The language of the ad was similar in content—very similar, in fact—to the proposals to be discussed at the National Legislative Conference on Chile this weekend. Among the signers of the ad were the following Illinois members of the Communist Party: Professor Beatrice Lumpkin; Professor John Pappademos; Earl Durham; Ben Green, who has been active with the Communist Party-front Chicago Committee to Defend the Bill of Rights; Linda Applehans; Ken Applehans; Milton Cohen; Ernest DeMaio; Ben Friedlander; Eva Friedlander; Dorothy Hayes; John Kailin, editor of the CPUSA trade union magazine Labor Today; Jack Kling; Sylvia Kushner; Frank Lumpkin; Joe Norrick; Ella Pappademos; Bessie Pelligrino; Jesse Prosten; Ann Prosten; Mark Rogovin; Norman Roth, president of Local 6 of the United Auto Workers in Chicago; Jack Spiegel; James Tate; Lester Wickstrom; Charles Wilson; LeRoy Wolins; and Sylvia Woods. Listed among the organizations and publications endorsing the ad were the YWLL, the Chicago Peace Council, and the Communist magazine Labor Today, along with the National Coordinating Committee for Trade Union Action and Democracy, a party-controlled apparatus for penetration of the trade union movement.

The above list is most significant, because many of those named have served in leading capacities in the Communist Party. Several are active in the trade union penetration movement, others have been prominent in so-called Communist "peace" activity through the Chicago Peace Council, and many have served as members of the party's Illinois State committee and State staff.

Further, many of the Communists named above are now sponsoring the National Legislative Conference on Chile, for which, as I observed earlier, the Chicago Committee to Save Lives in Chile is a prime organizing force.

The call and tentative schedule for National Legislative Conference reflects that the keynote address will be delivered by Abe Feinglass, who is billed impressively as international vice president, Amalgamated Meat Cutters Union. The fact omitted, however, is that Feinglass has been identified as a member of the Communist Party and remains a leading Communist activist in the trade union movement.

The list of sponsors includes a number of Communist names that by now must seem to be all too familiar: Angela Davis, Abe Feinglass, and Charlene Mitchell; Roque Ristorucci, leading member of both the CPUSA and the YWLL; Harry Bridges, Communist president of the International Longshoremen's and Warehousemen's Union; Pauline Rosen, leading Communist Party "peace" activist who was one of the moving forces in the party-led PCPJ; Jarvis Tyner, national chairman of the YWLL; Helen Winter, chairman of the CPUSA international affairs commission; Marion Calligaris, a leading activist in the NCCTUAD; Richard Criley, Illinois Communist Party member and coordinator of the Chicago Committee to Defend the Bill of Rights; Ernest DeMaio; Dorothy Hayes, Illinois CPUSA member and Chicago chairwoman of the Women's International League for Peace and Freedom; Sylvia Kushner, executive secretary of the Chicago Peace Council; Professor Beatrice Lumpkin of Malcolm X University in Chicago; Mark Rogovin; Norman Roth; Jack Spiegel; Studs Terkel; Lester Cole, Communist screenwriter; Professor Linus Pauling, identified as a secret member of the Communist Party in 1952 by Louis Budenz; Bert Corona, a top leader in the NAARAPR; Sophie Silver, a leader in the Peace Action Council of Southern California, one of the most important PCPJ affiliates and an organization that has been from its inception under the control of the Communist Party; Lucille Berrien, leading activist in both the PCPJ and the NAARAPR; and John Gilman.

The sponsors list reflects heavy emphasis on trade unionists, many of them identified Communists. In addition to some who have already been named above, there are Frank Angell and John Cherveny of Detroit, Mich., and Earl George, John Healy, Irene Hull, and Will Parry, all of Seattle, Wash.

Mr. Speaker, I think the brief summary I have given here will show to any objective observer that this National Legislative Conference on Chile is a logical outgrowth of previous Communist Party efforts to exploit "Third World" groups and issues, particularly with respect to Africa and Chile. I also think it is safe to predict that the results of this conference and so-called People's Lobby against the Government of Chile will be loudly hailed by the Communist press, both in the United States and internationally. My only real concern is that innocent Americans may be duped into supporting this transparently Communist-organized front operation which is so patently geared to the discrediting of the Governments of both Chile and the United States in the eyes of the world.

WHY A MASSIVE INCREASE IN DEFENSE BUDGET?

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

Mr. ADDABBO. Mr. Speaker, next week, the Defense Appropriations Subcommittee will begin to mark up the fiscal 1975 defense appropriations bill. I would like to take this time to discuss with the House some of the views I have gathered in the extensive hearings we have held on this subject, as well as some of the views I have come to hold over the last few years on defense spending in general.

A year ago, the Defense Department came to the Congress with a budget request of $73 billion. When all was said and done, when the supplemental requests were all passed into law, the actual amount of money appropriated for defense spending in fiscal 1974 was $78.5 billion.

This year we are faced with a budget request—which includes a $1.4 billion supplemental request even before the original request is approved—of some $87 billion.

Those figures equal a $14 billion increase of what was requested last year and this, and an actual difference of $8.5 billion between the final 1974 dollar figure and this year's request.

I doubt there is anyone in this Chamber who is not closely aware of the economic difficulties this Nation is experiencing today. I doubt if anyone in this room is not aware that we are not presently fighting a war and, as far as the Congress is aware, we do not have any intention of fighting a war this year. Inflation and mandatory pay increases are blamed for the massive increase in the size of this defense budget, and to a certain extent, those are real concerns that Congress must realize add to the cost of maintaining the military. By themselves, however, they do not account for the vast increase in the total number of dollars requested.

The most dramatic cause for the increase in the size of this bill is the refusal of the military leaders to insist on economy, on cutting back programs they know to be ineffectual, and their inclination to pad the costs of almost every program in the bill.

The fact of the matter is that some of the people who run our military are the greatest empire builders of our time. Once they get their hands on a program, it would appear it is almost impossible to end it, obsolete or unnecessary though it be. Once they get their hands on a sizable staff, they fight like cats and dogs to maintain that staff, whether instructed by Congress to decrease its size or not.

Those of us who oppose carte blanche defense spending have long maintained our willingness to give the military every cent it needs to provide a legitimate national defense posture. Our willingness, however, does not extend to continuing make-work jobs, to producing military hardware obsolete as soon as it is off the production line, or continuing programs that cannot meet minimum standards of performance or cost effectiveness.

In hearing after hearing, this year, last year, and for a number of years past, we in the Defense Appropriations Subcommittee have tried to tell the military that the time has come for reducing unnecessary spending, for eliminating unnecessary programs, and for a little belt-tightening that every agency must undergo when dollars are in short supply.

We have felt this was a reasonable approach. We have felt that even with mandatory pay increases, inflation and sophisticated weaponry, a coordinated effort by the services could substantially reduce defense spending so that the Nation could allocate some of those dollars to other priority needs.

I am being charitable when I say we have had only slight cooperation from the military on these matters: The military budget line as far as I can determine is and always has been: "Advance" never, "Retreat."

I am not so inexperienced as to think that military leaders are ever going to come before Congress recommending that their budgets be slashed because they are not needed: We do not expect the impossible from the military. But we

also have a right to expect that they, as American citizens, cooperate on behalf of the Nation when we must get the most out of every dollar spent.

There are times of crisis when the military rightly has more to do than watch how every dollar is spent. But at other times, this Nation must insist that the military budget be kept lean. We do not ask for an emaciated military, only for trimmed-down spending.

What we have instead is a military reliance on the old way of doing business in the Congress. Knowing full well that moves will be made to cut back on military spending, the Pentagon submits inflated budgets throughout all phases of the military operation.

My view is very simple. I do not want to play games with accountants. I am perfectly willing to legisalte a defense program that is viable, but I expect the Pentagon to learn the value of candor. If we cannot get candor from the military, then we in the Congress must use our collective wisdom to offer budget cuts where we believe best. This we will undoubtedly do.

This budget proposal we have before us is so large and so filled with the "Fat" I discussed earlier, that it can be cut down a considerable way. I will seek a reduction in the committee. Failing that, I will offer an amendment on the floor to reduce the budget considerably. The final size of my amendment will depend on the committee action.

President Nixon has declared that at least $5 billion should be cut from the total 1975 budget. That was even before the request for an additional $1.4 billion for defense spending. If we are going to meet the President's goal, we must begin to act soon. I fully believe there is no better place to begin pruning down than in the bill we shall shortly have before us.

LEGISLATION TO REVISE THE LAWS RELATING TO THE ESTABLISHMENT, ADMINISTRATION, AND MANAGEMENT OF THE NATIONAL WILDLIFE REFUGE SYSTEM, AND FOR OTHER PURPOSES

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

Mr. DINGELL. Mr. Speaker, the bill that I am introducing today—along with a number of my colleagues—is one of the most important pieces of legislation in the conservation annals of our great country. This measure, an "Organic Act for National Wildlife Refuge System," H.R. 15856, has been prepared in response to a critical need to finally recognize the outstanding contribution that the National Wildlife Refuge System has made over the years to the survival of many wildlife species and the great benefit it has provided to the American people. As presently constituted, the System is a national network of wildlife habitats encompassing the most widely distributed public land resource in the United States. There is a unit of the National Wildlife Refuge System in all of the States except West Virginia. But this has not always been the case. A brief history of the evolution of the System from its humble beginnings at the turn of the century until today would be helpful for my colleagues to understand some of the provisions of this bill, especially as related to a need to provide policy direction for proper administration and management of the System.

HISTORY OF THE NATIONAL WILDLIFE REFUGE SYSTEM

On March 1, 1972, the Congress enacted legislation establishing Yellowstone National Park. This action was an entirely new concept of land-use in our Nation's history. For it was the first Federal legislative expression of an idea that became the progenitor of numerous subsequent reservations of land resources—such as the National Forests—for special purposes in order to benefit the American people. Based on this concept, the 3-acre Pelican Island on the east coast of Florida, on March 14, 1903, became the first Federal Wildlife Refuge by Executive order of President Theodore Roosevelt. This small island long ago became a minor part of the National Wildlife Refuge System. But it remains of major importance as being the birthplace of national recognition of the need and desirability of creating wildlife reservations for public benefit on an equal basis with those for natural and scenic values, forest and watershed resources, historic shrines, recreation, and other purposes.

None who participated in the creation of Pelican Island National Wildlife Refuge realized at the time the full implications of their deed. Today, the National Wildlife Refuge System represents the most far reaching and comprehensive wildlife habitat management program which has been applied to the land in the history of mankind. Under this system, more than 31 million acres have been specifically dedicated and are managed to conserve a variety of wildlife populations and their habitats. This comprises an area larger than the States of Ohio, Delaware, and Rhode Island combined. National Wildlife Refuges are found on lands reaching from the shores of the Beaufort Sea and the Arctic Ocean—Arctic National Wildlife Range; westward along the Aleutian Islands—Aleutian Islands National Wildlife Refuge—nearly to Asia; southward to the islands of the central Pacific Ocean—Hawaiian Islands National Wildlife Refuge; eastward to Puerto Rico—Cuebra National Wildlife Refuge—and the Florida Keys National Wildlife Refuges; northward along the eastern seaboard to northeastern Maine—Moosehorn National Wildlife Refuge; and from east to west and north to south in between. The system contains, in addition to wildlife resources, nationally significant multiple values, including but not limited to cultural, social, natural, economic, recreational, educational, wilderness, historical, interpretative, and scenic values of enduring benefit to the Nation.

Pelican Island, now designated as a National Historic Landmark because of its signficance in the conservation history of our country, was the first wildlife refuge. It also was one of the very first National Wildlife Refuges designated by the Congress in 1970 as a unit of the National Wilderness Preservation System, another signficant recognition for this spindly spit of sand and mangrove. But, Pelican Island signified a beginning—not an end—and that end is not yet in sight if we are to truly complete the job that men of extraordinary vision started nearly 75 years ago.

WILDLIFE REFUGES ESTABLISHED ON PUBLIC DOMAIN LANDS

During the decade following the establishment of Pelican Island as a wildlife sanctuary, a number of additional island areas were established as national wildlife refuges by Executive order of the President off the the coasts of Washington, Florida, Alaska, and Louisiana. Other wildlife reservations were established during this period in conjunction with a number of reservoir projects of the then fledgling Bureau of Reclamation program in the western part of the country. Important precedents and application of the principle of Federal Wildlife refuge establishment for public benefit—a principle created and confirmed by establishment of Pelican Island—were enforced by both the executive and the Congress when the Wichita Mountains Wildlife Refuge, Oklahoma, 1905—and the National Bison Range, Montana, 1908—were created to save habitat in order to restore American Bison to former ranges, and the National Elk Refuge, 1912—was authorized and established by the Congress in response to citizen pleas to save the World-renowned elk of Jackson Hole, Wyo., from starvation. The principle established through these actions was the Federal lands could and should be dedicated as wildlife habitats for wildlife restoration, utilization and production purposes for ultimate public pleasure and benefit.

MIGRATORY BIRD RESPONSIBILITIES

Federal responsibility for the protection of migratory birds originated in 1918 with the ratification by the Congress of a treaty with Great Britain relating to birds which migrate between Canada and the United States. This treaty was the foundation for later congressional actions establishing the Upper Mississippi River Wildlife and Fish Refuge—1924—and the Bear River Migratory Bird Refuge in Utah—1928. However, it was not until 1929 with the passage of the Migratory Bird Conservation Act and the Migratory Bird Hunting Stamp Act in 1934 that impetus for the preservation and management of habitat to implement the protection program of the Migratory Bird Treaty Act was initiated. While these laws provided the funds and authority for establishment of wildlife refuges, they contained no directives or mandates as to the manner in which wildlife refuges should be administered. This is understandable since the 1930's were perilous times for our wildlife resources and quick action was required. The Dust Bowl years of drought were destroying millions of acres of wetlands, and many wildlife populations, particularly waterfowl and other waterbirds and and marsh dwellers, were threatened because of loss of habitat. During this period—1930–1940—a larger number of

wildlife refuges were acquired to preserve, restore, and rehabilitate wetland habitat.

THREATENED SPECIES AND WILDLIFE VARIETY

Adhering to the principle that Federal lands could and should be reserved to preserve wildlife habitat, a number of large units were withdrawn from public domain in the 1930's to preserve and protect habitat needed by threatened species of resident wildlife and incorporated in the Wildlife Refuge System by Executive order of the President.

Included were such areas as the Kofa and Cabeza Prieta Game Ranges, Arizona—1939—and the Desert National Wildlife Range, Nevada—1936—prime desert landscapes of critical value to the survival of desert bighorn sheep and a variety of other desert animals and plants; the Hart Mountain and Charles Sheldon Antelope Refuges, Nevada—1936—established to include a sample of high intermountain desert, principally at the urging of the National Audubon Society; and the Charles M. Russell National Wildlife Range, Montana—1936—established to preserve and manage a sample of wildlife environments in what was at one time one of the world's most magnificent and abundant wildlife areas made well known by Lewis and Clark during their journey up the wild Missouri in the early 1800's.

A PERIOD OF ACQUISITION SLOWDOWN

During the 1940's and 1950's expansion of the System virtually came to a grinding halt. Acquisition of a few areas were initiated during this period, but, generally speaking, attention of the Department of the Interior was diverted to other matters. Additions to the System were sporadic in nature with focus mainly on acquisition of wetlands of primary value to waterfowl with funds derived from sale of duck stamps. Yet, the largest unit of the System, the 8.9 million acre Arctic National Wildlife Range, Alaska, was withdrawn from public domain by order of the Secretary of the Interior in 1960 as well as other withdrawals since then, including the Cape Newenham Refuge, Alaska, in 1969. However, it was not until 1961 when an amendment to the Migratory Bird Conservation Act—the so-called Loan Fund Act amendment—was enacted by the Congress that a viable wildlife acquisition conservation program was renewed. But, here again, this authorization was in response to a critical national need—to save wetlands, particularly in the pothole country of North and South Dakota, Minnesota, and Nebraska, from the dragline and bulldozer—and acquisition emphasis during this period has been mainly on waterfowl habitat.

NEEDED—DIRECTION FOR ADMINISTRATION OF SYSTEM

As stated previously, earlier legislation focused mainly on funds and authority for establishing wildlife refuges, but contained little directives or mandates as to the manner in which the wildlife refuge program should be administered. The first program direction came in amendments to the Migratory Bird Hunting Stamp Act—authorizing areas to be open to hunting—1934. The second direction in programs came in the Lea Act which authorized the acquisition of lands for waterfowl management purposes in California—1948. The third significant program direction came in the authorization of incidental and compatible public recreation on wildlife refuges in 1962.

In 1964, additional program direction came in the "Shared Revenue" Act. This act, for the first time, defined legally the National Wildlife Refuge System and more positively identified and authorized land management programs and the disposition of revenues derived from these programs. The 1964 Land and Water Conservation Fund Act provided funds to acquire habitat for threatened species of fish and wildlife, and the 1964 Wilderness Act authorized the establishment of areas within wildlife refuges for inclusion in the National Wilderness Preservation System. In 1966, the National Wildlife Refuge Administration Act provided significant program direction in a variety of management concerns, and the Endangered Species Act of 1973 provided further program direction as related to wildlife threatened with extinction. Still lacking, however, are clear-cut policies and direction by the Congress on what the National Wildlife Refuge System should be and how it should be administered and managed for the public good.

MOST NWR SYSTEM ACREAGE WITHDRAWN FROM PUBLIC DOMAIN

Mr. Speaker, this brief and far from complete history of the origins of the National Wildlife Refuge System points out, I believe, that the System has grown sporadically and opportunistically in response to changing national moods and needs to acquire and administer wildlife environments of value to a wide variety of wildlife. Today there is a National Wildlife Refuge System unit in every one of the 17 major life zones of North America and over 85 percent of the land base of the System has been withdrawn from public domain in order to preserve natural habitat of rare, endangered or threatened species, upland wildlife, and to upgrade and segregate typical wildlife landscapes apart from normal public land management practices. This figure becomes even more significant when one realizes that the tremendous contribution that duck hunters have made the past 40 years to wetlands preservation through purchase of duck stamps which has resulted in acquiring about 10 percent of the total acreage of the System; or, looking at it another way, of the total acreage of the System classified at this time as waterfowl refuges, duck stamp revenues have been responsible for acquiring nearly 50 percent of the lands so classified, with the rest coming from public domain and transfer from other agencies.

POLICY DIRECTION FOR NWR SYSTEM

Therefore, one of the intentions of my bill is to provide the policy direction required to make the System what its founders intended it to be—a wildlife habitat—land management—System where emphasis is on assuring that all plant and animal life found in a single unit is not subverted or ignored in the management of that unit for its primary wildlife purpose, and that wildlife variety—not maximization of single wildlife species to the detriment of all others—is maintained and assured not only in the System as a whole, but every single unit of the System.

It goes without saying that I recognize the tremendous contribution the various State Wildlife Conservation agencies have made to the maintenance of viable wildlife populations in our country. It does seem to me, however, that with the bulk of the System having been withdrawn from public lands—lands owned by all Americans—that the System must be responsive to broad, national interests and concerns. I see no conflict in this insofar as we all continue to recognize that some wildlife species which utilize the System are also of State and local concern and that cooperative Federal-State activities, especially as regards hunting, should continue much the same as in the past.

CLASSIFICATION OF THE NATIONAL WILDLIFE REFUGE SYSTEM

A need of long standing, Mr. Speaker, is to classify the various units of the National Wildlife Refuge System as to their principal program function. Objectives setting, planning, policy formulation and proper administration of each unit has not, will not, and cannot proceed in the absence of classification and legislated definitions which this legislation will provide. This is not to say that previous classifications have failed or are nonfunctional; on the contrary, they were a step forward. But what is lacking are definitions setting forth congressional intent as to how each individual unit of the System should be administered within a classification framework and naming the area in accordance with its classification.

The bill proposes classifying the various units of the System as follows:

(a) NATIONAL WILDLIFE REFUGE

This category contains such areas as the many island or "birdrock" wildlife refuges such as Pelican Island, Fla.; West Sister Island, Ohio; Oregon Island, Oreg.; Aleutian Islands, Alaska; and others with similar program purpose. Inland areas, primarily dedicated to meeting sanctuary needs of wildlife—such as Santa Ana, Tex.—might also fall in this category. The Birds of Prey area in Idaho, presently administered by the Bureau of Land Management, would meet the definition of this classification as well.

(b) NATIONAL WILDLIFE AREA

These are the "wildlife management areas" of the System where wildlife habitat is restored and maintained, crops are grown, water levels manipulated and similar activities designed to improve wildlife carrying capacity. Most existing units of the System would fall into this category, especially the many areas acquired and administered with waterfowl as a primary wildlife species.

(c) NATIONAL WILDLAND

These are the units of the System where wildlife requires a wildland or natural condition in order to survive. Included in this classification are those units of the System established to provide habitat needs of specific animals. Most are extensive in size and have been mainly withdrawn from public domain to assure wildlife survival. Some have

been withdrawn because wildlife habitat was threatened rather than to provide habitat for threatened wildlife species. Such areas as the Kofa and Cabeza Prieta, Arizona; Charles Sheldon and Desert, Nevada; Charles M. Russell, Montana; and Clarence Rhode, Cape Newenham, Kenai, Kodiak, Nunivak and Izembek, Alaska, fall in this category.

(d) NATIONAL WATERFOWL PRODUCTION AREA

These small, yet extremely valuable, units of the System are located mainly in the States of Minnesota, North and South Dakota, and Nebraska. These areas have been acquired to preserve natural wetlands primarily for waterfowl production and to provide hunting opportunities. During hearings on this bill, I intend to ascertain why the Bureau has not expanded a program of acquisition of small waterfowl breeding areas to other parts of the country—especially the Northeast and the intermountain West where high potential exists and habitat is threatened.

(e) NATIONAL MARINE AND ESTUARINE AREAS

This will be a new category to be established by the bill. I know of no existing units of the System which should be so classified at this time. This classification will be explored at the time of hearings on this bill.

(f) NATIONAL URBAN WILDLIFE AREA

Existing units of the System which would fall in this category are the Tinicum Marsh, Pa.; San Francisco Bay, Calif.; and others within and adjacent to large urban areas, depending on program purpose. One which should not, in my opinion, be classified as an "urban wildlife area" is Great Swamp, N.J. But, here again, the kinds of existing areas and the need to expand these kinds of wildlife habitat areas will be explored at hearings on this bill.

ADMINISTRATION OR MANAGEMENT OF THE NATIONAL WILDLIFE REFUGE SYSTEM

Mr. Speaker, down through the years there have been periodic attempts by certain officials of the Department of the Interior to purge the National Wildlife Refuge System of some of its finest units. The most recent attempt happened early in 1973 when the Bureau of Sport Fisheries and Wildlife—now the U.S. Fish and Wildlife Service—tried to divest itself of several wildlife areas in the appropriation process, claiming it did not have the funds to continue operations. Actually, I believe that the true intent was to dispose of a number of outstanding areas to States and local jurisdictions without benefit of public input. Conservationists across the country became alarmed when the plan was exposed. The Department of the Interior at first denied that such planning was taking place; then, as the months passed, began to vacillate. Following is an excerpt from a letter I received from the Department of the Interior in response to my inquiry regarding this matter:

You may be assured that the Bureau has no plans or intent to transfer or give up title to any refuge or game range, except in connection with possible small tract land exchanges—as has been practiced in the past—when the interests of the wildlife resource would be served well by such transactions. We do not contemplate any action that would in any way compromise or modify the Secretary's legal responsibility for the fundamental administration of any unit of the National Wildlife Refuge System. However, we are exploring ways in which to share with states the management of some functions, auxiliary or secondary in nature, on some refuges and ranges.

My colleagues will note that the Department drew a distinction between the words "administer" and "management." My Webster's dictionary defines the two words as meaning the same. In order to avoid confusion, my bill defines these words as to how their meanings will be applied in operation of the System. In addition, and most importantly, my bill establishes a process by which the Department may dispose of wildlife refuge lands, but only under certain conditions and by following certain restrictive procedures, including ultimate approval of the Congress. The purpose here is to lay to rest once and for all periodic attempts by people who should know better to dispose of units of the wildlife refuge system unilaterally.

All of these attempts in the past have caused a great public outcry. All have been aborted. What has been forgotten is that the National Wildlife Refuge System is national in scope and the lands are publicly owned properties, managed and administered to benefit wildlife in the interest of all citizens. To turn complete management of a Federal land holding over to a non-Federal agency could mean, in my opinion, turning the control of that land over to a non-Federal function. Objectives then change and non-Federal programs could become paramount.

LAND-GRAB BY OTHER FEDERAL AGENCIES

Another feature of the bill would give protection to the Refuge System from periodic land grabs by other Federal agencies. For years, the Refuge System has been bombarded by other Federal agencies seeking to grab lands for their purposes, mainly behind closed doors. The military has been particularly active in the past and valuable wildlife lands have either been turned over in whole or in part. Some of these attempts have been thwarted—my colleagues may recall the nationwide public outcry and successful citizen defense of an attempt by the military to grab the Wichita Mountains Wildlife Refuge in Oklahoma several years ago.

Other agencies are not guiltless. Today, as I speak these words, the Bureau of Land Management of the Department of the Interior is trying to take over five important wildlife ranges in the west. These areas, totalling more than 5 million acres, are the Kofa and Cabeza Prieta, Ariz.; Charles Sheldon and Desert, Nev.; and Charles M. Russell, Mont.

The bill will provide that these kinds of transfers cannot take place without an affirmative act on the part of the Congress. Perhaps then, and only then, will the Wildlife Refuge System achieve parity among the land conservation agencies of the Federal Government. Perhaps I should mention at this point the text of an article in the July 1974 issue of "Not Man Apart," written by George Alderson, which I would like to have inserted immediately following my statement. The article discusses, in more detail, the plans of the Bureau of Land Management with respect to these five ranges.

LOW ON THE TOTEM POLE

Mr. Speaker, up until now I have pointed out what I consider to be mainly a problem of attitude with certain Department of the Interior and U.S. Fish and Wildlife Service officials. An attitude which manifests itself by relegating the System to the backseat in establishing priorities and funds distribution. Administratively, the System is a mere "Division" within an Agency which places land management on a low priority role.

The Department of Interior itself recognized the problem of the system being of low priority in a report issued by its office of Survey and Review entitled "Review of National Wildlife Refuge System, Bureau of Sport Fisheries and Wildlife, July, 1972." Among the findings of that report are the following:

With the resources made available, we think the NWRS has been faced with an impossible situation.

1. Operation and maintenance funding in the past five years (FY 1967 to FY 1972) has gone from $10.8 million to $19.9 million. Most of the increase went for higher salaries. Actual employment in the NWRS declined from 1066 in 1968 to 941 in 1972, and another 73 people have been reassigned to administrative duties.

2. Construction funds provided in the last five years totalled only $11 million for a System which previously had little public use development.

3. In the same period, the Bureau had acquired an additional 1.5 million acres, and has had to staff 26 additional refuges.

4. Visitor use has increased from 15 million in 1967 to 21 million (estimated) in 1972, up 40 percent.

In a memorandum, dated July 21, 1972, transmitting the above report, the Director of the Department's Audit Operations had this to say:

We are directing this report to the Secretariat level because the principal problems identified are directly related to inadequate financing of the National Wildlife Refuge System. These problems are inadequate accommodation of visitors, deterioration of physical facilities, hap-hazard fee collection, and safety hazards. The problems have been compounded by full scale land acquisition which expanded the system and aggravated the imbalance between things to do and money to do them with. The absence of effective planning is another contributing factor.

The report has been discussed in detail with Bureau personnel and they are in substantial agreement with the report's description of the nature and extent of the problems. Bureau comments are included as exhibit II of the report.

Basically we conclude that, if the National Wildlife Refuge System is to continue as a low priority Department program, then substantial reductions in the program's public use objectives are in order. (Emphasis added.)

Actions by the Department since that report was submitted clearly indicate that the System is to continue as a low priority program.

A NATIONAL WILDLIFE REFUGE SYSTEM

One approach to cure the above stated ills would be to upgrade the System to full bureau status. This approach will be fully explored at hearings on this measure. However, one can only assume that the System will continue to perk along on one cylinder unless this is done. After all, we should all recognize that the System has more field stations in more States and contains more total acreage than the National Park System. This factual comparison alone should dictate prompt approval of the measure being introduced today.

LEOPOLD REPORT

An excellent study of the National Wildlife Refuge System was conducted in 1968 by the Secretary of Interior's Advisory Committee on Wildlife Management. That committee, composed of outstanding individuals in the field of wildlife management—A. Starker Leopold, Clarence Cottom, Ian McT. Cowan, Ira Gabrielson and Tom Kimball—issued a report commonly referred to as "The Leopold Report" containing a number of significant recommendations for instituting change in the NWR system. Many of the recommendations of the committee—presented at the 33d North American Wildlife Conference and published by the Wildlife Management Institute—are incorporated in this bill.

MANAGEMENT PRINCIPLES

Mr. Speaker, I know that my colleagues will agree that today we live in a world of accelerating change and one which is infinitely more complex than a few short years ago. Operation of the System is more complex than a few short years ago. Operation of the System is more complex as well, simply because today's rapidly changing world is causing ever-expanding social and economic pressures to be exerted upon all natural resources. While, on the one hand, man's economic and social needs require resource utilization and recreational enjoyment, his moral wildlife be preserved. Values of wildlife cannot be adequately measured in the same terms as most forms of recreation since they transacted day-to-day activities and bring into focus man's age-old dependence upon, and oneness with, wild creatures. Habitat must be preserved for wildlife and the public enjoyment of it, even though satisfaction may come only from the knowledge that these wild forms exist. Still, there are two basic facts which must be kept in mind by managers of the System. They are:

One. The primary dedication of the National Wildlife Refuge System, as expressed through legislation and Executive orders, is for conservation of a wide range of North American birds, mammals, fishes, reptiles, and amphibians through preservation of their habitats.

Two. That the conservation of wildlife is dependent upon the manner in which the basic land, water, and vegetative resources comprising myraids of animal environments are managed.

This legislation will assure that the System will once again be based on these principles by providing the necessary status, goals and management direction that is required if the System is to be truly responsive to the broad public interest.

AN OPENED-ENDED SYSTEM

Mr. Speaker, the National Wildlife Refuge System is an open ended system and, doubtless, never will be fully completed. New opportunities and new needs will appear as our ever-changing world evolves around us and as our Nation becomes more urbanized. We must be ever vigilant to insure that no wildlife species, ever again, will become extinct due to lack of habitat and at the same time always be on the alert to seize the best means to serve the American people through establishment of units of the system now, and perhaps, forever.

THE PUBLIC DOMAIN LANDS

This legislation will provide the means of achieving these important goals, based on the principle established by Pelican Island and, as stated earlier, the fact that 85 percent of the system contains wildlife environments withdrawn from the public domain. I do not believe that the great reservoir of the public domain as possible units of the system has been fully explored. I am particularly apprehensive of the results of a recent decision to extract oil shale in the West, particularly western Colorado, and the effect such profound and lasting impacts on the land will have on wildlife dependent on these same lands. I feel the same apprehension when I consider the results of strip mining of vast coal reserves in Wyoming and Montana. While I am not certain whether a review of these sites would result in placement of areas in the system, I do feel a review is required, and soon, so that proper decisions can be made.

FEDERAL LANDS IN ALASKA

Other public domain land areas, particularly in Alaska, should be placed promptly in the system. As my colleagues know, the Subcommittee on Fisheries and Wildlife Conservation and the Environment, which I chair, held hearings last spring on a bill to establish a number of wildlife refuges in the State of Alaska. A revised version of that bill has been incorporated in this measure. A number of changes have been made in response to suggestions of witnesses at those hearings. Another important feature is to recognize the need, under certain conditions, for Alaskan Natives to continue to utilize certain areas for subsistence purposes not only to fulfill cultural needs, but in order to survive in that harsh environment. Frankly, I cannot think of a better means to assure and protect these important uses by native peoples than to establish a wildlife area near native selected lands designed to protect and preserve wildlife and the land.

Large tracts of public lands must be set aside in Alaska because wildlife is not abundant—on a per acre basis—because of the low productivity of the land and, thus, most wildlife requires large areas in order to survive. Furthermore, the lands are already federally owned, and wildlife area establishment would place no additional burden on the taxpayer or sportsman to acquire it.

MARINELANDS

Another important study that must be made soon is to complete a comprehensive review of our estuaries in order to make certain that those areas of primary value to fish and wildlife are not lost before it is too late. Much of our Nation's food supply derived from marine sources is dependent on natural estuaries and millions of people enjoy them for recreational purposes. We do not want to change them blindly without first ascertaining those estuaries and other marinelands that should receive special management attention.

FILLING IN THE GAPS

Many of the national wildlife refuge areas acquired in the 1930's have never been completed. An important part of this legislation would direct the Secretary of the Interior to review all existing areas and decide which lands or waters should be added to the individual area. This is important not only from a management and protection standpoint, but it is my understanding that in many areas of the country people residing near an incompleted unit have been kept dangling for years, never knowing for certain whether the Government was going to try to purchase their property. These people have a right to know, and soon, exactly what the agency plans to do.

PLANNING AND TRAINING

Mr. Speaker, most of the problems that I have been discussing can be boiled down to a complete lack of systematic planning. In the absence of concrete planning, based on sound ecological principles, management decisions are made in a vacuum. Sound planning and forecasting certainly would have pointed out, long ago, the significant values of the System to the American people. Actually, the public has been short changed due to a lack of planning.

This legislation will provide the means for the Secretary to develop a systematic planning system in the National Wildlife Refuge System. Adequate planning is a mandatory function if the System is to assume its rightful role as a major motivating force in the overall conservation picture of our country and the world.

An allied feature of my bill is to establish the main planning team effort in a Planning Service Center to be located on an existing unit of the System, or preferably, one to be acquired specifically for this purpose. By acquiring a special unit containing a variety of ecosystems, wildlife research and training could also be accommodated.

A most important function of this special area, which I presume will be selected by a task force selected by the Secretary, will be as a National Training Academy. Land managers require a varied number of skills not always obtained in the academic world. Refuge managers should be the most skillful of all Federal land managers because the product of their work is a living creature and the management of the land to assure the livelihood of wildlife for public good. Thus, managers have to be continually trained and educated in ecological processes. Additionally, managers

must be skilled in modern managerial techniques.

The legislation proposes to establish a training academy to accomplish these ends, not only to train personnel of the System, but those of State conservation agencies, private organizations and others throughout the world as well. For, I am convinced, that while we must upgrade the Wildlife Refuge System to its rightful place in the sun, we must, at the same time, provide the dedicated men and women with the tools with which to do the job. And, since the job is shared with many others, including the fine men and women of the various State wildlife organizations, each should benefit from this educational process.

The legislation would name this special Planning and Training Academy after J. Clark Salyor II, a man of farsighted vision, leader of the System for nearly 30 years and, more than any other single individual, the person most responsible for the size and diversity of the System as we know it today.

MULTIPLE-USE VERSUS MULTIPLE-VALUE

Mr. Speaker, one of the unfortunate concepts that has been developed by some Federal land management agencies is the concept of "multiple-use." While fine in theory, when put to practice it more often than not merely means several dominant uses of separate tracts in a single management unit. When all of these "uses" are combined or added up for the entire unit, the agencies declared it to be a "multiple-use unit." Thus, land abuse can be planned or permitted to continue under the guise that it is only one of many "uses" of that piece of land in a multiple-use framework.

The National Wildlife Refuge System also contains many uses—ranging from wilderness to lands farmed to produce grain for wildlife food—but all uses have a common goal: to provide wildlife needs and the human benefits derived therefrom. The bill proposes to create a new kind of land management principle—that of a multiple-value approach to land administration. This concept is based on the assertion that all land has many values with some higher than others. And, it is the responsibility of land managers to identify those values and manage the land to assure that none is destroyed in the process.

The multiple-use concept is based on the management principle that in order for land to be valuable it has to be "used." On the other hand, the legislation proposes the concept that all land has value whether it is "used" or not. In this way, we intend to set the management standard that intangible and nonquantifiable values of the National Wildlife Refuge System are just as important and are equal to the more obvious tangible, economic values or "uses."

CONCLUSION

Finally, Mr. Speaker, each generation has a rendezvous with the land. Our children, grandchildren and their grandchildren will sit in judgment on what this generation accomplishes in perpetrating a quality of life for those generations yet unborn who will succeed us on this planet. We are all products of the land and careful husbandry of the land is required to sustain and succor us, not only as a people, but as a civilization as well. I believe that the stature of the American people as a free and civilized society is greatly enhanced when we take steps, as my bill proposes, to assure that fish and wildlife are afforded their natural right to inhabit the land, air, and water of this country, thus assuring future generations an enduring wildlife heritage.

Mr. Speaker, before closing, I would like the record to show that I have the greatest respect and admiration for the personnel of the Department of the Interior, both in the field and at the Washington, D.C., headquarters. I have worked closely with them over many years and know them to be dedicated and hard working public servants who often accomplish more than should be expected given the limitations within which they must operate. But these men inherited a situation that must be changed for the protection of our valuable wildlife resources and habitat. In their defense, I know that many of the decisions which I am taking issue with today are the result of the strictures placed upon them by the Office of Management and Budget.

My criticisms are meant to be constructive and I feel sure that they will be accepted in that light and that I may look forward to the continued cooperation and assistance of my good friends in the Department.

The article referred to in my remarks follows:

HOME ON THE RANCH

(By George Alderson)

One of the most blatant attacks in history on lands dedicated to preservation of wildlife has taken shape this year in Arizona, Nevada, and Montana. Miners and stockmen, in league with the US Bureau of Land Management (BLM) are mounting a major campaign to take over five national wildlife ranges and subjugate the wildlife purposes of these vast preserves to private economic interests. At stake are more than five million acres of prime wildlife habitat, on which some of the nation's finest populations of desert bighorn sheep and pronghorn antelope depend, along with many other forms of wilderness wildlife. If the exploiters' scheme succeeds, the bighorn and antelope populations are sure to be weakened by deterioration of their habitat, as has occurred in most areas of the West that lacked protective status.

The five great wildlife ranges, part of our National Wildlife Refuge System, were established by Presidential proclamation in the 1930's, when wildlife scientists realized that the development of the West had jeopardized the original residents of the open range. Key areas of federal land were thus reserved for wildlife purposes, with only these exceptions—mining was to be allowed free rein, and grazing was to be permitted whenever there was forage not needed by wildlife. The administration of the national wildlife ranges was assigned jointly to two federal agencies, known today as the Bureau of Sport Fisheries and Wildlife (BSFW) and the Bureau of Land Management. This dual-jurisdiction arrangement was intended to give BSFW authority over the wildlife and BLM authority over grazing and mining.

The wildlife ranges have served their purpose well, bringing back the once-endangered bighorn and antelope, and sheltering also the now-rare peregrine and prairie falcons, along with elk, deer, bald and golden eagles, and many other forms of wildlife. However, the dual jurisdiction has led to one fight after another between the two agencies, with BLM defending the interests of the miners and stockmen, and BSFW defending the wildlife. The upshot has been continued overgrazing by domestic cattle, with resultant impact on wildlife populations.

It was a fallacy from the start to think that a separate agency was needed to manage grazing. BSFW manages grazing in many units of the Wildlife Refuge System with notable success. In the wildlife ranges, BLM has been like a fifth wheel on an automobile. BLM's role has served only the narrow economic interests of mining and grazing, and has been consistently at odds with the national interest, expressed in the original Presidential proclamations, of protecting the wildlife that live on these ranges.

The issue came to a head this year when Interior Secretary Rogers C. B. Morton proposed public land orders giving BSFW full responsibility for Cabeza, Prieta, and Kofa Game Ranges in Arizona, barring further mining claims in both areas as well as in Desert Wildlife Range in Nevada, and enlarging all three areas.

A POWER GRAB

BLM, as an agency under Secretary Morton's supervision, was formally obliged to support these proposals. But instead of loyally working in support, the employees of BLM actively fomented opposition, according to Arizona environmentalists. The result was a vociferous outcry of opposition from miners, stockmen, state agencies, and Arizona legislators such as Congressman Sam Steiger and Senator Paul Fannin. The exploiters not only opposed Secretary Morton's reforms, but urged that the wildlife ranges be turned over to BLM, lock, stock, and barrel.

Conservationists managed to equal the sheer numbers of the opponents by means of letters endorsing Secretary Morton's constructive proposals, but the opposition has continued its agitation for removal of the wildlife ranges from the National Wildlife Refuge System.

In the case of Charles Sheldon Antelope Range (Nevada) and Charles M. Russell National Wildlife Range (Montana), which were not covered by Mr. Morton's proposals, BLM has not stopped at sub-rosa opposition. BLM's Director, Curt Berklund, a former Idaho sawmill operator, openly says that these two ranges should be turned over to BLM and that BSFW should be ousted from them. On April 10 of this year, he told a group of environmentalists, "We think the northern ranges can best be managed by BLM." Secretary Morton has not yet taken a stand on Mr. Berkland's proposal, so there is still time for citizens to influence the decision.

If BLM gained control of Sheldon and Russell, we can predict the consequences. BLM has already made plans to use chemical herbicides, chiefly 2,4-D, to kill sagebrush in Sheldon, despite the dependence of sage grouse on the species, and to fence large acreages for cattle, despite the danger fences pose to antelope by interfering with their free movement. In both Sheldon and Russell, BLM has been hostile to proposals for designation of wilderness areas, which would protect the land against roads and other developments. BLM officials agitated within the Interior Department to delay, and then gut, the wilderness proposals prepared by BSFW. The Russell wilderness proposal was cut almost in half as a result of BLM's opposition before it was ever released to the public.

THE SOLUTION

There is only one way to stop the continued machination against the national interest in these wildlife ranges: give full management authority to the Bureau of Sport Fisheries and Wildlife. As long as BLM has its fifth-wheel role in these areas, wildlife will never receive top priority, because every measure that interferes with mining or grazing will

be fought from the inside, behind closed doors, by BLM. BLM employees could spend their time far more porductively for the national interest if they were assigned to better manage the other 450 million acres of public land that is administered by BLM alone, instead of working against wildlife in these important wildlife ranges.

If the five national wildlife ranges are to be managed principally for wildlife protection, as they were intended to, then BSFW should be placed in charge. After 35 years, it's time to conclude the experiment with dual jurisdiction and resolve the dispute once and for all in favor of wildlife.

MATSUNAGA BILL WILL PROVIDE INDEPENDENT NURSES' SERVICE UNDER MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, in our search for ways and means of keeping the cost of medical care within the reach of all Americans, we have overlooked a resource in our very midst. This is especially regrettable, since we today face sharply rising costs for medical care and a shortage of primary care practitioners, particularly in rural and economically depressed areas. I am, of course, addressing myself to the improper and wasteful utilization we have made of the professional skills and talents of members of the nursing profession.

Although trained as professional medical service practitioners, nurses have been in too many instances relogated to serving menial functions as subservient practitioners to doctors. For too long we have wasted this valuable professional resource and denied people in need access to high quality, low-cost primary health care.

Nurses have long practiced independently in some parts of the country. Often, they have been forced to do this in violation of archaic laws which restrict most primary care functions only the physicians, even where there have been no physicians available to provide the needed services. This major contribution by nurses is finally beginning to be recognized, and in some States laws are being amended to permit nurses who have the proper training and experience to function independently as primary medical care providers. This is a highly laudible trend which will be advanced by the legislation which I have introduced today. Parenthetically, I would also like to say that this is a first step, and I look forward to the proper recognition of other health care professionals such as pharmacists, optometrists, psychologists, dietitians, and others, so that they too can function in a professional capacity consistent with their training. It is my intention to take positive steps in this regard in the near future.

The release of nurses from their position of servitude to physicians and the physicians to be more readily available for the important technical functions which only they can perform, is necessary to promote the well-being of all Americans. For this purpose, I am introducing legislation to amend the social security law to provide for the inclusion of services by licensed nurses under medicare and medicaid. This can have no other effect but to reduce the cost and increase the effectiveness and availability of the medical services which are so important to us all. I hope that my colleagues will join me in recognizing the importance of this far-reaching trend and support me in my efforts toward early consideration and passage of my bill.

I include at this point the text of my bill, which is virtually identical to legislation introduced in the Senate by my friend and distinguished colleague from Hawaii, the Honorable DANIEL K. INOUYE.

H.R. 15867

A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under Medicare and Medicaid

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861 (s) of the Social Security Act is amended by inserting immediately before the matter following paragraph (13) the following: "The term 'medical and other health services' also means medical care, or any other type of remedial care recognized under State law, furnished by licensed (registered) nurses within the scope of their practice as defined by State law.".

SEC. 2. (a) Section 1905 (a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (16);

(2) by inserting "and" at the end of paragraph (17);

(3) by adding immediately below paragraph (17) the following new paragraph:

"(18) medical care, or any other type of remedial care recognized under State law furnished by licensed (registered) nurses within the scope of their practice as defined by State law;".

(b) (1) Section 1902 (a) (13) (B) of such Act is amended by inserting after "through (5)" the following: "and (18)".

(2) Section 1902(a) (13) (C) (i) of such Act is amended by inserting immediately after "through (5)" the following: "and (18)".

(3) Section 1902(a) (13) (C) (ii) (I) of such Act is amended by inserting immediately after "through (16)" the following: "and (18)".

(4) Section 1902(a) (14) (A) (i) of such Act is amended by striking out "and (7)" and inserting in lieu thereof ", (7), and (18)".

SEC. 3. The amendments made by this Act shall be effective with respect to payments under titles XVIII and XIX of the Social Security Act for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

DEPARTMENT OF STATE IMPEDES INVESTIGATION OF NAZI WAR CRIMINALS

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

Mr. EILBERG. Mr. Speaker, as the chairman of the Subcommittee on Immigration, Citizenship, and International Law, I recently wrote to the Secretary of State concerning reports I had received that the State Department was not cooperating with the Justice Department in its effort to identify and deport alleged Nazi war criminals now living in the United States.

I was particularly concerned with the State Department's apparent refusal to help locate in foreign countries, especially Russia, witnesses to the reported atrocities.

The reply I received to my letter was that the State Department did not think the Russians would agree to allow our people to look for the witnesses in Russia and that there would be no way to authenticate the validity of statements made by persons produced by Soviet authorities.

The State Department's answer also hints that this might be too sensitive a matter to bring up with the Russians because the Russians have already taken a position on a specific case which I mentioned, but the Department has not designed to tell me or anyone else exactly what the Russians have said about this matter.

Mr. Speaker, I find this attitude just a little bit incredible. First, the State Department is afraid to ask the Russians for help because they may refuse. Well, we are certainly not going to get any help if we do not ask and if the Russians do say "No," then we are no worse off than before the question was raised.

Second, we have been hearing constantly about "the spirit of détente" and about what great relations we have with the Russians. If this is true, then what is détente all about. If there is a spirit of cooperation I would imagine that the Russians would be happy to cooperate in an endeavor as noncontroversial as locating Nazi war criminals. Or, have all of these negotiations and expensive trips to the Summit been exercises in futility which have brought about agreements and statements that turn out to have no real substance when they are tested?

At this time, I enter into the RECORD, the letters I have addressed to the State Department and the reply I have received:

JUNE 26, 1974.

HON. HENRY A. KISSINGER,
Secretary, Department of State, Washington, D.C.

DEAR MR. SECRETARY: This is to express my deep concern over the Department of State's failure to cooperate with the Department of Justice in its investigation of the alleged Nazi war criminals, currently residing in the United States.

The assistance of the Department of State is particularly necessary with regard to obtaining statements abroad from eye witnesses to reported atrocities as well as consulting foreign governments concerning certain extradition requests. Apparently, the Department of State has not responded to these requests for assistance by the Department of Justice.

This matter has been discussed during oversight hearings held by my Subcommittee on Immigration, Citizenship, and International Law on April 3 and June 25, 1974 and in each instance we have urged the Department of Justice to vigorously pursue its investigation. It is my understanding, however, that this investigation has been seriously impeded by the inaction of the Department of State.

I can appreciate that sensitive foreign policy considerations may be involved in such an investigation, but it is our responsibility to insure that the provisions of the Immigration and Nationality Act are adequately and properly enforced. In order to achieve this objective, I would urge the Departmment of State to cooperate in every re-

spect with the efforts of the Immigration and Naturalization Service to elicit all of the facts in these cases. This evidence and information is urgently needed if the Service is to complete its investigation in a timely manner.

Consequently, I would request a complete and detailed report on the status of the Department of State's investigation of this matter and I would certainly appreciate a prompt response to this request.

With kindest personal regards,

Sincerely,

JOSHUA EILBERG,
Chairman.

DEPARTMENT OF STATE,
Washington, July 5, 1974.

Hon. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, House of Representatives.

DEAR MR. CHAIRMAN: With respect to that part of your letter of June 26, 1974, relating to the response of the Department of State to requests from the Department of Justice to consult foreign governments concerning certain extradition requests, the office of the Department of State which handles all extradition matters has no record of any such request being made in the last six years.

A letter dated June 3, 1974, was received from the Immigration and Naturalization Service reporting that an officer of the German Consulate in New York had requested an assurance from the Department of State that it would seriously consider a request for extradition of war criminals. In the course of extensive coordination with the diplomatic and consular officers of the Federal Republic of Germany on the successful extradition of Mrs. Hermione-Ryan for war crimes, no indication was received by the Department of State that any special assurance of serious consideration of that or other requests was desired. We have had no confirmation through diplomatic channels that such a desire now exists. Quite frankly, after the Ryan case in particular, we are puzzled about the reported desire of the consular officer for assurances of serious consideration of extradition requests because the United States has a treaty obligation to extradite anyone covered by the treaty who does not have a valid legal defense under the treaty. Those are questions in the first instance for judicial determination.

However, if an assurance is in fact desired that the Department will give serious consideration to German requests for extradition of war criminals, the answer, of course, is we will do so, as we have in the only case in the past where such a request was made.

The Immigration and Naturalization Service asked us if we think it feasible for the Department of State to locate and obtain sworn, certified and authenticated statements from eye witnesses in the Soviet Union to atrocities allegedly committed on territory presently controlled by the USSR. Because of the sensitive foreign policy considerations involved, a Department of State officer recently discussed this matter in person with our US Embassy personnel in Moscow.

We doubt that it would be feasible for our diplomats serving in the USSR to locate, question and obtain authenticated statements from Soviet citizens on this matter. Soviet authorities would not as a rule allow this sort of independent investigation of Soviet citizens by foreign officials. Moreover, there is no agreement between the US and USSR permitting investigations or the taking of testimony or statements of Soviet citizens by US officials in the USSR.

Our only practical recourse would be to request the Soviet Ministry of Foreign Affairs to locate alleged eye witnesses and make them available to our officers. While this might be possible, we would have no way to verify the credibility or, indeed, the identity of the witnesses provided us by Soviet authorities. This caveat would seem particularly applicable to the sensitive issue of alleged war crimes, especially specific alleged cases upon which the Soviets have taken a public position, such as that of the Kowalczuks.

A similar situation with respect to questioning or taking testimony of witnesses obtains in Romania.

We will be in touch with the Service to explore these considerations in greater detail.

We appreciate your interest in this matter and will make every effort to assist the Service in completing its investigation of these cases.

Cordially,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

COMMITTEE ON THE JUDICIARY,
Washington, D.C., July 9, 1974.

Hon. HENRY A. KISSINGER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: This is in further reference to my letter of June 26, 1974, requesting a status report on the Department of State's activities concerning alleged Nazi war criminals, and the Department's response of July 5, 1974.

While I appreciate this prompt response to my request, I remain disturbed by the inaction and indifference of the Department of State concerning this matter. Although the letter indicates that consultation with U.S. Embassy personnel in Moscow has occurred, apparently the Department has not contacted officials of the Soviet Government in order to determine whether they would entertain a request for interviews of, or obtaining statements from, certain Soviet citizens.

I am particularly troubled that the Department has not made this effort especially in view of the statement in the July 5 letter that "this might be possible."

The Department's letter also indicates that the Soviet Government has taken a public position on the Kowalczuk's case, yet it failed to inform me as to the nature of their position.

In view of the intense Congressional interest in these matters, I would urge the Department of State to continue its efforts to assist the Department of Justice in its investigation, particularly with respect to obtaining statements from eyewitnesses to the reported Nazi atrocities.

With kindest regards,

Sincerely,

JOSHUA EILBERG,
Chairman.

MEMORIAL SERVICES FOR THE LATE SENATOR ERNEST GRUENING

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

Mr. PEPPER. Mr. Speaker, on July 1 memorial services were held in the National Cathedral for Senator Ernest Gruening, lately deceased. Hundreds of friends gathered on this occasion to pay their tribute to the memory of Senator Gruening and to extend their sympathy to his beloved wife of 60 years and other members of his family. Eulogies were delivered on this occasion by Justice William O. Douglas, Gov. William Egan, Representative JOHN CONYERS, Senator TED STEVENS, Mr. Robert Atwood, Ambassador Ira Hirschmann, the Rev. John Wells, Senator Wayne Morse, and by me. No words can adequately eulogize the great life and career of Ernest Gruening but those who delivered these eulogies expressed as best they could their profound admiration and affection for Senator Gruening and their appreciation and the appreciation of their fellow Americans for Senator Gruening's immeasurable contribution to this country and to mankind in his almost nine decades of a beautiful and meaningful life. In order that the Members of Congress, in which Senator Gruening served with outstanding integrity and such deep dedication and courage, and our fellow Americans whom he loved so much may have an opportunity to read and to share in the sentiments of these eulogies, I include them following my remarks in the body of the RECORD:

WASHINGTON CATHEDRAL, WASHINGTON, D.C.,
MONDAY, JULY 1, 1974

CANON LESLIE GLENN

A lesson is found in the 44th Chapter of Ecclesiasticus. Let us now praise famous men and our Fathers that begat us. The Lord hath wrought great glory by them through his great power from the beginning. Such as did bear rule in their kingdoms, men renowned for their power, giving counsel by their understanding and declaring prophesies, leaders of the people by their counsels and by their knowledge of learning meet for the people, wise and eloquent in their instructions, rich men furnished with ability, living peaceably in their habitations. All these were honored in their generations and were the glory of their times. There be of them that have left a name behind them that their praises might be reported. These were merciful men whose righteousness hath not been forgotten. With their seeds shall continually remain a good inheritance, and their children are within the covenant. Their seeds standeth fast, and their children for their sakes. Their seeds shall remain forever and their glory shall not be blotted out. Their bodies are buried in peace but their name liveth forevermore. Here endeth the lesson.

JUSTICE WILLIAM O. DOUGLAS

Members of the Gruening family and friends of Ernest Gruening. Ernest lived in turbulent times, and to his eternal credit and to the welfare of the nation he stood tall above the crowd. He stood up and was counted on all the great public issues of his day, and happily he finished and published, before his death, his great autobiography. The beautiful Dorothy Elizabeth Smith, whom he married in 1914, was his first love, and he was devoted and dedicated to her to the very end. After Dorothy and the children and the grandchildren came Alaska. Alaska was enormous geographically and scant with people and ready to be exploited by a few canny men, and he felt intensely that it should not suffer the fate of the other western states at the hands of the robber barons. More important than Alaska was the Constitution and the Bill of Rights. I never knew a person more dedicated to our Constitutional principles than Ernest Gruening. He believed, of course, in law and order, but in his view it was important that it be constitutional law and order. By that he meant the government, like individuals, should not take short-cuts. A lawless government was to him even a worse result than vigilantes who took the shaping of the law into their own hands, for government sets an example for all the people.

If the government takes short-cuts, it's an invitation to individuals to do likewise. He spoke movingly about Brandeis and his sense

of governmental proprieties, of the right of privacy, of the curse of elecrtonic surveillance, of the tragedy when people become merely items for the computer. He worked mightily against the growing obeisance of people to big government. He considered every man and woman a sovereign when it came to philosophy and religion, ideas and beliefs. With John Stuart Mill he honored the minority of one.

His minorities were not only social and religious but they were political and ideological as well. There was no voice he would still, yet it was the voice of Jefferson and Madison that he most respected. I have never known one more dedicated to First Amendment values than Ernest Gruening, who takes his place alongside of Hugo L. Black and Alexander Meikeljohn.

In the last two decades of his life the issues of war and peace loomed large. He heard much about peace but had come to believe it was mostly fraudulent talk by men who really looked on peace as a subversive word. He was stung by the devious means used to forment wars. He saw people possessed, as if seized by a compulsion to do a mad death dance. He wanted issues of war and peace exposed in the great public forum of the Congress. The Constitution, he said over and again, gave only Congress the power to declare war. In his ideas a Presidential war took place in Vietnam, and he could find no Constitutional basis for it. There was no foreign invader to repel. We were sending precious young lives and fortunes we needed at home in a senseless, wasteful, unconstitutional venture in Asia. That was the big issue in his life.

Ernest Gruening, from the very first, always voted "nay" on all issues of this Presidential war. His voice was not alone at the start. He had only one other to join him, Wayne Morse. But as time passes, and history is written, Ernest Gruening's name hopefully will energize oncoming generations, first to reject wars as their number one priority and rejoin the human race.

THE HONORABLE WILLIAM EGAN, GOVERNOR OF ALASKA

Dorothy, Hunt, all other members of the family, friends of Ernest Gruening.

In our history books, in the retrospective accounting of our great nation's fateful times of trial and triumph, the human essence of the men and women shaping its destiny too often withers away under the written word. It is sometimes difficult for us to gain some glimpse, some feeling of the person of these people. I feel this will never happen to Ernest Gruening because to write about his accomplishments, of his concern for his fellow human beings, and his tireless dedication to making life better for people, necessarily is to write of the man and his manner.

While we gather here today in memory of him, and while his memory will be honored in many ways over the years to come, Ernest Gruening built his own memorial. It is found not only in his life's work, but also in the conviction of his ways which enabled him to accomplish that life's work. He was not a man to deal with life from a safe distance. There was controversy to be faced. If there was a need to be met, there was no holding back and worrying about the personal liabilities involved where Ernest Gruening was concerned. He knew that the answers as well as the problems lay at the center of things, and he charged *head-on* into the issues at hand. That was where the people were, and that was how he learned of their needs and desires and aspirations. He enjoyed people. Alaska legislators will tell you that if Ernest Gruening stomped the campaign trail with you that more likely than not you would end up meeting some new people, even in your own home district. If, for example, at the end of a long day of campaigning he would see the lights of a home far off the road or highway you likely would find yourself parking the car and hiking with him towards those distant lights. Upon being told that the people who lived there were just Republicans anyway, he would suggest that they might well be turned into Democrats. Or, upon it being pointed out that they were ultraconservatives who might not be too excited about the intrusion of his liberal presence, he would kindly suggest then that there was nothing to lose just by visiting for awhile.

People and their needs were the abiding force in his life and the sustenance of his being. The genius of Ernest Gruening lay not in the complexities of his great mind. It derived from the human compassion which drove that great mind. The essence of the man was an unceasing quest for dignity and justice for all people. He knew that the attainment of these was not through precious abstract theorizing about the lot of man, but through the betterment of people's everyday lives. He believed that people, properly fed and housed and clothed, and in good health, were fully up to looking after their own destinies. In this regard, I well remember when during Ernest Gruening's first legislative session as Territorial Governor of Alaska, which was also my first session—I was honored to be a legislator serving under him at that time—he recommended in his messages various measures relating to a gross mining tax, a territorial income tax, and a territorial property tax, and a number of other recommendations which did not set so well with the powers that be. Right away those recommendations ran head on into very serious trouble in the Alaska Territorial Legislature. Keep in mind, too, that at that time the Territorial budget for education and health, and all the Territorial programs, was, as I recall, only between $4 and $5 million for the entire biennium. The money available for public services and programs just was not within the bounds of reason from the standpoint of the needs that the people of Alaska had when Ernest Gruening assumed his role as Governor of that great territory. He saw this immediately. He saw that much money was being made in Alaska from Alaska's fisheries and mining resources and by the shipping industry transporting those resources, and that the people of Alaska were hardly getting back even any pennies from the development of their natural wealth. It was not until the 1949 session of the legislature—eight years later—that we were able to get some of his measures through the legislature. It took a long time; but he was a man who, when he became convinced of something being in the interest of bettering the way of life of people, he just vigorously pursued that particular idea until he saw it culminate in the accomplishment which he thought should take place.

Governor Gruening quickly saw that Alaska's future was in its great natural resources wealth and its beauty, and he was determined that the people of Alaska should benefit fully from the development of those resources. Though the Territorial Government of Alaska had little real jurisdiction because of the very restrictive Federal Organic Act under which the Territory was organized, Ernest Gruening nevertheless fought hard to create a Territorial Department of Fisheries and to strengthen the Territorial Department of Health. In the field of education he was ever working to help make our University of Alaska an institution that would contribute meaningfully to the nation's academic posture and achievements.

He knew that no matter how difficult it was to wrest away nor how long it took, that control over their lives was essential in order for Alaskans to chart their own destiny.

In so many ways Ernest Gruening worked for the everyday betterment of life for Alaskans. He worked hard, too, to correct injustices in Alaska to minority groups. In this he not only was fully convinced that great changes had to be made, but he also strictly believed and practiced what he preached. He recognized the need for establishment of an effective tuberculosis control program, an effort in which it was my privilege to work with him. In those years tuberculosis was a terrible scourge in Alaska, particularly in the Eskimo native villages. The programs initiated had the result, during just a three or four-year period of time, of achieving a dramatic turnaround in the saving of lives of people who had tuberculosis.

Governor Gruening initiated the establishment of voting precincts in the native villages which caused quite some uproar among many of the interest groups. For this, and I am happy to say that such is no longer the case in Alaska, he was considered by some of those interests as being a scoundrel in the minds of many for "rocking the boat". I can only say "hurray" for Enrest Gruening. We could have used many more "scoundrels" like him.

In so many ways he was truly ahead of his time. In fact, as he told it, that was a characteristic of his that helped him end up in Alaska. Previously, as Director of United States Territories, he recalled he visited Puerto Rico and saw a burgeoning population of impoverished people. So, in San Juan and in Washington, D.C., he began extolling the need for a birth control program in Puerto Rico. He preached it because that was what he saw and that was the way he felt about it. His friend, the President, became a little upset about this and took Ernest to task. Soon after, Ernest became the newly-appointed Governor of the then Territory of Alaska. Who knows, perhaps the President thought that was about as far away as he could send him. Washington, D.C.'s loss was truly Alaska's great gain.

On through the years of Alaska's fight for statehood and its first decade as a State, Ernest Gruening continued to serve the people of Alaska and the nation with great dedication and distinction.

I want to say to Dorothy, his wife, and to Hunt Gruening, his son, and to his grandchildren, that Alaskans are proud of this great man who was yours and who was ours. We will always remember that. From the day he came to Alaska, things changed. From the day he came to Alaska, attitudes changed. That's the manner of man that he was. His wisdom and foresight were matched by an endless energy and tremendous personal drive that enabled him to accomplish day after day, year after year, more than most people dare even dream of or hope for. His life over these last thirty-five years was devoted to the well-being of Alaska and Alaskans, and of all the nation, and we are going to miss him.

REPRESENTATIVE CLAUDE PEPPER, CONGRESSMAN FROM FLORIDA

Canon Glenn, Mrs. Gruening, and members of the family, fellow friends of Senator Gruening.

This noble man, this good and great man, this man of rare integrity and concern for people—Senator Ernest Gruening—after almost nine decades of a beautiful and meaningful life, has gone to his Maker and to his reward.

There were two principles which all of his long life dominated Ernest Gruening. One was integrity, and the other was concern for people. Perhaps it was his concern for people which led him originally to choose medicine as a profession and to graduate with a medical degree from Harvard University in 1912. But, as he said later, he chose, instead of attempting to cure the ills of the human body, to make an attempt to cure the ills of the body politic—and how magnificently, through nearly half a century, he pursued

that noble ideal. It was integrity which dominated his career as a publicist, as an editor. When he was editor of the Boston Traveler he printed an article in favor of birth control in which he conscientiously believed because of his concern for the mothers in the poor areas of Boston whom he had seen bringing forth one child after another which the family was unable to support. The editorial that he wrote was taken out of the presses which were stopped by the proprietor. But he defended his integrity. He also believed in the principle of the integrity of a paper by not writing reviews for theatrical performances based upon the volume of advertising which the theatre producers provided to the paper. He had battles over that, too. He also fought with proprietorship when he attempted to expose a corrupt judge, and it was discovered the proprietor had an obligation to that corrupt judge. And again he resigned.

He defended his principles of integrity when later he went to Santo Domingo and to Haiti; and when he saw the outrageous wrongs perpetrated by our country upon those two small nations, his soul resisted and resented that action on the part of our country, and he initiated efforts which led to a Senatorial investigation, and later to the removal of our troops from those two small Caribbean republics.

He carried on that battle for integrity when he also sought to bring back into peaceful relationship the United States and Mexico, the natural resources of which had been too often exploited by American selfish business interests. And he wrote a magnificent book out of that experience, "Mexico and Its Heritage", which was loudly proclaimed.

He also believed in integrity as editor of The Nation, when he sought to put forth and to defend principles which he thought were wholesome for our country and for mankind; and when he became the Director of the Bureau of Territories and Island Affairs in the Department of the Interior, he went to the poor people of Puerto Rico because of his concern for them and laid the foundation and the groundwork for the subsequent prosperity and progress which these people have enjoyed.

And when he became Governor of Alaska he carried on more of those many battles to preserve fairly the natural resources of that rich land, to prevent their exploitation to the detriment of the people, to provide better schools and living conditions for the people of that great area. And his concern for those people led him to become the champion of statehood for that splendid part of what is now America, our country, and more than all other people combined, the credit is due ot Ernest Gruening for the passion and the fervor and the conviction, and the indefatigable energy that he employed, in contacting public opinion and the Congress, inducing finally, in 1958, the admission of Alaska to the Union.

And then integrity was expressed by Ernest Gruening, as well as concern, when he started in the Senate again the battle that he had started fifty years before, to make birth control information available to the mothers of the country and the world who wanted and needed such information. He held over thirty-four hearings as Chairman of a subcommittee of the Senate. He fought again glorious and great battles, and is responsible today for the government of the United States making available hundreds of millions of dollars worth of material and information to the mothers of the world who need, and who call for, such information, as well as making similar information available to the mothers of this country.

And then, perhaps, his crowning glory was the integrity of his career as a Senator, his oath under the Constitution, his integrity as an American citizen, his concern for the thousands who were dying or about to die in South Vietnam. He pioneered, with a noble compatriot whom you will hear today, Senator Morse, the battle against the perpetration of what he sincerely and deeply felt was the outrage of American intervention in Southeast Asia. Remember that his first appeal was in 1963, when we had only 12,000 so-called advisory troops in Vietnam, and his great eloquent oration came on March 10, 1964, when we were just at the threshold of a great enlargement in that war, when he called upon his President, his fellow-members of Congress, and his fellow-countrymen, to avoid the tragedy of that bloodshed, and made the strong statement that one American life was worth more than all that mess, and that the tragedy of the perpetration of that war would eventually be characterized as a crime. And he, with Senator Morse, was the only Senator to vote against the Tonkin Resolution, which escalated the war, until eventually some 50,000 Americans died, and over 300,000 Americans were seriously wounded, and over $100 billion dollars of American treasure was poured into that conflict.

Even after he left the Senate, Ernest Gruening did not discontinue his struggle for those same principles. He carried on his fight for birth control, he carried on his fight for integrity in the government of our country, he carried on his fight for our country to stand with integrity before the world.

In Eagle River Landing, 27 miles from Juneau, in Alaska, which he and his lovely wife, Dorothy, so much loved, and to which they gave so much of their beautiful lives, the Gruenings had a cottage, and towering above that cottage 6,500 feet was a mountain, unnamed. When the Senator left the governship of Alaska, the Chamber of Commerce of Juneau said, when he passes away—because we cannot do it in his lifetime—that mountain will bear the name "Ernest Gruening". And so, as long as time shall endure, we can foresee that noble mountain towering above all the surrounding countryside, bearing the illustrious, noble name of Ernest Gruening. And how fitting that is, because Ernest Gruening towered over his fellow-Americans. He towered over his time.

I know of no better way to describe this noble man, this beloved friend, than to apply to him the words that Marc Anthony in Julius Caesar applied to noble Brutus as he found him dead in his tent on the field at Philippi, when he said: "His life was gentle and the elements so mixed in him that nature might stand up and say to all the world, this was a man."

And so, to this Prince among men, may we now say farewell in the words that Hamlet's friend bade him as he passed away: "Goodnight, sweet Prince, and may flights of angels sing thee to thy rest."

REPRESENTATIVE JOHN CONYERS, CONGRESSMAN FROM MICHIGAN

Reverend Clergy, Mrs. Gruening, family and friends:

What would Ernest Gruening have us say here today? Certainly he would not want us to recite his record of accomplishments. Instead, he might say, "Well, go on, of course. You press forward and you never lose faith in the people." That was his spirit—that of a tireless champion of the people, a humanitarian who rose above political pragmatism. His life work affirms his belief that one man could make a difference, and he certainly did. The most appropriate tribute we can pay him is to follow his example and to live our lives as if mankind depended on us alone.

A year ago last July, Ernest Gruening wrote: "The great experiment begun so daringly and so hopefully two centuries ago, the great legacy bequeathed to us by the patriots of that day, is too precious and priceless to be destroyed. I intend to devote my remaining years, however few they may be, to altering my fellow-countrymen, and to try to help restore the America that has been and has served us so well."

This is the spirit of a man who created a State out of a wilderness; who stood almost alone against our rush to disaster in Asia; and whose commitment to racial justice kindled a light which, however dimly, spread across the country.

Only two weeks ago, in high spirits, Ernest said to me with characteristic optimism that was always his and always made me smile: "Did you hear about the victory in Oregon? I think Wayne Morse is going to make it back."

As a patriot, as a statesman, and as a humanitarian, Ernest Gruening leaves a record to which all men and women in government may justly aspire, for his was an articulate voice heard throughout the land, speaking in the name of national dialogue and about national purpose.

CANON GLENN

Now, let us read responsively Psalm 23, on page 368 of the Prayer Book. Will you stand, please.

Psalm 23. "The Lord is my shepherd, therefore can I lack nothing. He shall feed me in a green pasture and lead me forth beside the waters of comfort.

"He shall convert my soul and bring me forth in the paths of righteousness for his name's sake.

"Yea, though I walk through the valley of the shadow of death I will fear no evil for thou art with me; thy rod and thy staff comfort me.

"Thou shalt prepare a table before me in the presence of them that trouble me; thou hast anointed my head with oil and my cup shall be full.

"Surely, thy loving kindness and mercy shall follow me all the days of my life, and I will dwell in the House of the Lord forever."

SENATOR TED STEVENS FROM ALASKA

Mrs. Gruening, members of the Gruening family, and friends of Ernest Gruening:

I knew Ernest Gruening as a Governor, as an author, as a Senator, as a political opponent, and as a good friend. Following the great battle of statehood, Ernest Gruening realized that the war was not over; the war was not over for Alaskans so long as there were Alaskans living in conditions worse than the 19th Century and so long as Alaska's resources remained locked up so that Alaskans were denied this very vital capital base for their future.

We have lost a great champion, and those of us who worked with him, as well as those who opposed him at times, know that well. Even after Ernest left the Senate you could see Ernest Gruening on the floor of the Senate when something came up that concerned Alaska. When the Alaska Native Land Claims Bill was before the Senate, he was there. He was there on the floor of the House when that bill was debated. When the Alaska pipeline battle was raging, Ernest was back on the floor of the Senate, and again he was back on the floor of the House.

The beauty of Alaska did not blind Ernest Gruening to the fact that Alaska's resources were vitally needed not only by Alaskans but by our whole nation.

Ernest Gruening has left a legacy for Alaska's Senators and you will hear a great deal about that Alaska legacy. He had the courage to stand and do battle, even though he stood almost alone, with the sole thought that he knew what he was doing was right—right for the nation, and right for his State.

I was thinking as I came down here today of the fact that Ernest Gruening went to Alaska at a time in his life when he was a year older than I am now; and yet he has left

behind him 3½ decades of service to our people and to the whole nation. That is a great mark that he has left. I can assure you that those of us who are trying to serve our State now realize the scope and the depth that this man had as he approached the great issues of the day.

Longfellow said about Charles Sumner: "When a great man dies, for years beyond our ken the light he leaves behind lies brightly on the path of men."

ROBERT ATWOOD, PUBLISHER OF ANCHORAGE TIMES IN ALASKA

Dorothy, Hunt, and Clark, and other members of the family, and friends of Ernest Gruening:

I have come here as an Alaskan, and I want to comment particularly on the thirteen years that we had Ernest Gruening as our Governor, as our leader, and as our friend. He came to us as an appointed Governor, and was greeted with the usual skepticism of any appointee from Washington. He was appointed by President Roosevelt and was responsible to the people in Washington. He wasn't our man; he wasn't our selection; but we got him. He found us living in happy isolation, I'd call it, limited in our narrow economy and unimaginative in our planning and certainly captive to the absentee interests that controlled the politics and economy of Alaska.

Regardless of the handicaps of being an appointed Governor, and being in a far-off land, far from Washington, misunderstood in Washington, and probably beyond the perimeter of interest of most of the people in Washington, Governor Gruening showed us how to lift ourselves by our bootstraps. We rejoiced that we had him for thirteen years as our Governor. In that time every community, every family, indeed, I think it is safe to say every individual, had his life enriched by association with him, exposure to his great leadership, and having the inspiration of his zeal and enthusiasm. He took our little Territory with a handful of people—about 72,000—and over the years built it to a point where we were accepted into the Union as a full-fledged State. And our Governor Gruening was the key man in that.

For thirty-six years he dominated our lives in a marvelous way. His spirit is bigger than Mount McKinley. I am one of the thousands who mourn this loss, and even though the loss is very personal to me, I don't think I'm any different from many, many more in Alaska. He was in many ways a father to me; and certainly my instructor and my leader; and had it not been for the inspiration of association with him, I am sure Mrs. Atwood and I would not have remained in Alaska as long as we have.

Ernest Gruening led Alaskans in breaking down that isolation, showed them how they could build roads to join up their communities so they aren't isolated, establish telephone systems and the very basics for civilized life . . . transportation systems, airmail—all that introduced while he was our Governor. He showed us how to improve our public services and our public facilities through the construction of community halls, schools, hospitals, water systems, and all the basics to make life more agreeable. And he advanced our culture in all the fields of arts with programs that enriched us. He gave us new educational opportunities and many new choices in how we wanted to live and what we wanted to do. And he taught us a great appreciation of the wonders of nature that we have around us, the gorgeous scenery, the massive mountains and the sweeping valleys, and the wildlife and the waterfalls. Ernest Gruening had a great appreciation for all the good things in life, and he injected it in our lives.

Words are feeble in expressing this great loss, for no other one man has done so much for Alaska, and those who love Alaska, as he did. It's as though President Roosevelt handed him Alaska and said: "Here's yours, now go see what you can do with it." And see what he has done with it, and what he has done with the people.

In behalf of Alaskans, I say: "Well done, thou good and faithful public servant."

THE HONORABLE IRA HIRSCHMANN, AUTHOR AND AMBASSADOR

Dorothy, family, friends of Ernest Gruening:

I suppose that a man's nearness to God can be measured by his ability to stand alone in a troubled world against many odds and battles. In these days, when the very fibre of the nation's moral sinews is being tested, when the cry for the truth is heard throughout the land, how reassuring and heartening that we can now turn to the enduring values and the example of the life of one truly great citizen, our cherished friend, Ernest Gruening. One must search the annals of American history to find any one human who added so much to his fellowman in this society than this great and noble citizen. To have known him as a friend is to have added an extra dimension to one's life, to my purpose, and to my direction.

How very grateful I am to be here to say these few halting words at the true summit of his life, for only now will we begin to know and feel the full radiance of that personality from whom sublime courage and joy of friendship we take nourishment in a world wanting today so much in truth and the compassion for which he stood. It was Ernest Gruening who offered me his guidance as a young man, and who involved me, with him, in some of his many battles—always for the rights of others against the immense odds of predatory interests, always for a better life for America, for the many instead of the few. In this tireless search he literally made the impossible possible, as an almost single-handed achievement of bringing Alaska into the Union and his dual effort with Senator Morse in proclaiming to the world the indignity and the destruction of human life and civilization in Vietnam.

Ernest treated friendship and the problems of state not daintily but with the roughest of courage. What do we know of destiny and all the folly that now pursues us so relentlessly in our nation? I say here that Ernest Gruening's citizenship and example are the very guarantee of the durability of the greatness and future of this nation and its people. And how he hated sham and adornment. His rugged simplicity is in the greatest American tradition.

May I be permitted to tell, in conclusion, one personal episode that typifies his unique personality and independence and quality. In one of his last visits to New York he arrived at my home carrying his own luggage, a heavy battered suitcase that he bore with the kind of independence and stalwartness that was his mark and his style. I like to think that his voyage is now lightened by the love and devotion that he carries in his extra luggage from those countless friends here, in Alaska, in New England, and throughout the breadth of this land, for the better life that he made possible for so many which will be Dorothy's, his son Huntington's, and his family's richest heritage.

In this hallowed hour and place, may I be permitted also to pay humble homage to his partner in life, Dorothy, whose nobility, unswerving loyalty, and love to all that Ernest and his family stood for are an unending part of the immortality that he breathes.

THE REVEREND JOHN WELLS, MINISTER OF THE UNITARIAN CHURCH IN RESTON, VA.

I, too, speak to Dorothy Gruening, to the family, and to the friends of Ernest Gruening:

My only regret is that I did not know him all of my life, but that portion which I did know him has been so meaningful to me, as it has to all whose life he touched. And I would ask that may each of us, as we walk down the pathway of life, so live that we may hold open to all our life; may we say to all, come into the circle of our love and partake of justice and truth. Come into the brotherhood of our holiness; come and partake of our peace and joy. May each of us permit that which we desire of the universe to penetrate us, and may forever loving kindness and mercy pass through us, so that forever truth and love may be the pathway of our life.

We have gathered together here today, at this great cathedral, to pay honor and respect to Ernest Gruening, and such a gathering is in the best tradition of man. From the earliest age man has sought to understand the mystery of life and the mystery of death. The riddle is not answered and the mystery is not solved. With each birth there is the promise of unfolding life; there is the prediction of deaths.

Ernest Gruening is dead. He is no longer with us to guide us; he is no longer with us to set the example we would all aspire to follow; yet by his life are we led; by his example we find inspiration to continue to struggle for that which is truth, that which is just, and that which is beautiful. Ernest Gruening's life has been set before us, from New England, to Alaska, to Washington, a life of adventure. His religion was his life; his life was his religion. In the near-perfect molding of all that is good in our Judea-Christian heritage, Ernest Gruening followed that simple principle that seeks to establish on this earth the fatherhood of God, the brotherhood of man, under the leadership of Jesus. Such a religion is all-encompassing. It places its focus in this world. It requires of its adherents their utmost in achievement. The fatherhood of God unites all men in their quest for equal justice. The brotherhood of man demands mercy and compassion, and the leadership of Jesus of Nazareth demonstrates that love is the methodology of such a life's adventure. If ever there was one who sought to so live, it was Ernest Gruening. He was a model to us all, and now we must face our lives without him. May we be sad; may we grieve; may we ponder the mystery of life and the tragedy of death; but may we be affirmed in our own lives as we pursue our tasks with renewed vigor, with increased courage, and with the sustaining knowledge that all the world is better for having had in it Ernest Gruening.

And now, may that eternal restlessness that moves within the heart and soul and mind of each human being cause each of us to know and to feel that all persons are precious, all human beings worthy; may we be thankful for this life that did come and reside with us, reside with us as husband, father, leader, teacher, and friend. May we return to the scenes of our daily life with the faithfulness to bear our own trials in the patience of faith, the comfort of hope, and with the courage of our convictions that the world—the whole world—can some day be a place where each of us may reach our own potential, where the dream of Ernest Gruening comes true. Amen.

SENATOR WAYNE MORSE

Ernest has left us, but we should not grieve because he would not want us to do that. We are all diminished because he is gone, but we are all enriched because he lived. From the memory of his great spirit we must find renewed strength to fight the many battles and the causes of human freedom which lie ahead. His brilliantly written autobiography entitled: "Many Battles" spells out the ethical and moral principles that directed his public service in defense of the public interests as he moved from one embattling issue to another.

Ernest Gruening personified truthfulness, honesty, integrity and courage throughout his public service. He has been warning us

for the past many years that these attributes of good character have been lacking in many high places in all three branches of our government. He recognized and warned that if our government, through its policies, violates the moral and legal principles upon which our system of constitutional self-government was founded, American citizens, once they become convinced of such wrongdoing, will demand and obtain a return of their constitutional freedoms and rights. It was to this issue of honest government that Ernest Gruening dedicated much of his time for the past 10 years.

Ernest Gruening was a very effective political evangelist in the cause of peace through enforceable rules of international law. He did not oppose but supported adequate national defense, but he did oppose vigorously undeclared wars by our country, or any other country. He opposed military balance of power diplomacy, military intervention into the internal affairs of other nations, even though it is done under diplomatic guise of a detente. He warned over and over again that nuclear proliferation and the leaving of war-making power in the name of national security and sovereignty to a few nations, including our own, without complete international enforcement control, increases the danger of a nuclear arms race ending in a worldwide catastrophic nuclear war. He urged that we not leave that legacy to oncoming generations of mankind. History will record Ernest Gruening as being far ahead of his time, but above all else he will go down in history as a statesman in support of peace in our time through enforcement by world law. Our nation will be enriched increasingly by his historic greatness.

When historians in the years ahead finish their documented evaluations of the public service record of Ernest Gruening, he is certain to be ranked among the list of greatest Senators ever to serve in the United States Senate.

CANON GLENN

Let us pray. Our Father who art in heaven, Hallowed be thy name, Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for thine is the kingdom, and the power, and the glory, forever and ever, amen.

Almighty God, we remember this day before thee, thy faithful servant Ernest, and we pray thee that having opened to him the gates of larger life, thou wilt receive him more and more into thy joyful service, that he may win with thee and thy servants everywhere, the eternal victory. Deal graciously, we pray thee, with all those who mourn, that casting every care on thee they may know the consolation of thy love. We give thee thanks for all those thy servants who have spent their lives and are spending their lives in the service of our country; grant to them thy mercy and the light of thy presence that the good work which thou hast begun in them may be perfected. And now, O'Lord, support us all the day long until the shadows lengthen and the evening comes and the busy world is hushed and the fever of life is over and our work is done; then, in thy mercy, grant us a safe lodging and a holy rest and peace at the last.

Unto God's gracious mercy and protection we commit you. The Lord bless you and keep you. The Lord make his face to shine upon you and be gracious unto you. The Lord lift up his countenance upon you and give you peace and strength in his service and in the service of these ever-more dear United States. Amen.

THIEU HANGS ON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, this administration's continuing support of the South Vietnamese regime—despite the wishes of a large part of that country's population, and, in many cases, in complete disregard of the Paris accord—is unwise as well as immoral. It is a policy that does not offer even the possibility of success. The more aid we pour into South Vietnam, the less likely a solution to the conflict becomes. As long as we subsidize Mr. Thieu in the high style to which he has become accustomed, there is no end in sight—simply because there is no reason for him to come to terms with the political and economic realities of his own country.

One of the best expositions of our disastrous policy in Vietnam is an article by the brilliant British journalist, William Shawcross, in the current issue of the New York Review. The article, entitled "How Thieu Hangs On," is a superb analysis of the situation, and in order to share it with as many of my colleagues as possible I am asking that it be reprinted in the RECORD today.

The article follows:

HOW THIEU HANGS ON

(By William Shawcross)

Outside the home of Mrs. Ngo Ba Thanh, behind the now near-empty Hotel Continentale, half a dozen motorcycle policemen sprawl across their machines. Mrs. Thanh is an indomitable proponent of the "Third Force" solution to Vietnam's problems and periodically one of those political prisoners of President Thieu whose existence the State Department blandly denies. She now seems more determined and enthusiastic than ever. "The core of the problem in Vietnam," she told me, "is the GVN's suppression of the Third Force."

That is wishful thinking, but listening to her, and, indeed, to many other Vietnamese and foreigners who talk of a "Third Force" in a Saigon once more free of American uniforms, one is always aware that the earnest plainclothes employees of Nixon and Kissinger, led by Ambassador Graham Martin, are audibly contemptuous of the idea of any political change whatever.

On March 22 the PRG proposed a six-point peace plan. It included: an end to the fighting; the return of all prisoners; guarantees of all democratic liberties; the formation of the National Council of National Conciliation and Concord with participation of the Third Force component; free elections; and a "solution" to the problem of the armed forces. It was immediately rejected by the GVN. On April 14 Thieu declared that "those who pretend to be members of the Third Force [are] traitors and lackeys of North Vietnam." The GVN then proposed its own four-point peace plan which included the withdrawal of North Vietnamese troops from South Vietnam. It too was not accepted.

The report of the Senate Refugee Subcommittee is based on a visit made to all four countries of Indochina in the spring of 1973, and on hearings held last August in Washington. It is intended, says the chairman of the subcommittee, Senator Kennedy, to show that America's continuing obligations to Indochina "are less to the governments than to the people—to the millions of war victims and other disadvantaged. . . ."

The World Bank's report was written after several of its staff visited Saigon in November, 1973. It is supposed to help members of the Bank to determine whether they might make good profits by investing in South Vietnam. The Vietnamese ministry of finance's short document was written in the fall of 1973 and is a plug for the glorious future of the republic under the rule of President Thieu. So are all of Ambassador Martin's declarations, threats, and inprecations. *US and Indochina* is a monthly critical analysis of current US policies; *Indochina Today* is a collection of the latest articles from the world press which provides invaluable source and reference material. Both are published by what Mr. Martin would call a "remnant" of the peace movement and both are threatened with financial extinction.

In the foreword to his committee's report Kennedy suggests, perhaps a trifle hopefully, that the January, 1973, cease-fire agreements gave the United States the opportunity "to reorder our priorities in Indochina—to change the character of our involvement, to embark on new policies and to practice some lessons from the failures and frustrations of the past." That opportunity has, of course, not been taken because to the Administration it was an irrelevant by-product of an agreement whose primary purpose was the extrication of uniformed Americans from both sides of the DMZ. US policy has not changed in the slightest since President Nixon declared, four days before the pact was signed, that the GVN was "the sole legitimate government of South Vietnam."

Since then, all of President Thieu's efforts to improve his position over the communists have been given at least tacit US approval, whether or not they contravened provisions of a document which has long since served its purpose. From Ambassador Martin, an entirely appropriate choice as the Nixon-Kissinger envoy to Saigon, the approval has been not tacit but boisterously loud. He believes that North Vietnam is committed "to bring the people of South Vietnam under a regime so totalitarian that, in a comparison, Solzhenitsyn's *Gulag Archipelago* describes a moderate and liberal regime." It is therefore entirely understandable that he should seize every opportunity to denounce as members of "Hanoi's well-orchestrated chorus" those who, like Kennedy and his staff, wonder whether the interests of the Vietnamese are identical to those of President Thieu.

Washington's attitude is perhaps best illustrated by an exchange among Kissinger, Kennedy, and Martin. On March 13 Kennedy sent Kissinger a series of questions about current US policy toward Indochina. On March 21 Martin cabled the State Department, advising, "It would be the height of folly to permit Kennedy, whose staff will spearhead this effort, the tactical advantage of an honest and detailed answer to the questions of substance raised in his letter." A week later a copy of Martin's cable was slipped under the door of the Refugee Subcommittee's office in the Old Senate Office building, and, on April 2, Kennedy read it into the *Congressional Record*, along with his own question about what country Mr. Martin was supposed to represent.

Kennedy also commended "Secretary Kissinger . . . for not following the Ambassador's advice that a member of the Senate should not be given honest answers to questions of substance in a significant area of public policy and concern." He was being overgenerous, for it is hard to see any way in which Kissinger's replies, sent to Kennedy on March 25, could be called "honest."

"Our objective in Vietnam," Kissenger replied, "continues to be to help strengthen the conditions which made possible the Paris Agreement." But the most important of those conditions no longer exists. Hanoi no longer holds American hostages; there is no longer any visible American troop presence in South Vietnam; there is little or no public concern about the country's future in America. Neither Dr. Kissinger nor Mr. Nixon has much need (or, indeed, time) to try to force either side to make any further paper con-

cessions. Chou En-lai recently told both Zambian President Kaunda and Algerian President Boumedienne that he was disappointed by Kissinger's failure to try to end the war in either Vietnam or Cambodia; he should not, however, have been surprised.

The cease-fire agreement which Kissinger negotiated eighteen months ago sanctioned the presence of North Vietnamese troops over large parts of South Vietnam. Now, however, Kissinger, with what one can only call remarkable logic, declares, "The presence of large numbers of North Vietnamese troops in the South demonstrates that the military threat from Hanoi is still very much in existence." What was fifteen months ago integral to the settlement by which the US regained its POWs has now become an excuse for America's continuing to pour the matériel of war into Vietnam. Kennedy remarks that Kissinger has merely devised "a new rationalization for our continued heavy involvement in Indochina."

Kissinger explains that Administration policy toward Indochina is based on the premises first that "a secure peace" there is an important part of Nixon's search for "a worldwide structure of peace," and second that "forcible conquest" of the South by the North would provide only a temporary solution and would also have "seriouss destabilizing effects which are not limited to the area under immediate threat." He neglects to explain:

(a) How an agreement which allowed two irredeemably hostile armies both to occupy and to re-arm in the country over which they were fighting could ever lead to a "secure peace";

(b) Why the "forcible conquest" of South Vietnam by the PRG and the North Vietnamese would provide only a "temporary" solution (would it perhaps bring back the B-52s—moths to a flaming Saigon?)

(c) Why a temporary solution should be worse than no solution at all, which is what he is proposing;

(d) Why a communist victory in Vietnam and/or Cambodia would cause serious instability outside Indochina. How often was the subject raised in his negotiations in the Middle East?

Instead, Kissinger claims in extenuation of US policies that "the level of violence is markedly less than it was prior to the cease-fire." But how markedly? Neither side has yet launched an all-out offensive but during the past sixteen months each has tried continually to increase its holdings of land and people, at the cost of the lives of many thousands of those people. The leopard may be, over all, not much blacker or whiter than it was in January, 1973, but many of its spots have changed and a lot of them are bloodied.

The only casualty figures we now have are those provided by the ARVN and they are not always reliable. But we know from the Refugee Subcommittee's report that the first year of peace with honor produced enough violence to create 818,700 new refugees in Vietnam. This figure is certainly lower than that created by the communists' spring 1972 offensive (1,320,000) but it is far higher than in any other year since 1968. Before the cease-fire the fighting created an average of 636,375 refugees every year between 1965 and 1973 (excluding "temporary dislocations" in 1968 and 1972). Last year's total of 818,700 does little to justify Kissinger's self-satisfaction.

During 1973, 43,166 civilian "war-related casualties" were admitted to GVN hospitals. This means 3,597 a month—down from 4,228 a month in 1971 and 4,491 a month in 1972. Kennedy's staff points out, "When the 1973 toll of wounded and killed civilians (85,000 by subcommittee estimates) is added to the official statistics on military casualties for 1973, it become tragically clear just how violent the cease-fire war has been." Twelve months after the cease-fire was signed, an average of 141 people were being killed every day; by now well over 70,000 Vietnamese have died since January, 1973.

"The Vietnamese have, in short, suffered more in one year of peace with honor than America experienced during a decade of war," the subcommitttee staff reports. John Paul Vann, the legendary US adviser, was not voicing just a personal opinion when, in April, 1972, he explained Vietnamization to reporters in Kontum by declaring, "You and I regard human life as of some value. That's the difficulty for Western nations fighting Oriental countries. One American life means a lot in America but the North Vietnamese can lose twenty people without worrying. Fortunately standards here are changing as this becomes largely an Oriental ground war."

But it is American standards that have changed. The Refugee Subcommittee's report shows clearly that while Nixon and Kissinger were managing to Vietnamize the killing and the wounding, official American concern for the casualties of war just faded away. For example, there are—according to the subcommittee's estimates—between 300 and 600 million pounds of explosives still littering the villages, fields, and forests of Vietnam. "Mines and unexploded ordnance are today among the principal causes of civilian casualty admissions to South Vietnamese hospitals," according to the subcommittee report. Yet last August, USAID officials admitted that the US was doing absolutely nothing to help clear them. The excuse given was that "no US assistance has been requested by the Government of Vietnam." No such request was necessary, for article five of the second protocol of the cease-fire agreement states that—

"Within fifteen days after the ceasefire comes into effect each Party shall do its utmost to complete the removal or deactivation of all demolition objects, minefields, traps, obstacles, or other dangerous objects placed previously, so as not to hamper the population's movement and work, in the first place on waterways, roads and railroads in South Vietnam."

This has not been done.

As American casualties have fallen, so has USAID's contribution to South Vietnam's public health system. In fiscal 1968 the U.S. gave $27.6 million to public health in Vietnam. In fiscal 1974 it gave $5.5 million. This decline is rather sharper than that in most other USAID programs. In fiscal 1974, 76 percent of all U.S. aid to Vietnam was military. One half of one percent was for public health. For fiscal 1975 Nixon has requested, in all, $2.51 billion for South Vietnam. Of this, $1.6 billion is for military programs, and $911 million is split between "economic assistance," "reconstruction and development," and humanitarian assistance. Humanitarian assistance, at $136 million, makes up 5.4 percent of the total.

In his painstaking and revealing article in *Foreign Policy* analyzing Kissinger's duplicities in negotiating the January, 1973, cease-fire (an analysis which has increased GVN distaste for Kissinger), Tad Szulc points out that much the same sort of settlement could probably have been reached three years before. "Other than the effort at Vietnamization, therefore, there is no satisfactory reason for Kissinger to have refused to recognize reality for three years." But the relative success of Vietnamization provides a more than adequate reason; it bought the "decent interval" that Kissinger was demanding for Nixon's honor. The war continues now in part because of the U.S. military aid which fuels it; but even Washington's generosity would not have been able to sustain the hopeless arm Thieu had in 1970.

One reality Kissinger still refuses to recognize, however, is that South Vietnam cannot both run this war and control its economy. There are many in Saigon now who consider that if Thieu is destroyed the reason is just as likely to be economic and social collapse as military defeat.

The South Vietnamese economy is suffering as a result of the enormous rise in world commodity prices(the GVN imports 60 percent of all commodities consumed), the U.S. troop withdrawal, and especially the economic and human costs of the continuing war. South Vietnam has a population of 19.3 million, a work force of about 7.2 million. At the moment 1.1 million men, 15 percent of the work force, are in the armed services, and another 4 percent in the civil service. According to the GVN's minister for social affairs, the respected Dr. Phan Quang Dan, another 3.5 million people, or 49 percent of the work force, are unemployed. So even before you take into account the 150,000 who are still officially listed in refugee camps or temporary resettlment sites, 68 percent of the work force is not engaged in any productive work at all.

In 1973 prices in South Vietnam rose by an average of 65 percent, so far this year by another 22 percent. In the last twelve months chicken has gone up by 60 percent, fish by 40 percent, nuoc mam, the Vietnamese fish sauce, by 43 percent, and most important of all, rice by 95 percent. Last year the Government gave soldiers and civil servants an average pay rise of 17 percent. It wasn't much help to them and none at all to the millions of those—ranging from bar girls to Honda salesmen—who were inducted into service industries that supported the Americans while they occupied the country, and who now have no work, no land, no food at all.

To a visitor, Saigon without American troops and without the constant jam of Hondas is far more beautiful now than it has been in years. To most residents, their departure is an economic disaster. Relief officials throughout the country report that villagers and refugees are turning from rice to cassava, from cassava to other roots. On the night in April that Nixon took to the television screens to point out that even ten angels swearing he was right about Watergate would make no difference, Vo Van Nam, an unemployed one-time Saigon cyclo driver, set himself on fire on the square by the cathedral. He was in despair that he could ever feed his family again.

Thieu's ministry of finance in its bid for foreign investment, tries to make the best of the rampant unemployment by declaring:

"An abundant supply of industrious and low-cost labor is one of the great attractions for investment in Vietnam. The Vietnamese armed forces currently number about 1.1 million men. As this force is gradually reduced, consistent with progress in establishing a general peace in Indochina, the demobilized soldiers will add to the pool of disciplined and technically trained labor. Likewise the millions of refugees, though now viewed as a "problem," will, in time, contribute to the enlargement of Vietnam's inexpensive, often skilled and industrious labor supply."

Unfortunately for the ministry there is little sign either that Thieu considers he can much reduce the size of his military machine or that a general peace in Indochina is about to be established. And unless both those things happen, Vietnam's economy will remain unproductive, inflationary, and in decline. Graham Martin's continual declarations that after just two more years of substantial US aid Vietnam's economy will begin to have a Korean-Taiwan type boom are rubbish.

Martin, who is fond of pointing out that he is the son of a clergyman and that his wife describes him as a "completely honest man," has frequently maintained in his campaign for US aid that it is essential to offset Sino-Soviet help to Hanoi. In fact representative Les Aspin has now managed to extract from

the Defense Intelligence Agency (was he given the figures in order to undermine Kissinger?) the admission that the United States spent twenty-nine times more on arms to Vietnam between 1966 and 1973 than the Russians and the Chinese. Economic aid showed similar disparities. The Soviet and Chinese contributions, even at their highest before 1969 and 1972, do not show nearly such a commitment to the political future of Vietnam as Washington has always claimed. And still the villagers under PRG control can, it seems, get enough to eat; an increasing number of those under the GVN cannot.

As the World Bank report shows, Saigon's allies will have to continue investing at least $700 million a year, at current prices, in its economy until beyond 1980 if the social structure of South Vietnam is not to collapse totally under the weight of the war. And even that generosity will only slow the rate of decline. It will not halt it, let alone produce the gentlest of booms. In fact the World Bank's report is rather more optimistic than the Bank officials one talks to in Washington now profess themselves to be. It is, nonetheless, almost as depressing as Air Vietnam's latest travel brochure which touts an "Enchantment Holiday Tour," at $162 per person, of "the battlefields of Quang Tri via the Highway of Horrors" from Hue.

In Washington itself Bank officials now admit they see no chance of peace while Thieu remains. So long as he does, Saigon will get no Bank loans. Unless the consortium of companies now drilling for offshore oil strike very lucky, aid from outside the US and commercial investment are likely to trickle in no faster than they do right now. In 1973 $22.6 million was invested in Vietnam. In fiscal 1975 the GVN will need to spend at least $600 million on fuel, fertilizer, and rice imports alone. It can be provided only by the United States. Which is why Ambassador Martin is working so hard to counter what he calls "Hanoi's marvelously clever, ingeniously sophisticated and frighteningly pervasive propaganda campaign to force the American Congress to immediately and drastically reduce American aid."

So far he seems to be doing reasonably well. On May 6, it is true, the Senate approved by 43–38 a Kennedy amendment to prevent further US military commitments to Indochina during fiscal 1974. With eleven Republicans voting for the measure and Goldwater already having suggested "We can scratch Vietnam," the fiscal 1975 request seemed to be headed for trouble. But on May 22, the House voted $1.126 billion in military aid (only about $500 million less than Nixon had requested). On June 11, Kennedy failed by one vote in the Senate to cut the Armed Services Committee's recommendation of $900 million to $750 million (Seven "liberals" were out of town.) So the worst cut in military aid Saigon is likely to have to face in fiscal 1975 is about $100 million from last year's figure, unless Kennedy succeeds in his new plan to cut the appropriation to $600 million. This would force the Pentagon to make up the difference from other military aid funds.

The Administration's request for economic aid ($750 million) will probably not come out of committee until sometime in July. Kennedy will try to reduce it to about $400 million, which would be very serious for the GVN. The consensus among GVN and US officials in Saigon is that Thieu needs about $1.5 billion over fiscal 1975–1976 just to slow the rate of decline.

If no substantial cut is made, the GVN will probably be able to limp through next year's war, the standard of living of the people declining fast and inexorably, malnutrition figures rising, war casualties at least as high as now. Large-scale cuts in economic assistance, however, could cause a collapse of the straining economy. Critical food shortages could lead to a high rate of desertion from the ARVN and eventually to the "forcible conquest" by the communists that Kissinger has been warning us about. Or they might precipitate a Saigon putsch in which Thieu was replaced by a leadership willing to enter serious political negotiations with the "Third Force" and the PRG.

Equally, Thieu, who is more skilled than most in the art of survival, might himself realize that in order to stave off total collapse he must cut back his army, getting some of his troops into rice production, and that a political settlement is now far more urgent than before.

It could be, as the GVN claims, that the PRG is insincere in the reasonable sounding peace suggestions it has made. But insincerity, as Szulc's article on Kissinger shows, is not necessarily incompatible with successful negotiations. Perhaps congressmen will now actually read that article along with Kissinger's own quicksilver rationalizations for the continued bloodshed, the State Department's illogical, if not devious, replies to Kennedy, and Martin's frantic hyperbole. If they did they just might finally decide to try to find an alternative to Kissinger's continued brutalizing of Vietnam. For the logic of Kissinger's and Martin's demands requires Congress to ensure that for yet another fiscal year tens of thousands of Vietnamese be sacrificed on the altar of Nixon's honor.

OVERTHROW OF THE GOVERNMENT OF CHILE

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

Mr. ICHORD. Mr. Speaker, an assemblage of people is scheduled to gather in Washington this coming weekend in an organized protest against the Government of Chile. They will allege that the September 11, 1973, coup d'etat which overthrew the Presidency of Salvador Allende and led him to commit suicide was a severe blow to democracy in that South American country. They will also allege, according to advance publicity, that the military junta presently trying to pull Chile back from the brink of economic, social, and political chaos, is cruelly persecuting the people of Chile—especially the Marxist followers of Allende.

These allegations are propaganda fabrications of the worst magnitude. Just today, the House Committee on Internal Security is releasing the published hearings we held earlier this year on the Chilean situation and how Allende's Marxian regime subverted and nearly destroyed the economic viability and political life of that country in less than 3 years of misrule.

I urge those of my colleagues who are disturbed by the charges now being circulated against Chile to read the transcript of our committee's hearings to get the facts sorted out from the lies being spread by the world Communist apparatus.

Now, in connection with this forthcoming meeting in Washington, let me share with my colleagues some information about the sponsoring organization for the July 14–15, 1974, rally here. The organization calls itself the National Coordinating Committee in Solidarity With Chile. It has regional affiliates in a number of major U.S. cities but appears to be based in Chicago.

Playing leading roles in the Coordinating Committee are a number of Communist Party, U.S.A., members including Angela Davis, Helen Winter, Jarvis Tyner, John Gilman, Sylvia Kushner, and Pauline Rosen. This, of course, explains why the Coordinating Committee finds so much fault with today's Chilean Government of anti-Communists and directs no criticism toward the repressive activities of the Allende regime, the clandestine development of an underground paramilitary force of revolutionary guerrilla fighters, and the "Z" plan for assassination of non-Communist Chilean leaders in the military and political circles. It was the discovery of that plan and intelligence regarding the smuggling of enough arms from Communist countries to Chile to equip 10 battalions of revolutionaries that led the Chilean Armed Forces to conduct last year's coup. Had they not done so, Allende's plan "Z" would have plunged Chile into bloody civil war, at best, or a complete Communist takeover if the plan achieved its intended goal.

Ever since that coup, Marxists throughout the world have propagandized to the effect that injustice was done in Chile and that for humanitarian reasons, the Chilean Government should be treated as an outlaw. This is the theme of Communist propaganda and it is the theme of the forthcoming rally in Washington.

The keynote address Sunday, July 14, 1974, will be given by Abe Feinglass, international vice president of the Amalgamated Meat Cutters Union, when the Coordinating Committee sessions convene at the Marvin Center of George Washington University, 21st and H streets, NW., in the District of Columbia.

Those planning the rally say they want to solicit support for the following efforts:

First. To cut off military and police aid to the Chilean junta;

Second. To cut off economic aid and U.S.-connected international credit—food for people to be administered by the United Nations;

Third. To extend Chilean visitors visas and open U.S. borders to refugees, Allende's Marxist and Trotskyite followers;

Fourth. To impose an embargo on trade with Chile; and

Fifth. To persuade the U.S. Congress to conduct investigations into alleged U.S. involvement in the coup and the deaths of two Americans, Frank Teruggi, Jr., and Charles Horman, at the time of the coup.

After an all-day and evening meeting of the participants in planned workshops and plenary sessions on July 14, the Coordinating Committee hopes to send a so-called people's lobby out to buttonhole State Department personnel and Members of Congress on Monday, July 15, 1974. This will be concluded by a news conference Monday afternoon.

Organizations participating include, in addition to the CPUSA, the Young Workers Liberation League, a CPUSA youth arm, the Women's International League for Peace and Freedom, the Communist-influenced Chicago Peace

Council, the National Alliance Against Racist and Political Repression, a new Communist front, and numerous other groups with strong ties to the left in the United States.

From looking over the list of sponsors, I am persuaded that many have agreed to involve themselves out of ignorance of the real situation in Chile, either under Allende's Presidency or under the junta's leadership since the Allende overthrow.

I would urge them to examine the testimony obtained in the Internal Security Committee hearings from responsible Chilean moderates not identified with either the left or the right.

Meanwhile, Mr. Speaker, I received a letter over the Fourth of July recess from Ms. Carmen Puelma who was one of the foremost Chilean radio and television commentators during the trying period of Allende's regime. She is now the press attaché of the Chilean Embassy but she writes in the capacity of a patriotic Chilean citizen with a great appreciation for the United States and the historic association of our two countries. The letter is so interesting that I would like to close my remarks by inserting her letter at this point in the RECORD:

EMBAJADA DE CHILE,
Washington, D.C., July 2, 1974.

Attention: Mr. John Lewis.

Hon. RICHARD ICHORD,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN ICHORD: I salute the people of the United States of America on the 198th anniversary of their Independence, with the four freedoms still secure under the red, white and blue, and fifty white stars of your national emblem.

Our flag was modeled as yours. It is also red, white and blue. But with a single star. It missed becoming red alone, symbol of man's subjugation to the Communist yoke.

Our history has been closly related with the United States since the 18th century, when your Independence was a persuasive model for all Chilean patriots. This example was followed and the 19th century showed our battle for freedom. And we rebeled against foreign domination.

Arms, vessels and printing equipment were brought to Chile from the United States. During 1811 and 1812 a number of North American technicians worked with us in order to create new industries and specially to build our first railroad. Our railroad is among the first built in South America.

At the same time, the strait of Magallanes and the port of Valparaiso were very important in the trade with California. Many of the cities in California, their streets have names of Chilean pioneers that helped build this region. Since then Chile has been a friend of this country.

Let me add on this occasion that in full conformance with the Chilean Constitution, in 1970, our citizens, including the military, accepted a Marxist president that had received 36% of the total popular vote. All of us had high hopes that the new regime would continue to honor the Constitution and perhaps propound economic and social reforms that would provide a better life for all Chileans. But, once the regime was in power, what we received was disregard of our constitution, concerted actions to break down social and religious organizations of our country, and a deliberate plan to destroy the productive economy of the country, and worst of all the smuggling of arms and the importation of foreign guerrillas. By comparison, the above would be like 330 thousand armed and ruthless groups bent on the destruction and overthrow of the United States with the help of outside powers. I do not believe that your Armed Forces and Police would have accepted this to take place and to dominate this country. That is why the majority of Chileans asked and even begged their Armed Forces to intervene.

Historically, as in the United States, the military forces of Chile had scrupulously kept out of politics, and therefore we consider them at present the guardians of the Nation until they recover the basic conditions necessary for a democracy. In the meanwhile, we need your understanding and support.

Let our sacrifice, that includes the death of some of our deceived fellow-citizens, be a lesson and also a present to you on this anniversary. We narrowly missed our flag and country becoming all red. That is why when we look at the red, white and blue we know that we can continue to wave in the winds of freedom in both nations.

CARMEN PUELMA A.,
Journalist of Chile Press Attaché.

TURKISH DECISION PLACES HUMAN MISERY FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, Turkey has decided to place human misery above all other considerations.

I was shocked at the announcement by the Turkish Government that they were removing their ban on the growth of opium producing poppies.

Their action violates an agreement with the United States designed to halt the illicit supply of morphine base from Turkey to the heroin laboratories in Marseilles, France.

The United States acted in good faith, seeking to bring at least a partial halt to this traffic in human degradation by stopping production of this vicious drug at the source. It is estimated that 80 percent of the white heroin found in the United States had its source from the illicit market in Turkey.

Numbers come flippingly off the tongue. Figures like there were 600,000 heroin addicts on the streets of America when the Turkish Government banned the growing of the poppy.

We pledged in 1971, such a short time ago, $35.7 million to the Turkish Government to provide credit for the loss of legal opium sale to the pharmaceutical industry and to provide crop substitution for the Turkish farmers who for centuries have grown opium poppy.

The action of the American Government was an act of humanitarianism.

This is another example of man's inhumanity to man. The Turkish Government is not concerned that those addicts—I used the figure 600,000—were humans. They were caught in a vicious cycle of drug dependence which reduces them to a state little above that of an animal in many instances.

The price we agreed to pay was modest when you consider the loss of life and property from robbing, maiming, and killing by addicts to support their habit.

Heaven knows what unsuspecting youngster, now in grade school, will live a life of horror and die a death of agony because of the decision of the Turkish Government.

It has been reported that an amnesty bill passed in Turkey has released from jail all convicted and charged narcotics traffickers. These experienced, depraved individuals will be able to rebuild the pipelines of illicit opium immediately.

It has been reliably established that arrests in New York City alone decreased from 41,000 to 16,000 in 1973, a figure I believe to be a direct result of the reduction in supply of Turkish heroin.

Mr. Speaker, what do we do?

First, I think we speak out in the strongest possible terms. Second, I think we should bring every economic weapon we possibly can against the Turkish Government. Their decision was based on economic considerations, in essence, another example of pieces of silver for the lives of the helpless.

I call upon the President and the Congress to immediately cut off all economic aid to the Turkish Government, and that we urge all international organizations to do likewise. Perhaps other lands will see this as an act of international imperialism. Perhaps, just perhaps, some will see it as an act that is right for all mankind.

The problem we experience today will be the plight of other industrial nations tomorrow. There may be nothing unique about the American experience with drugs. It will come to other lands unless they join in concern with us to halt the supply at the source.

No power, no amount of money, no amount of men, can halt this traffic. This has been proven time and again.

In the meantime, the drug culture seeps into the grade schools and gnaws at the very fabric of our society.

Mr. Speaker, words are inadequate for me to express my contempt for the Turkish Government, and yes, its people. They are dealers in human misery. They have broken an international agreement arrived at with such heraldry only a short time ago.

Let this Government not fail to take any action that will bring the Turkish nation to a sense of responsibiliy. They obviously have not listened to reason, have no intention of living up to an international agreement that cost the American people millions, and have no regard for the misery and degradation they will bring to unsuspecting men and women, some yet unborn, who will suffer because of this action.

It is a tragedy of our time and every action should be exerted to overturn this decision. The stakes are too important not to do so.

IMPEACHMENT IN AMERICAN HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Speaker, I would like to commend to the attention of my colleagues a timely article on a subject of considerable interest, impeachment.

I think the article accurately illustrates some of the perils inherent in the process, and shows that the hue and cry we now hear for impeachment is nothing new but completely traumatic.

Dr. John Sutherland Bonnell, the author, has very good credentials on the subject, having written "Presidential Profiles" on the lives of 36 Presidents. A theologian, he has received 10 honorary doctorates and has served as President of New York Theological Seminary.

Putting the impeachment question into the proper frame of reference is, in my opinion, of utmost importance now if we are to fairly judge our current situation. Dr. Bonnell does this.

It follows:

IMPEACHMENT IN AMERICAN HISTORY

(By John Sutherland Bonnell)

"Impeachment" is the word. It is now on everybody's tongue. Many Americans regard impeachment as a simple and convenient means of getting rid of an unwanted National leader. They appear to be oblivious of the traumatic effect such an event would have on the American people and indeed also on nations friendly to us. President James Buchanan asserted that, "It would be an imposing spectacle for the world."

Americans right now should be doing their history homework, so that we may become better informed on the presidential crises of the past and discover how they were resolved. We need an informed perspective in order to see current events in their relative importance.

WASHINGTON—THE FIRST TO BE THREATENED

It may come as a surprise to some to learn that our first President, George Washington, was threatened with impeachment by political enemies. The charge against him was "A daring infringement of our Constitutional rights." It arose when the Jay Treaty was concluded with Great Britain in 1794.

William Roscoe Thayer, a biographer of Washington, declares that a bitter struggle was precipitated when the President's opponents in Congress demanded that he had over the correspondence and exchanges that led up to the signing of the Jay Treaty. This George Washington resolutely refused to do, even though he had neither precedent nor legal landmark to guide him. Dr. Thayer remarks that Washington clearly foresaw the danger of such a concession to his own administration and also the likelihood that it would be used against his successors in the Presidential office.

During and after confrontation with his antagonists Washington was deeply hurt by assaults not only on his capacity to govern but also on his character and honor. He wrote, "Every act of my administration had been attacked in such exaggerated and indecent terms as could scarcely be applied to a Nero—or even to a common pickpocket." George Washington was undeniably "first in war" . . . but several decades had to pass before he was "first in the hearts of his countrymen."

Andrew Jackson was swept into the Presidency on his reputation as a military commander and by a hero's role in the war of 1812. Yet even before his election, as soon as he became involved in public life, he was deeply hurt by continuous onslaughts on his character and the aspersions upon the virtue of his beloved wife Rachel. Jackson in office manifested something of the inner strength and determination of Abraham Lincoln. These qualities he demonstrated by preserving the Union when it was dangerously threatened in March 1833.

During a fierce controversy over chartering the Bank of the United States, Congress passed several resolutions extolling the Bank and censuring the President. His political foes employed censure, which has been called a "soft impeachment," only because they could not muster sufficient votes to impeach him. Strangely enough, long before he had entertained the remotest hope of himself becoming President, young Andrew Jackson had demanded that George Washington should be impeached.

Senator Calhoun, in a violent speech on the floor of the Senate, said that Jackson's "bank deprivations" were "adding robbery to murder." Later the President reported that he had received five hundred letters from people threatening to kill him. Indeed he escaped death only because a would-be assassin's two pistols both misfired. Tested later by the police, both fired perfectly. Professor Sidney Hyman commenting on these happenings, writes, "In the final pathological stages of the efforts, (personal) attacks of this sort have led directly to the death of three presidents and to attacks on others." President Jackson retired from office more popular than when he was first elected.

Louis Brownlow in "The President and the Presidency" writes "Every President when he has been in office, has been denounced as a despot, a tyrant, a dictator, as one who was using the power of the Government to achieve his personal ambitions. The only President who was not so denounced was William Henry Harrison; he lived only one month after he was inaugurated."

Almost identical language is used on this subject by Marcus D. Cunliffe and Sidney Hyman, the latter described by historians as an "expert on the Presidency."

IMPEACHMENT OF ABRAHAM LINCOLN PLANNED

Abraham Lincoln who was President of the United States during the most critical years of this nation's history, came threateningly close to impeachment in the winter of 1862–1863. Secret meetings were held in Washington to lay plans for launching an impeachment. Radical Republicans with reactionaries of both parties wanted a man in the Presidency more obedient to their wishes.

Early in the summer of 1865 Lincoln's rating sank to its lowest point, even among a large proportion of prominent citizens. Richard Dana, author of "Two Years Before the Mast," wrote to Charles Francis Adams, who was American Minister to London at that time, "The most striking thing in Washington is the lack of personal loyalty to the President. It does not exist. He has no admirers, no enthusiastic supporters, none to bet on his head." Dana added that Lincoln was "a good Western jury lawyer but he is an unutterable calamity today where he is."

Carl Sandburg comments, "For weeks the denunciation flowed on mixed with clamor and sniping criticism. Albert G. Riddle (Republican of Ohio) said that, "The just limit of manly debate had been brutally outraged." The press had caught up and re-echoed the clamor.

The impeachment scheme failed but the more merciful assassin's bullet succeeded. America had gotten rid of Abraham Lincoln.

THE TRIAL OF ANDREW JOHNSON

The classic illustration of what American presidents, while in office, have had to endure and which is most pertinent to our time, is the almost successful impeachment and conviction of President Lincoln's successor, Andrew Johnson . . . His efforts to put into effect the more generous policies that Lincoln had advocated with respect to the South and other controversial matters brought him into sharp conflict with members of both the House and the Senate. Everything came to a head when he dismissed Secretary of War Edwin Stanton who not only opposed the President but secretly acted as an informant for his bitterest opponents. Congress had just passed a law designed to block such an action by an American President and re-installed Stanton.

President Johnson in his own defense claimed that his viewpoint would have been supported by every President from Washington to his own day. And he was right if John Adams' position was typical of other former presidents. Long before the Johnson issue had arisen President Adams during a heated discussion remarked "if the President of the United States has not enough authority to change his own secretaries, he is no longer fit for his office."

If President Johnson had meekly accepted such a law as Congress had proposed it would have broken down the Madisonian concept of "checks and balances" in the interrelationship of the President and the Congress. The uniquely important office of the Presidency would have been degraded into some kind of political secretariat that could readily be made the tool of designing politicians.

Many Americans are clamoring today inside and outside of Congress for the impeachment of President Nixon as though it were a simple matter to accomplish with clear-cut procedures and would entail a minimum disturbance to either our national life or the structure of American government. They should read the story of the whole sordid business of the impeachment by the House of Representatives and attempted conviction by the Senate of President Andrew Johnson.

Dr. Ronis W. Konig, author of "The Chief Executive" states that President Johnson's trial by the Senate was presided over by a Chief Justice "who wanted to be president; having a craving for the office that Lincoln once likened to insanity." In line of succession was the "president protempore" of the Senate whom the author describes as "vulgar and vituperative." The trial lasted eleven and a half weeks. One thousand tickets were printed valid for one day and "furiously competed for." The galleries were crowded with the senators, their wives and daughters, "blooming with finery"—scores of reporters and distinguished visitors from other countries attended.

The "radicals" secured an adjournment for ten days, despite the objection of the Chief Justice, to line up every possible vote against the President. The prosecutor at the trial before the Senate called President Johnson: "a traitor, a tyrant, a usurper and an apostate."

The attempt at conviction failed by one vote.

"The one heroic figure to emerge from the contemptible proceedings was Senator Edward G. Ross, a soldier and journalist of Kansas, who voted "No." He withstood incredible pressure with soldierly firmness even though, to use his own words, "friends, position and fortune were ready to be swept away" and he stood "looking into his own grave."

By this heroic act, our system of American Government with its delicate balance of responsibility between the legislative and executive branches, fashioned with pains-taking care through three-quarters of a century, was preserved. A fearsome threat to representative democracy in America went down to defeat by a single vote. If President Johnson had been successfully convicted, the door would have been left wide open for the dismissal of any President, on political rather than legal grounds. Professor Rexford G. Tugwell writes that the radicals in Congress were determined to reduce the Presidency to "ministerial status."

IMPEACHMENT—A MEGATON BOMB

The threat of impeachment and conviction has been likened to that of a megaton bomb—too frightening to contemplate ex-

cept as a last and desperate expedient. Professor Clinton Rossiter regarded impeachment as "The extreme medicine of the Constitution, so brutally administered in the one instance in which it was prescribed as to provoke a revulsion." President Jefferson could not even envision a situation where it might lawfully be used.

Despite the ominous words of Professor Rossiter and the skepticism of President Jefferson the fact remains that impeachment is still an integral part of the Constitution of the United States. How then do we account for the fact that no President of the United States has been impeached and convicted in almost two hundred years of our Nation's history, in spite of several abortive attempts to apply impeachment and one unsuccessful effort to obtain conviction. One reason undoubtedly is because of the dire penalties entailed. These are set forth in the Articles of the American Constitution: Article I. Section 3(7) which reads in part: "removal from Office, disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States:" "But the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

If the convicted President should happen to be a family man, the pall of disgrace would fall not only on himself but on his wife, his children and his grandchildren "to the third and fourth generation." It might well cut him off completely from the sources of livelihood for which he has spent the greater part of his lifetime in preparation. And who will aver that the Nation that elected him will not itself be on trial before the eyes of the whole world?

TOM IORIO HONORED BY ITALIAN GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, many times we do not hear of the honors and recognition that are sometimes accorded members of our staff but there is one instance occurring within these past few days which I wish to bring to the attention of the House and to which I wish to add my own laudatory comments and congratulations.

Tom Iorio, our majority pair clerk, a long time dedicated and loyal employee of the House was honored by the Government of Italy on July 10 at a ceremony at the Italian Embassy here in Washington.

His Excellency, Egidio Ortona, the Italian Ambassador to the United States, on behalf of his Government presented to Tom the Comendatore Stella della Solidarieta Italliona, the Order of the Star of Solidarity Italy.

In making this presentation, the Ambassador pointedly mentioned one of Tom's great attributes for which he is so well known among the Members of the Congress, namely his willingness to be helpful at all times. The Government of Italy said thank you to Tom Iorio, himself a great Italo-American, for his contribution toward furthering the cause of friendship between these great countries. I know all of my colleagues will want to join with me in congratulating a truly great House employee on his achieving such great recognition and honor.

DISTORTIONS ON H.R. 11537 WHICH NEED CORRECTING

(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 before me a letter from the Honorable John S. Gottschalk, executive vice president of the National Association of Game, Fish, and Conservation Commissioners. It is written to the editor of the Washington Post and it deals with distortions being waged by the opponents of H.R. 11537 which are abetted by the antihunting policies of the local press. Mr. Gottschalk's comments to the Post probably reached deaf ears and fell on barren ground. However, his letter shows a responsible understanding of H.R. 11537 and it deserves the attention of the Members of Congress. I take pleasure in submitting his statement for reprinting in the CONGRESSIONAL RECORD.

INTERNATIONAL ASSOCIATION OF GAME FISH AND CONSERVATION COMMISSIONERS,
Washington, D.C., June 28, 1974.

The EDITOR,
Editorial Page, the Washington Post,
Washington, D.C.

DEAR SIR: In her letter pubilshed in the Washington Post of June 27, Alice M. Weschke propogates a series of inaccuracies about wildlife, federal lands, and H.R. 11537, that need correction.

Historically, the states have regulated human use of wildlife resources. It was only with the signing of the Migratory Bird Treaty with Great Britain in 1916 that the federal government gained management authority over any form of wildlife. Since then Congress, through special Acts in recent years has preempted state authority to regulate the taking of eagles, marine mammals, and endangered species. For federal lands in general, state laws and regulations governing hunting and fishing are accepted as the rule. Indeed, the Taylor Grazing Act specifies that if hunting or fishing is permitted on lands in public lands grazing districts, state law shall apply. H.R. 11537 would do nothing to change these basic arrangements. It would provide legal sanction for a proven system, one which joins the land managing responsibilities of federal agencies with the wildlife managing capabilities of the states. It would not interfere with the federal wildlife responsibility on federal lands unless by mutual agreement.

The essence of H.R. 11537 is that it provides that state and federal programs should be coordinated, where mutually desirable, through cooperative agreements. Language developed by a Senate amendment will make clear that these cooperative agreements are supplemental to other authorities of the federal agencies. If the Chief of the U.S. Forest Service, for example, decides not to open an area to hunting he need not do so. But if he should so decide, and enters into a cooperative agreement, any hunting, fishing or trapping would be subject to state regulation. Moreover, there is provision that the cooperative agreement may require users to obtain a special permit, the proceeds from which would be used to support wildlife improvement projects.

The importance of this legislation has been lost on those who object to it on the erroneous assumption that it limits the authority of the federal government. Its real significance, however, is in the stimulus it will give to cooperative wildlife conservation programs on the public lands under the jurisdiction of the U.S. Bureau of Land Management and the U.S. Forest Service, both the National Parks and National Wildlife Refuges being exempt from its provisions.

Those who have participated in the last-minute opposition to H.R. 11537 would do well to examine the record: It is the state wildlife agencies, working in cooperation with their federal counterparts that have brought about the restoration of the major wildlife populations of North America. It is the hunter and angler who have paid the bulk of the conservation bill through their purchase of licenses and payment of the tax on their equipment.

Contrary to the assertions of Ms. Weschke and her source Mr. Bernard Fensterwald, H.R. 11537 is another important part of the framework of the American wildlife conservation system. It merits the full support of every conservationist.

Sincerely yours,

JOHN S. GOTTSCHALK,
Executive Vice-President.

THE FRANKLIN NATIONAL SITUATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Franklin National case presents a particularly troublesome problem for the Congress because of the excessive and unnecessary secrecy of the bank regulatory agencies. Congress has been kept largely in the dark about the problems of the bank and the possible long-range solutions.

Mr. Speaker, I met yesterday with the bank's new president, Joseph Barr, and I think it is commendable that this banker has seen fit to candidly discuss the issues with Members of the Congress. His openness is in direct contrast with the "public be damned" attitude of the Federal Reserve and the Comptroller of the Currency, whose secrecy has contributed greatly to the continuing doubts and rumors about the institution.

In my opinion, it is important that the Franklin National Bank survive as a viable institution and that the banking resources in New York not be further concentrated. However, the long-range solutions must fully protect the public's funds which have been involved in this bank and I think it is important that the solutions not do violence to longstanding banking policies, particularly those which are designed to assure maximum competition in the industry.

At this stage—without any specific proposals before the Congress—I want to leave it to Mr. Barr and the bank to publicly discuss any solutions which they have in mind. In the event that a formal proposal is presented the Congress, I will then feel free to discuss it.

The entire Franklin National case raises a number of banking questions and the staff of the Banking and Currency Committee, at my instruction, has been monitoring the developments. I have attempted to make as little public comment as possible because we did not have all the facts, and because I have not wanted to disturb any moves which might provide an answer to the problems.

This effect to monitor the developments has been hampered by both the

Federal Reserve and the Comptroller of the Currency and I am convinced that this results from the fact that these agencies have performed very poorly in examining and regulating the bank in the past. In the Federal Reserve's case, the dereliction of duty is quite apparent because I raised questions about the entry of Fasco and Michele Sindona in this bank more than 2 years ago. Despite promises in writing, the Federal Reserve failed to explore the situation under its authority provided in the Bank Holding Company Act and this is a failure which will be looked into as soon as some of the current problems are cleaned up.

The Comptroller of the Currency of course is the examiner of national banks and he has steadfastly refused to make information available to me concerning this bank. This attitude is, in my opinion, largely self-protective rather than an effort to further the recovery of the bank and this, too, will be looked into as soon as the current problems are stabilized.

In addition to seeking material from the bank regulatory agencies, the staff has been in contact with the Securities and Exchange Commission and it is only fair that I point out that this agency has been cooperative and has, in my opinion, acted in the public interest. The SEC obviously feels that full disclosuse is in the public interest while the bank agencies opt for the darkest secrecy.

The Federal Reserves has seen no reason to consult with the Congress despite the fact that it has poured more than a billion dollars into this bank, to be more exact a billion three hundred million. This is money that has not been appropriated or reviewed in any manner by the Congress and it is the kind of aid that is not available to any community, business, school or any other institution in the land. At a minimum, it would have seemed proper for the Federal Reserve to have kept this committee and other Members of the Congress informed of the developments and of the need for the massive use of the discount window in this case. Obviously this case points out the awesome power that the Federal Reserve System has in operating the discount window without any sort of control or review by the legislative bodies or other sectors of the executive branch. I think it would be wise for the Congress to take a look at the discount window operations and to set up criteria for the use of this device in the future.

At this point I do not know whether the Congress will be asked to take any action regarding Franklin, but it will be impossible to do so until such time as the regulatory agencies level with the committee. It would be a disgrace for any steps to be taken in this area without all the facts.

THE CHILD AND FAMILY SERVICES ACT OF 1974

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I am pleased today to introduce H.R. 15882, the Child and Family Services Act of 1974, and identical bills, H.R. 15883 and H.R. 15884.

I should make clear, Mr. Speaker, that I am introducing this bill on behalf of myself and my distinguished colleagues, the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Iowa (Mr. HANSEN), and the gentlewoman from Massachusetts (Mrs. HECKLER), as well as on behalf of a number of other Members of the House whose names I shall include following these remarks.

I should also note, Mr. Speaker, that companion legislation is shortly to be introduced in the other body by the distinguished senior Senator from Minnesota, Senator MONDALE, and the distinguished senior Senator from New York, Senator JAVITS.

Mr. Speaker, as chairman of the Select Education Subcommittee of the Committee on Education and Labor, I have been struck by the repeated testimony before the subcommittee concerning the critical importance of the early years of human life to later development, and I am pleased today that so many Members of the House, both Democrats and Republicans, are today joining to forward a new bill to strengthen services to families and children in those crucial early years.

Mr. Speaker, the Child and Family Services Act of 1974 is aimed at increasing and improving the day care preschool education, health, nutrition, and other services available to American families for their children.

UNMET NEEDS

I trust that no one here today would argue that there are no unmet needs in these crucial areas. Consider that with respect to health care—ours, the richest Nation in the history of mankind, ranks 14th in the world in infant mortality. I would hope that the prenatal and postpartum care which this bill can help provide, will make possible a start on improving this appalling statistic.

Or, to take another area of need, consider the handicapped child. Today there are 7 million handicapped youngsters in the United States between the ages of 0 and 18, including 1 million handicapped preschool children.

Fully 60 percent of these youngsters are not receiving the special educational services they need, and many of them lack the medical assistance they also require.

Early identification programs for handicapped and learning disabled children, such as can be established under this bill, will allow prompt treatment at an early age, treatment which can make a critical difference in helping such children reach their full potential.

Mr. Speaker, to cite a third area of need, I hope my colleagues are aware that there are today only 700,000 licensed day care places available for the 7 million preschool children with working parents.

It is time we made a start on providing decent recreational, educational, and social services for those youngsters who do not receive care from relatives or friends, but who are too often simply abandoned by their parents to wander the streets.

Mr. Speaker, I could continue to cite evidence of the need for a national commitment to a spectrum of services for families and children. I could recall for my colleagues the growing numbers of mothers who are working, the increasing number of single-parent families, the extraordinary numbers of teenage parents embarking on parenthood with little help or assistance, and the continued gap between demand and funds to support the Headstart preschool program.

But we really should not have to make the case anew for providing better services for children and their families in this country. Conferences, experts on children, Congress itself, and the President, have repeatedly called for a comprehensive child development program, and still we do not have one.

BACKGROUND OF LEGISLATION

Let me briefly recall the history of support for H.R. 15882.

The 1970 White House Conference on Children—representing parents, pediatricians, health and welfare experts, professors, and authorities in practically every area of children's needs—voted as their first priority to recommend the creation of a system "to provide comprehensive family oriented child-development programs including health services, day care, and early childhood education."

Mr. Speaker, President Nixon's 1969 message on welfare reform proposed expansion of the Federal commitment to child care, to provide "more than custodial" care. At that time, he announced that "this administration is committed to a new emphasis on child development in the first 5 years of life."

President Nixon's own Commission on School Finance urged the Nation not to ignore evidence that problems with later schooling might be related to lack of early help to children and families. The Commission urged the President to support child development programs because "we believe that the Federal Government should encourage the development of such programs for all children, with financial assistance provided for children from low-income families."

The Committee for Economic Development, which is composed of some of the Nation's most respected business leaders, in a March 1971 report, told us that—

> The most effective point at which to influence the cumulative process of education is in the early preschool years . . . there is evidence that effective preschooling gives the best return on the educational investment.

Finally, Mr. Speaker, let me point out that both the Democratic and Republican Parties in 1972 pledged, as part of their national platform, support of increased funds for comprehensive day care services.

The 1972 Democratic Platform noted that "child care is a supplement, not a substitute, for the family," and called for:

> The Federal government to fund comprehensive developmental child care programs

that will be family centered locally controlled, and universally available.

In similar fashion, the 1972 Republican Platform urged:

The development of publicly or privately run, voluntary, comprehensive, quality day care services locally controlled but Federally assisted.

And, of course, Mr. Speaker, Congress has spoken on the subject, indicating the concern of the Nation's elected representatives for adequate care for children. Indeed, a measure to accomplish many of the same goals we are today reviewing, S. 2007, passed both Houses in 1971, but was vetoed by the President in December of that year.

And in 1972 both the House and the Senate considered new legislation to accomplish these goals, with bills reported from committee in both bodies, and passing in the Senate.

Thus, I believe it to be true that the time is proper for another effort to heed the recommendations of so many, and to follow through on the actions we have ourselves on several occasions begun.

SPECIFIC PROVISIONS OF BILL

Let me turn now to several aspects of the specific proposal being introduced today.

First, I want to stress that participation in the program supported under the proposed act will be entirely voluntary. That is to say, children will be eligible for these services only after a written request from their parents or guardians has been received.

Second, I want to emphasize that H.R. 15882 requires parental involvement at every stage in the planning, developing, and carrying out of programs.

Because the family is the central shaping force and influence on children, and because the needs and interests of families differ throughout the Nation, this legislation allows the greatest local flexibility in selecting a variety of services and ways of delivering them.

Thus, with involvement of each child's parents in selecting services, of parent groups in designing programs, and local prime sponsors in overall planning, the sponsors of the legislation believe that it will create a genuinely responsive, dynamic system, rather than a static set of programs dictated in regulations or guidelines from afar to a community and its families.

Third, the Child and Family Services Act of 1974 is aimed at serving children in all socioeconomic groups. Too often programs established by Federal or State governments have concentrated exclusively on a particular set of children who may, indeed, have unique needs, but who end up segregated into programs by income or race. Programs under the proposed act must to the extent possible involve all children, for all our children must be encouraged to reach the fullest growth and development within the family and with support from schools and other institutions in our society.

Fourth, Mr. Speaker, let me note that the bill today being introduced is somewhat more modest than the one approved by Congress in 1971, and to a greater extent emphasizes the planning and development of programs prior to their actual implementation.

Indeed, no funds will be available to put programs into place until the second year after enactment of this legislation. Funds available in the first year will be used for planning as well as research and the training of personnel required to carry on the programs.

The funding authorized in the Child and Family Services Act totals $1.85 billion over 3 years, as opposed to an authorization of over $2 billion in the bill vetoed in 1971. H.R. 15882 authorizes $150 million in the first year for start-up planning, training and technical assistance.

Finally, Mr. Speaker, let me say a word about the actual administration of the program as proposed in the legislation. I mention this subject because we often are led to believe that concepts of "local autonomy" or "returning flexibility to local and State governments" are the exclusive concern of the present administration, which is, of course, not true.

For H.R. 15882 makes States and local governments the potential prime sponsors for programs under the act, subject to certain requirements of comprehensive planning, needs assessment and parental participation in those processes. The range of services which can be offered, and the means by which they are offered, can vary as widely as the imagination and ingenuity of these local sponsors, again subject to certain standards of quality of care and parental involvement.

But it does seem to me, Mr. Speaker, that the proposed Child and Family Services Act of 1974 is a good example of a creative partnership of the Federal, State, and local governments for the purpose of carrying out a national policy on child and family services, with roles reserved to each level of government, but with major flexibility left at the actual service-delivery level.

A national set of functions is identified in the bill, for research, evaluation, and certain basic standard-setting tasks; beyond that, States and localities must assess their children's needs and plan from there how best to meet them.

Mr. Speaker, this approval is neither new or old federalism, regionalization, decentralization, or any other catch phrase; the approval is just plain commonsense.

CONGRESSIONAL HEARING

I want, in conclusion, Mr. Speaker, to advise members of the joint hearings which the Select Education Subcommittee expects to schedule with our colleagues in the other body later this month. As the bill is considered, we plan to listen to testimony and views of representative of State and local governments, as well as Federal officials, child and family service specialists, other experts, and other citizens in order to achieve in the final piece of legislation the allocation of responsibility among the various levels of Government that will best insure parental involvement, local diversity to meet local needs, and appropriate State participation to provide coordination and maximum utilization of available resources.

Mr. Speaker, I hope that these hearings, and the interest already shown by parents throughout the country, will stimulate a dialog on the merits of the measure which can continue across the country in the forthcoming congressional election campaigns.

In this way, should H.R. 15882 not be enacted in the 93d Congress, when the 94th convenes, there may be new friends of children and families in Congress, and thereby a better opportunity to make good on an eloquent promise voiced only a few years ago by President Richard Nixon:

So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

Mr. Speaker, I am pleased today to have joining Mrs. MINK, Mr. HANSEN, of Idaho, Mrs. HECKLER of Massachusetts, and me in introducing the Child and Family Services Act of 1974, 58 other Members of the House. They are as follows:

Mr. PERKINS, Mr. THOMPSON of New Jersey, Mr. BELL, Mr. DANIELS of New Jersey, Mr. HAWKINS, Mr. DELLENBACK, Mr. FORD, Mr. ESCH, Mr. MEEDS, Mr. PEYSER, Mr. CLAY, Ms. CHISHOLM, Ms. GRASSO, Mr. BADILLO, and Mr. LEHMAN.

Mr. KOCH, Mr. KYROS, Mr. MATSUNAGA, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. NIX, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. REES, Mr. RIEGLE, Mr. RODINO, Mr. ROSE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. WON PAT, and Mr. YOUNG of Georgia.

Mr. ADAMS, Mr. ANDERSON of California, Ms. BOGGS, Mr. BOLAND, Mr. BROWN of California, Ms. BURKE of Massachusetts, Ms. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CULVER, Mr. FRASER, Mr. GONZALEZ, Mr. GREEN of Pennsylvania, Mr. GUNTER, Mr. HARRINGTON, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. HORTON, Ms. JORDAN, and Mr. SARBANES.

Mr. Speaker, I include at this point in my remarks a section-by-section analysis of the Child and Family Service Act of 1974:

SECTION-BY-SECTION ANALYSIS OF THE CHILD AND FAMILY SERVICES BILL

Section 1. *Title*—The Act may be cited as The Child and Family Services Act of 1974.

Section 2. *Statement of findings and purpose*—The Congress finds that the family is the primary and most fundamental influence on children; that child and family service programs must build upon and strengthen the role of the family; that there is a lack of adequate child and family services available to working mothers, single parents and other family who lack sufficient resources to provide their children with adequate health, nutritional, educational, and other services; and that it is essential that planning and operation of programs be undertaken as a partnership of parents, community, state and local governments with appropriate federal supportive assistance.

It is the purpose of the Act to provide quality child and family services with a priority to families with the greatest need and to provide the decision making at the community level, with the direct participation of

the parents and other individuals and organizations in the community.

Section 3. *Authorization of Appropriations*—The bill authorizes $150 million for FY '75 and $200 million for FY '76 for training, planning and technical assistance. Program operation would begin in FY '76 and there is authorized to be appropriated $500 million in FY '76, and $1 billion in '77. (Headstart would be funded under present authority and its funding protected by a requirement that no operational funds could be appropriated for this new program unless and until Headstart is funded at the level it received at FY '74 or '75, whichever is greatest).

Section 4. *Forward Funding*—This provision provides for appropriating funds under this Act during the preceding years for which it shall be available for obligation.

TITLE I—CHILD AND FAMILY SERVICE PROGRAMS

Sec. 101. *Office of Child and Family Services; Special Coordinating Council*—Subsection (a) directs the Secretary of Health, Education, and Welfare to establish within the Office of the Secretary, an Office of Child and Family Services to coordinate all such programs within the department, to be headed by a Presidentially-appointed (with the advice and consent of the Senate) Director. This office shall assume the responsibilities of the present Office of Child Development.

Subsection (b) directs heads of various agencies to meet regularly as a Child and Family Services Coordinating Council, chaired by the Director mentioned in subsection (a). The Council, among other responsibilities, shall assure the establishment and maintenance of procedures to keep all offices aware of actions of others in providing financial assistance to eligible applicants, and shall recommend priorities for Federally-funded research and development related to the purposes of this Act.

Sec. 102. *Use of Federal Funds*—Financial assistance shall be provided for carrying out programs by prime sponsors and other public and private nonprofit agencies and organizations, for the following activities and services:

1. Planning and developing child and family service programs.

2. Establishing, maintaining, and operating programs such as—

Part or full-day care in homes or centers which provide educational, health, nutrition, and social services.

Other health, social, recreational, and educational programs designed to meet the special needs of children and families, including before- and after-school and summer programs.

Family services meeting the needs of children, including in-home and in-school services and education, for parents, other family members serving as parents, youth and prospective parents.

Social services to families including counseling and referral to help the family determine the appropriateness of services.

Prenatal and other medical care to expectant and post-partum mothers to reduce infant and maternal mortality and the incidence of mental retardation and other handicapping conditions.

Programs to meet the special needs of children of minority, ethnic, Indian, and migrant families, and children from families with special language needs, and to meet the needs of children to understand the background of minority and ethnic groups.

Food and nutritional services.

Diagnosis, identification, and treatment of visual, speech, medical, dental, nutritional, and other physical, mental, psychological, and emotional barriers to full participation in child service programs.

Special activities to ameliorate handicaps and disabilities, as an incorporated part of programs under the Act.

Programs designed to extend child care gains (particularly parent participation) into kindergarten and primary grades.

3. Construction and alternation of facilities, and acquisition of equipment and supplies.

4. Training and education, both preservice and inservice, for professional and other personnel, including parents and volunteers.

5. Expenses of child and family service councils and project policy committees as provided in sec. 105 and sec. 107.

6. Dissemination of information to parents.

Subsection (c) provides that assisted programs must have parent policy committee, must frequently and regularly disseminate information about program activities to parents, and must consult with parents regularly with respect to each child's development and must allow opportunity for parents to observe and participate in their children's activity.

Subsection (d) directs the Secretary to consider the factors of need for the program, prior planning in the area, the ability of the applicant to serve children in the area, when reviewing applications for grants or loans.

Sec. 103. Subsection (a) directs the Secretary to reserve certain amounts of the available funds for special purposes: not less than 10% for special activities relating to handicapped children; population proportions for migrant and Indian children, in their ratio to the total number of economically disadvantaged children in the country; 5% for model projects as provided under Sec. 104; and not less than 5% for enforcement of child care standards under section 203.

The act directs that the balance of funds available be distributed as follows:

1. 50% to be apportioned among the states, and within each state among local areas, in proportion to the number of economically disadvantaged children in each State and local area.

2. 25% to be apportioned among the states and within each state among local areas, in proportion to the number of children through age 5 in each State and local area.

3. 25% to be apportioned as above, with respect to the relative numbers of children of working mothers and single parents in each State and local area.

Each state may use no more than 5% of its apportionment for the purpose of the planning and other activities specified in Sec. 108.

Sec. 104. *State and local prime sponsors*—Subsection (a) sets forth requirements that must be met by applicants for prime sponsorship, whether they be states, localities, or combinations of localities. The requirements include:

1. Description of the area to be served, and the applicant's capability to coordinate the delivery of services within the area.

2. Assurance of contributing the required non-Federal share.

3. Satisfactory provisions for establishing a Child and Family Service Council meeting the requirements of Sec. 104.

4. Provision for annual plans from the prime sponsor, as set forth in Sec. 106.

5. Arrangements for the carrying out by the Child and Family Service Council of its responsibilities for approving plans, goals, budget policies, annual review of other agencies involved in the plans, and for evaluation of the programs conducted in the area.

6. Assurance that administrative costs of the Child and Family Service Councils, Local Program Councils, and Project Policy Committees will not exceed 5% of the total cost of programs administered by the prime sponsors.

Subsection (b) provides that the Secretary shall approve an application for prime sponsorship submitted by a locality—a city, county, or other unit of general local government, or combination of localities—if it meets the requirements of subsection (a).

If a prime sponsorship plan from a state meets these requirements, the Secretary shall approve it according to subsection (c).

Subsection (d) provides that the Secretary may approve an application for prime sponsorship by a state, if it meets the requirements of subsection (a) and, if there are no designated prime sponsors in the area, divides the area into local service areas. These areas shall be the basis for local program councils composed half of members chosen by parents receiving federally-assisted day-care services (with due consideration to parents selected by parent members of Headstart policy committees where they exist) and at the earliest practicable time by parent members of project policy committees, the other half to be public members appointed by the chief executives of units of local government within the local service area. Plans submitted by the state, and any contracts for operation of programs, shall be approved by the local program councils for the appropriate local service areas. Finally, state plans, must contain assurances that any local program council may appeal to the Secretary whenever such council alleges that the State has failed to comply with provisions of the state plan or the Act.

Subsection (e) provides that the Secretary may fund directly, Indian tribes, and public or private agencies (including educational, community action, Headstart, parent cooperative, organization of migrant agricultural workers or Indians, employer organization, labor union) which submits a proposal to provide comprehensive child care and family service in an area:

1. Where no prime sponsor has been designated or where the prime sponsor is found not to be satisfactorily implementing child care programs.

2. On a year round basis to children of migrant agricultural workers or their families.

3. Where the program will be a model designed especially to be responsive to the needs of economically disadvantaged, minority group, or bilingual children and their families.

Subsections (f), (g), (h), and (i) provide for termination of prime sponsorship if patterns of discrimination are found; for review by Governors of applications for prime sponsorship within a state; and for other procedures for termination of prime sponsorship or disapproval of an application for prime sponsorship, including access to the courts for review of such action.

Sec. 105. *Child and Family Service Councils*—Subsection (a) sets forth the required composition of the Child and Family Service Council required for each prime sponsor. The ten or more members shall be composed half of parents of children served in programs under this Act, and the remainder appointed by prime sponsor in consultation with the parent members. The non-parent members are to be broadly representative of the public, and of private agencies, and shall include at least one person skilled in the field of child and family services. One-third of the members shall be economically disadvantaged.

Subsection (b) directs the Secretary to issue regulations concerning other aspects of the Councils, so that the parents members are democratically selected (in the case of State prime sponsors) by local program council parents, or by parents in other cases who are recipients of federally-assisted day-care services and with due consideration to parents who are selected by Headstart policy committee parents. Regulations shall further

provide that the duties of the Councils include approving plans, basic goals, policies, procedures, overall budget policies and project funding, selection and evaluation of administering agencies. Finally, the regulations shall provide that the Council shall, at its own initiative or at the request of an applicant, conduct public hearings before acting on applications for financial assistance.

Sec. 106. *Child and Family Service Plans*—This section sets forth requirements (subsections (a) and (b) which prime sponsors must meet in a service plan:

Services must be provided only for children whose parents request them.

Needs must be identified, and means to meet them, with priority for services to children under age six.

Programs receiving aid under the act must reserve not less than 65% of their funds for services to economically disadvantaged children.

Next priority must be given to providing services to working mothers' children, or children of single parents.

Programs shall include children from a range of socioeconomic backgrounds to the extent feasible.

No charge will be made to any disadvantaged child (except those paid by third parties).

Comprehensive services are to be provided for migrant, minority, and bilingual children, and to meet the needs of all children to understand the history and cultural background of minority groups in the prime sponsorship area.

Prime sponsors must provide for direct parent participation in program conduct, direction, and evaluation.

Plans must provide for employment of unemployed or low-income residents of communities being served by projects, and no person shall be denied employment solely for not being certified as a teacher.

Career development plans for paraprofessionals must be included.

Regular information dissemination to parents and other interested people must be provided for.

Provides clear definitions of any delegations of authority under the supervision of the Child and Family Service Council.

Includes procedures for handling project applications, for coordinating with other prime sponsors under the act and with other programs, and for monitoring projects to check compliance with standards set forth in section 201.

Provide for the use of state, local and other federal resources.

Subsection (c) requires that no plan be approved until the Secretary determines that opportunity for comment has been given to local educational and training agencies, community action or Headstart agencies, and State Governors and State Child and Family Service Council.

Subsection (d) provides for orderly procedures to be followed in case of disapproval of a proposed plan.

Sec. 107. *Project applications*—This section lists types of agencies eligible for project funds under the comprehensive plans of a prime sponsor, and the requirements an applicant must meet. Any qualified public or private agency or organization is eligible, and must show in its application:

A parent policy committee with broad participation and powers.

Assurance that no fees will be charged economically disadvantaged children (except as paid by a third party).

Involvement of family members in children's daily activities.

Regular information dissemination to parents.

Employment of paraprofessionals, use of volunteers.

Assurance that children will not be excluded because of participation in non-public education.

Subsection (d) provides that the Secretary may directly approve project applications from public or private agencies seeking funds under Section 104(d).

Subsection (e) provides for procedures of appeal of disapproved project applications, including appeal to the Secretary.

Sec. 108. *Special grants to states*—States with established Child and Family Service Councils may apply for additional funds for certain purposes in addition to providing services. The purposes for which funds may be requested under this section include: information programs for parents, identifying service needs and goals in the state, coordinating child services of separate agencies where requested by prime sponsors, developing and enforcing standards for licensing facilities, assisting organization in acquiring facilities, assistance to Child and Family Service Councils, developing information useful in reviewing applications under the Act.

Sec. 109. *Additional conditions for programs including construction or acquisition*—The section provides certain conditions for Federal assistance for constructing or acquiring facilities, including labor standards, repayment to the government in case the facility is used for other purposes, and certain limits on loan interest and repayment periods. Financial assistance for construction or acquisition of facilities shall be available only to public and private nonprofit agencies, institutions or organizations.

Sec. 110. *Use of public facilities for child and family service programs*—This section requires the Secretary to report to the Congress within 18 months after enactment of the Act, on the availability of Federal facilities to public and private agencies for use as facilities for child and family service programs under the Act. Prime sponsors may be required to review their own facilities for such use also.

Sec. 111. *Payments*—Subsection (a) provides that the Secretary shall pay the Federal share of the costs of programs and services, including staff and administrative expenses of the Child and Family Service Councils and parent policy committees, from allocations or apportionments under section 103.

Subsection (b) provides that the Federal share of certain activities shall be: 100% of the cost of planning, training and technical assistance in 1975; 90% of the cost of programs and services in 1976, to be reduced to 80% in 1977 and thereafter, though the amounts may be raised by the Secretary. Indian and migrant agricultural workers' children's services are to be reimbursed at 100%.

Subsection (c) allows the non-Federal share to be provided in public or private funds, goods, services, facilities. Fees collected for services shall not be used for the non-Federal share, but to enrich and expand the program.

Subsection (d) allows for carrying over to the next year, any excess local contribution above the amount required in a given year.

Subsection (e) requires states and local governments not to reduce its expenditures for child development or child care because of aid received under this title of the Act.

TITLE II—STANDARDS AND EVALUATIONS

Sec. 201. *Federal Standards for Child Care*—The 1968 Interagency Day Care Requirements are to apply to programs under the Act, but the Secretary is directed to draw up new standards within six months of enactment of the Act, with the advice and approval of a committee composed at least half of parents of children receiving services under certain programs. Prior to implementation, appropriate committees of Congress shall have opportunity to disapprove.

Subsection (b) directs the Secretary to assure that programs and projects under the act assess individual children's needs and the appropriateness of the child and family services being rendered. Programs or projects providing care outside the home for very young children shall be reviewed and evaluated periodically and frequently by the Secretary to insure they meet the highest standards of quality.

Sec. 202. *Uniform Code for Facilities*—The Secretary is directed to establish a committee, composed of at least half parents, to draw up a uniform minimum code for facilities receiving Federal assistance under this act. The code shall deal with matters essential to the health, safety, and physical comfort of the children. The code shall be completed within six months of the committee's appointment, and must be the subject of public hearings.

Sec. 203. *Programs Monitoring and Enforcement*—This section provides for program monitoring and enforcement.

Sec. 204. *Withholding of Grants*—By this section, the Secretary is authorized under certain conditions to withhold grants.

Sec. 205. *Evaluation*—Subsection (a) requires a comprehensive review of all Federal activities affecting child and family service programs, including their effectiveness, cost, and parent participation, within two years of the Act's passage.

Subsection (c) calls for additional annual evaluations of Federal involvement in child and family service programs, to be reported to Congress, and subsection (d) requires prime sponsors to provide data for such evaluations.

Subsection (f) reserves not less than 1% nor more than 2% of the amounts available under section 3(c) for evaluation in any given year.

TITLE III—FACILITIES AND RESEARCH FOR CHILD AND FAMILY SERVICES PROGRAMS

Sec. 301. *Mortgage Insurance for Comprehensive Child Services Facilities*—This section authorizes the Secretary to insure mortgages on new facilities of public or private agencies, not to exceed $250,000 or 90% of the cost of the project. The section also establishes a Child and Family Services Facility Insurance Fund, with such sums as shall be necessary authorized to be appropriated.

Sec. 302. *Research and Demonstrations*—A diverse program of research and demonstrations is authorized in subsection (a), including but not limited to studies of child development, program assessment, comparison of alternative methods, syntheses of research, dissemination of findings, studies of national needs, and other purposes.

Subsection (c) provides that the Secretary shall coordinate all child and family services research, development, and training within the Department of Health, Education, and Welfare and other agencies, through the Office of Child and Family Services established under the act.

Subsection (e) requires the Secretary to report on activity under this section no later than September, 1975, to the Congress.

TITLE IV—TRAINING OF PERSONNEL FOR CHILD AND FAMILY SERVICES

Sec. 401 through 404. *Training*—States that the Congress recognizes that one of the major barriers of quality child care is the lack of sufficiently trained and prepared professional and para-professional staff. The purpose of this title is to respond to that need by stimulating sufficient training programs in every state and region to assure an adequate supply of personnel to meet the staff requirements. The Secretary of Health, Education, and Welfare is authorized to make

grants to and contracts with, institutions of higher education, state and local agencies private organizations, and producers of television programming to develop programs to:

(a) provide postgraduate level training for teachers,

(b) attract and recruit personnel,

(c) re-train personnel,

(d) provide pre-service and in-service training for teaching, management and supervisory and administrative posts in childhood programs, including the training and certification of child development lion respectively.

(e) help parents and students understand and practice sound child care techniques,

(f) develop educational television programs and other material, and

(g) develop and refine certification criteria. There is authorized to be appropriated to carry out these sections for FY '75 through FY '77, $40 Million, $60 Million and $75 Million respectively.

SEC. 405. This section amends the Higher Education Act of 1965 to authorize $20 million for 1975 and subsequent years for training and retraining of professional personnel for comprehensive child services programs, and a like amount for 1975 and subsequent years for training and retraining of non-professional personnel.

SEC. 406. This section authorizes forgiveness of indebtedness under the National Defense Education Act loan program, at the rate of 15% for each year of service in a program under this Act's Title I.

SEC. 407. This section authorizes grants to individuals employed in, and programs set up under Title I of the act for in-service training for professional and non-professional staff including volunteers, conducted by the agency or an institution of higher education or both.

SEC. 408. This section authorizes $5 million for fiscal year 1975 and each succeeding year to carry out the in-service training of section 407.

TITLE V—GENERAL PROVISIONS

SEC. 501. *Definitions*—This section defines terms used in the act. "Children" includes all individuals who have not reached age fifteen. "Economically disadvantaged children" are those in a family having an annual income below the lower living standard budget as determined annually by the Bureau of Labor Statistics at the Department of Labor.

SEC. 502. *Nutrition*—This section directs the Secretary to assure that adequate nutrition services are provided in programs under the act, including use of the special food service program for children as defined in the National School Lunch and Child Nutrition Acts.

SEC. 503. *Special Provisions*—In this section are included anti-discrimination, method-of-payment, minimum-wage, and non-secretarian provisions.

Sec. 504. *Special Prohibitions and Protections*—Subsection (a) (c) states that nothing in the act should be construed to infringe on or usurp the moral and legal rights and responsibilities of parents and guardians with respect to the moral, emotional, physical or other development of their children. Informed consent shall be required of parents or guardians before any child is subject to any research or experimentation. Similar understanding and prior consent must be obtained in the case of medical or psychological examination, experimentation, or research, immunization or treatment.

Sec. 505. *Public Information*—Applications for designation as prime sponsor, comprehensive child development plans, project plans, and all written material pertaining to them, shall be available to the public without charge by sponsors, applicants, and the Secretary.

Sec. 506. *Coordination with, Repeal or Amendment of, Other Authority*—Subsection (a) directs the Secretary to establish regulations to assure coordination of programs assisted under the Act with other Federal assistance for child development, child care, and related programs, including Title I of the Elementary and Secondary Education Act, Titles IV and VI of the Social Security Act, the Economic Opportunity Act, and several Housing and Model Cities Acts.

Subsection (b) provides that day care furnished under state plans under Titles IVA and IVB of the Social Security Act, shall be day care services made available under Title I of this Act. The Secretary is directed to make services under this Act available to children receiving aid under the Social Security Act, also.

Subsection (c) amends the Federal Property and Administration services Act of 1949 to add child care programs as eligible recipients of property declared surplus by Federal departments or agencies.

Sec. 507. *Acceptance of Funds*—The section allows the Secretary to accept and use funds appropriated to carry out other Federal laws if such funds are used for the purposes for which they were authorized.

STRIP MINING MUST BE ABOLISHED

(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, the people of the Appalachian mountains are not going to sit still and let their homes become a national sacrifice area for power-hungry strip miners.

When the House of Representatives debates H.R. 115000 on July 16, I will move to substitute H.R. 15000, which will ban strip mining within 6 months in the mountains, and within 18 months in other areas. I will vote against H.R. 11500, the rather weak compromise bill, unless it is drastically overhauled and materially strengthened on the House floor.

Over the Fourth of July, I spent a considerable amount of time talking with the people of the coal fields of West Virginia—a State which has contributed almost one-quarter of all the coal ever produced in this Nation, the largest proportion of any State. The scars of strip mining are everywhere on the gouged land, the precious top-soil and rocks sliding away into people's yards, and the thick silt, sediment and ugly colored acid in their streams. I spoke at two Independence Day ceremonies about the meaning of the Declaration of Independence. The people in the coal fields told me that unless Congress stops temporizing with strip mining, they are going to take matters into their own hands just as the patriots of two centuries ago did at the Boston Tea Party and other memorable revolutionary acts.

You cannot count on the people of the mountains to sit back and remain docile, fatalistic, and long suffering in the face of the new demands made by insensitive and arrogant strip miners—which H.R. 11500 will not curb or cure. At Eckman, W. Va., in Eureka Hollow in McDowell County, a Consolidation Coal Co.'s subsidiary told 21 families to move out of their own homes because they wanted to strip off the top of the mountain above them. Roy Owens, Lawrence Mitchem, and others who owned their homes and had invested thousands of dollars in improvements were told in a cold and impersonal letter:

> You have the privilege of moving the house or any materials therein.

GRAVEYARD THREATENED

From Fort Pierce, Fla., Mrs. Elsie Ferguson wrote me:

> They are planning to strip the mountain there at Eckman, W. Va., Eureka Hollow, where my family cemetery is. My family is resting in their graves, my husband and baby, my husband's mother and Dad, 6 brothers and sisters—Oh, so many of my loved ones. If I was to visit it and see my husband's grave all bull-dozed out, his stone, his parents' stones, Oh, God, how could I stand it? My heart is broke.

On Saturday, Herschel New of Baisden, W. Va., on Gilbert Creek in Mingo County, told me that 300 tons of spoil started sliding down the mountain where there was an old strip mine and where preparations are starting on a new strip mine; the huge mound of loose spoil poses a clear and present danger to many people living along Gilbert Creek.

Earlier this year along Slate Creek, Buchanan County, Va., Mr. and Mrs. J. R. Mullins, their daughter-in-law, and 3-month-old grandbaby were at home. Their son, Victor, came to the house and found an inch of mud all around the house. He heard trees "popping and cracking", while high on the mountain above his home a dozer worked on a strip job for a subsidiary of Island Creek Coal Co. Victor took his family and parents to the home of some relatives, and came back to try and save their possessions. By the time he got back, the Mullins house had been knocked off its foundations and Victor could not get near it because of the avalanche of mud and debris from the strip mine.

On April 5, in Grundy, southwest Virginia, 72-year-old Mrs. Alice Fugate expressed fear that the blasting from a strip mine would send boulders onto their property. Her husband climbed up to ask the strip miners to be more careful. When he returned home, they were carrying out his wife on a stretcher, mortally wounded by a boulder which crashed into their house. Mrs. Fugate died in the hospital on April 12.

YOU CANNOT SHOOT OUT

A few days ago, Ransome Meade of Brushy Ridge in Dickinson County, Va., came in to see me. He showed me photos of boulders shot onto his property from the blasting of a strip mine. The largest, 36 inches across, 18 inches wide, and about a foot thick, had dug a 20-inch hole in his raspberry patch where his wife hangs her washing, right near their home. "The strip miners shoot at me with boulders, but of course it would be against the law for me to shoot back at them. Isn't that a double standard?" he asked. "Of course, I'm a pacifist and wouldn't shoot at anybody, but is that really fair?" he asked.

On June 21, a few weeks ago in the Linefork area of Letcher County, Ky., Thelma N. Cornett wrote:

Our neighbor, Manda Ingram, called my home at 5:00 a.m. Saturday morning and said her yard and garden was full of rocks, logs and trash. I want to say this now, and we have proof for anyone to see, that the land in these mountains, when they have once been augered and stripped, can never be reclaimed and that it also ruins what level land and garden spots we have at the foot of those mountains.

There is a tell-tale photo in the Mountain Eagle, published at Whitesburg, Letcher County, Ky., and capitioned:

This grand old Linefork farm has been virtually destroyed by the strip mine washouts from the mountain in the background.

I recognize that members of the House Interior and Insular Affairs Committee have worked long and hard over H.R. 11500, and we mountain people especially appreciate the noble efforts of Representatives PATSY MINK of Hawaii and JOHN SEIBERLING of Ohio. But the people of the mountains also know full well that a mountain can labor long and bring forth a mouse. H.R. 11500 is shot through with loopholes, gives primary regulatory authority to the States, sets incredibly weak interim standards for strippers to increase their devastation until 1978, and raises false hopes among the people threatened by strip mining. Once passed, it would be extremely difficult to correct through later amendment all the shortcomings in H.R. 11500.

DO NOT LET THEM APPALACHIANIZE YOU

Therefore, I am urging the people of the mountains to support H.R. 15000. To the people of the Great Plains, I say: "Do not let them Appalachianize you. Do not listen to the siren song of the coal companies who have taken the wealth out of Appalachia while impoverishing the people. At a time when the Nation needs your grain and your livestock, and your water supply is so precious, do not let them blast out your aquifers and divert all your water for coal gasification plants. When the slick salesmen tell you Westerners about the fast bucks which can be made by strip mining, think twice about the big boomtime trailer parks, the suicides and psychiatrists, the huge army of temporary interlopers who feast on the quick profits, and then leave you for generations to pay the bills for public facilities and clean up the trash and bones once the coal is all stripped out."

Would H.R. 11500 slow down strip mining? Slightly, with pinpricks and paperwork. Better to go allout for H.R. 15000, get rid of the curse of strip mining once and for all, and get on with underground mining to meet the energy needs. And also save the land and the people.

CONGRESSMAN MILLER PAYS TRIBUTE TO TOP WORLD WAR I ACE

(Mr. MILLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER. Mr. Speaker, today I would like to pay tribute to America's top-scoring living combat flier of World War I. William C. Lambert of Ironton, Ohio, is credited with a remarkable 21½ victories during his career. In addition to these 21½ enemy aircraft—credit for downed aircraft was sometimes divided between two pilots—downed in "decisive combat," his daring exploits include another seven enemy aircraft downed in "indecisive battle." This feat is second only to the late Capt. Eddie Rickenbacker.

Lambert joined the Royal Flying Corps of Canada in 1917. That December he went to England and in March of 1918 served in France, scoring all his victories in a little more than just 4 months.

He earned the rank of captain during World War I in service with the British. In World War II he served the U.S. forces as a nonflying captain. Now retired as a reserve lieutenant colonel, Mr. Lambert has recorded his adventures in a book being published in London, England.

In 1919 King George V honored this great patriot by awarding Mr. Lambert with Britain's Distinguished Flying Cross. For his intrepid gallantry while serving with the U.S. Army Air Corps from 1942 to 1946, Lieutenant Colonel Lambert received the Army Commendation Medal with Oak Leaf Cluster, the American Theatre Service Medal, and the Victory Medal.

With a love for freedom, he took to the air. With a concern for his fellow countryman, he risked his life. With a call beyond duty, he rose above others.

Mr. Lambert has brought fame, honor, and respect not only to himself but to America. His heroic defense of freedom and democracy will remain forever in the history of our country. As America approaches her 200th birthday, I know my colleagues join me in honoring all great men like William C. Lambert who helped preserve the principles on which this country was born.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURKE of Massachusetts (at the request of Mr. O'NEILL), for today, on account of a death in the immediate family.

Mrs. HANSEN of Washington (at the request of Mr. O'NEILL), for today, on account of illness.

Mr. PEPPER, for Monday, July 15, 1974, on account of official business in his 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. HUBER, for 1 hour, on Tuesday, July 16, 1974.

(The following Members (at the request of Mr. BAUMAN), and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 15 minutes, today.

Mr. ASHBROOK, for 30 minutes, today.

Mr. HOSMER, for 10 minutes, today.

(The following Members (at the request of Mr. DAN DANIEL), and to revise and extend their remarks and include extraneous matter:)

Mr. HUNGATE, for 20 minutes, today.
Mr. ADDABBO, for 15 minutes, today.
Mr. DINGELL, for 15 minutes, today.
Mr. MATSUNAGA, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. EILBERG, for 15 minutes, today.
Mr. PEPPER, for 15 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. ICHORD, for 15 minutes, today.
Mr. FUQUA, for 5 minutes, today.
Mr. WAGGONNER, for 5 minutes, today.
Mr. DENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NELSEN to follow the remarks of Mr. CARTER on H.R. 17215 in the Committee of the Whole today.

(The following Members (at the request of Mr. BAUMAN) and to include extraneous material:)

Mr. HANRAHAN in three instances.
Mr. ZION.
Mr. QUIE.
Mr. ASHBROOK in five instances.
Mr. SHOUP.
Mr. GILMAN.
Mr. RAILSBACK.
Mr. CARTER in five instances.
Mr. FRELINGHUYSEN.
Mr. BRAY in two instances.
Mr. YOUNG of Illinois in two instances.
Mr. DERWINSKI in four instances.
Mr. HUNT in two instances.
Mr. GOLDWATER.
Mr. ANDREWS of North Dakota.
Mr. WINN.
Mr. HOSMER in three instances.
Mr. STEELMAN.
Mr. GUDE in two instances.

(The following Members (at the request of Mr. DAN DANIEL) and to include extraneous matter:)

Mr. STEPHENS.
Mr. PATTEN.
Mr. ANDERSON of California in two instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. BOLLING.
Mr. REID in two instances.
Mr. ICHORD.
Mr. GUNTER.
Mr. ANDREWS of North Carolina.
Mr. BIAGGI in five instances.
Mr. HAMILTON.
Mr. LUKEN.
Mr. FASCELL in five instances.
Mr. NIX in two instances.
Mr. DOWNING.
Mr. DENT.
Mr. ROSENTHAL in five instances.
Mr. GINN.
Mr. WOLFF in three instances.
Mr. STUDDS in two instances.
Mr. MURTHA in two instances.
Mrs. MINK in two instances.

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. 11385. An act to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

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;

S. 2893. An act 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.

ADJOURNMENT

Mr. DAN DANIEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Monday, July 15, 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:

2545. A letter from the Chairman, Federal Power Commission, transmitting the annual report of the Commission for the fiscal year ending June 30, 1973; to the Committee on Interstate and Foreign Commerce.

2546. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the preliminary results of studies and investigations by the Agency on reducing water consumption and the total flow of sewage pursuant to section 104(o)(2) of the Federal Water Pollution Control Act Amendments of 1972; to the Committee on Public Works.

2547. A letter from the Assistant Secretary of the Interior, transmitting a report of grants made during calendar year 1973 to nonprofit institutions and organizations for support of scientific research programs, pursuant to section 3 of Public Law 85-934 (42 U.S.C. 1891); to the Committee on Science and Astronautics.

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:

Mrs. SULLIVAN: Committee of conference. Conference report on H.R. 11295 (Rept. 93-1190). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5529. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for the fiscal years 1974, 1975, and 1976, to provide for the recall of certain defective motor vehicles without charge to the owners thereof, and for other purposes; with amendment (Rept. No. 93-1191). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1230. Resolution providing for the consideration of H.R. 11500. A bill to provide for the regulation of surface coal mining operations in the United States, to authorize the Secretary of Interior to make grants to States to encourage the State regulation of surface mining, and for other purposes (Rept. No. 93-1192). Referred to the House Calendar.

Mr. POAGE: Committee of conference. Conference report on H.R. 11873 (Rept. No. 93-1193). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 39 (Rept. No. 93-1194). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. BIAGGI, and Mr. FORSYTHE):

H.R. 15856. A bill to revise the laws relating to the establishment, administration, and management of the National Wildlife Refuge System, to establish a Bureau of National Wildlife Refuges, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CARTER:

H.R. 15857. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973, and to provide for daylight saving time from Memorial Day to Labor Day during each calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY of Texas:

H.R. 15858. A bill to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from requiring an indirect source emission review as a part of any applicable implementation plan; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN (for himself and Mr. TIERNAN):

H.R. 15859. A bill to amend the Social Security Act to direct the Secretary of Health, Education, and Welfare to develop standards relating to the rights of patients in certain medical facilities; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. ASPIN, Mr. BADILLO, Ms. CHISHOLM, Mr. CORMAN, Mr. DRINAN, Mr. ECKHARDT, Mr. EILBERG, Mr. FASCELL, Mr. FRASER, Mrs. GRASSO, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. LENT, Mr. LUKEN, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. NEDZI, Mr. NIX, Mr. STOKES, Mr. WOLFF, and Mr. YOUNG of Georgia):

H.R. 15860. A bill to provide for the orderly phasing out of surface coal mining operations, and to control those underground coal mining practices which adversely affect the quality of the environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 15861. A bill to extend the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. ERLENBORN (for himself, Mr. STEIGER of Wisconsin, and Mr. DELLENBACK):

H.R. 15862. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes; to the Committee on Education and Labor.

By Mr. GUDE (for himself and Mr. BIESTER):

H.R. 15863. A bill to amend section 502(b) of the Mutual Security Act of 1954 to reinstitute specific accounting requirements for foreign currency expenditures in connection with congressional travel outside the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HASTINGS:

H.R. 15864. 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. JOHNSON of Colorado:

H.R. 15865. A bill to authorize the Secretary of Agriculture to amend retroactively regulations of the Department of Agriculture pertaining to the computation of price support payments under the National Wool Act of 1954 in order to insure the equitable treatment of ranchers and farmers; to the Committee on Agriculture.

By Mr. LAGOMARSINO:

H.R. 15866. A bill to amend the Mutual Security Act of 1954 to require that information relating to foreign travel by Members of Congress be open to public inspection and published periodically in the CONGRESSIONAL RECORD; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA:

H.R. 15867. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 15868. 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. PATMAN (for himself, Mr. BARRETT, Mr. REES, Mr. MOAKLEY, and Mr. MCKINNEY):

H.R. 15869. A bill to amend the Bank Holding Company Act of 1956 to provide for the regulation of the issuance and sale of debt obligations by bank holding companies and their subsidiaries; to the Committee on Banking and Currency.

By Mr. PATMAN (for himself, Mr. ANDREWS of North Dakota, Mr. ANNUNZIO, Mr. CARNEY of Ohio, Mr. DOMINICK V. DANIELS, Mr. GAYDOS, Mr. GINN, Mr. GUNTER, Mr. HANRAHAN, Mr. HASTINGS, Mr. HAWKINS, Mr. HOWARD, Mr. JOHNSON of California, Mr. KETCHUM, Mr. KOCH, Mr. MATSUNAGA, Mr. MURTHA, Mr. PATTEN, Mr. RANGEL, Mr. ROGERS, Mr. ROSE, Mr. SHIPLEY, Mr. STOKES, Mr. WON PAT, and Mr. WRIGHT):

H.R. 15870. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. PERKINS:

H.R. 15871. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. RARICK (for himself, Mr. ASPIN, and Mrs. HECKLER of Massachusetts):

H.R. 15872. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 15873. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the dis-

closure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. SHOUP:

H.R. 15874. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELMAN (for himself, Mr. HAMMERSCHMIDT, Mr. GUNTER, Mr. RIEGLE, Mr. BELL, and Mr. STARK):

H.R. 15875. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish a Save Outdoor America program, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THONE:

H.R. 15876. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWELL of Nevada:

H.R. 15877. A bill to remove the cloud on title with respect to certain lands in the State of Nevada; to the Committee on Interior and Insular Affairs.

By Mr. BAKER:

H.R. 15878. A bill to amend the Internal Revenue Code of 1954 to allow the amortization of certain expenditures for safety equipment over a 5-year period and for other purposes; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. OBEY, Mr. BIESTER, Mr. O'HARA, Mr. CONABLE, Ms. ABZUG, Mr. ADAMS, Mr. ALEXANDER, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. BAFALIS, Mr. BEVILL, Mr. BINGHAM, Ms. BOGGS, Mr. BOLAND, Mr. BROWN of California, Mr. BUCHANAN, Mr. CONTE, Mr. DANIELSON, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. FINDLEY, Mr. FORSYTHE, and Mr. FREY):

H.R. 15879. A bill to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BAKER (for himself, Mr. OBEY, Mr. GIBBONS, Ms. GRASSO, Mr. GUDE, Mr. GUNTER, Mr. HALEY, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HEINZ, Mr. HELSTOSKI, Ms. HOLT, Mr. HORTON, Mr. HOWARD, Mr. LENT, Mr. LONG of Maryland, Mr. LUJAN, Mr. MCCLOSKEY, Mr. MALLARY, Mr. MAYNE, Mr. MAZZOLI, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURTHA, and Mr. NEDZI):

H.R. 15880. A bill to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BAKER (for himself, Mr. OBEY, Mr. OWENS, Mr. PEPPER, Mr. PREYER, Mr. REES, Mr. RODINO, Mr. ROY, Mr. ROYBAL, Mr. SCHNEEBELI, Mr. SEIBERLING, Mr. STARK, Mr. STEIGER of Arizona, Mr. STUDDS, Mr. TIERNAN, Mr. UDALL, Mr. VANDER JAGT, Mr. WHITEHURST, Mr. WINN, Mr. ZWACH, Mr. KASTENMEIER, and Mr. RONCALIO of Wyoming):

H.R. 15881. A bill to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS (for himself, Ms. MINK, Mr. HANSEN of Idaho, Ms. HECKLER of Massachusetts, Mr. PERKINS, Mr. MEEDS, Mr. PEYSER, Mr. THOMPSON of New Jersey, Mr. BELL, Mr. DOMINICK V. DANIELS, Mr. HAWKINS, Mr. DELLENBACK, Mr. FORD, Mr. ESCH, Mr. CLAY, Ms. CHISHOLM, Ms. GRASSO, Mr. BADILLO, and Mr. LEHMAN).

H.R. 15882. A bill to provide for services to children and their families, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Ms. MINK, Mr. HANSEN of Idaho, Ms. HECKLER of Massachusetts, Mr. ADAMS, Mr. ANDERSON of California, Ms. BOGGS, Mr. BOLAND, Mr. BROWN of California, Ms. BURKE of California, Ms. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CULVER, Mr. EDWARDS of California, Mr. EILBERG, Mr. FRASER, Mr. GONZALEZ, Mr. GREEN of Pennsylvania, Mr. GUNTER, Mr. HARRINGTON, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. HORTON, and Mr. JORDAN):

H.R. 15883. A bill to provide for services to children and their families, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Ms. MINK, Mr. HANSEN of Idaho, Ms. HECKLER of Massachusetts, Mr. KOCH, Mr. KYROS, Mr. MATSUNAGA, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. NIX, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. REES, Mr. RIEGLE, Mr. RODINO, Mr. ROSE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. WON PAT, and Mr. YOUNG of Georgia):

H.R. 15884. A bill to provide services to children and their families, and for other purposes; to the Committee on Education and Labor.

By Mr. BRINKLEY:

H.R. 15885. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. BROTZMAN:

H.R. 15886. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. FASCELL:

H.R. 15887. A bill to amend the act authorizing appropriations for the Gorgas Memorial Institute; to the Committee on Foreign Affairs.

By Mr. FAUNTROY:

H.R. 15888. A bill to establish a District of Columbia Community Development and Finance Corporation, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAMMERSCHMIDT:

H.R. 15889. A bill to establish a Federal-aid rural off-system highway program to increase safety and mobility of the Nation's rural roads; to the Committee on Public Works.

By Mr. PARRIS:

H.R. 15890. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. PRICE of Illinois:

H.R. 15891. A bill to obtain adequate nuclear information essential to congressional decisions; to the Joint Committee on Atomic Energy.

By Mr. SEIBERLING (for himself, Ms. ABZUG, Mr. BIESTER, Mr. COTTER, Mr. KOCH, Mr. MURPHY of New York, Ms. SCHROEDER, and Mr. WOLFF):

H.R. 15892. A bill to authorize research, development, and demonstration projects relating to new techniques of protein production, fertilizer production, and processing vegetable protein, and an education program to encourage market acceptance of products produced by such methods; to the Committee on Agriculture.

By Mr. STUDDS:

H.R. 15893. A bill to amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protection Act of 1972; to the Committee on Merchant Marine and Fisheries.

By Mr. VAN DEERLIN:

H.R. 15894. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

By Mr. DENT:

H. Con. Res. 561. Concurrent resolution requiring the printing without deletion or other alteration any transcripts of taped conversations printed in connection with the impeachment inquiry conducted pursuant to House Resolution 803; to the Committee on House Administration.

By Mr. OBEY (for himself and Mr. HARRINGTON):

H. Con. Res. 562. Concurrent resolution to establish an economic advisory board; to the Committee on Rules.

By Mr. WOLFF (for himself and Mr. CAREY of New York):

H. Res. 1228. Resolution expressing the sense of the House of Representatives concerning the rights and civil liberties of the Irish minority in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. YATES (for himself, Mr. ASHLEY, Mr. BELL, Mr. EVANS of Colorado, and Mr. THOMPSON of New Jersey):

H. Res. 1229. Resolution providing for television and radio coverage of proceedings in the Chamber of the House of Representatives on any resolution to impeach the President of the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXIII,

512. The SPEAKER presented a memorial of the Legislature of the State of Arkansas, relative to beef, livestock, and poultry markets; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 15895. A bill for the relief of Frank P. Arp; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 15896. 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. BINGHAM:

H.R. 15897. A bill for the relief of Edward N. Evans; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 15898. 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. SLACK:

H.R. 15899. 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. TALCOTT:

H.R. 15900. A bill for the relief of Cheryl Lynn V. Camacho; to the Committee on the Judiciary.