HOUSE OF REPRESENTATIVES—*Monday March 18, 1974*

The House met at 12 o'clock noon.

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

Look unto Me and be ye saved, all the ends of the Earth; for I am God and there is no other.—Isaiah 45: 22.

O God of mercy and truth, who art the source of our being and the sustainer of our lives, we pray that the strength of Thy presence and the steady guidance of Thy spirit may be ours as we seek to find our way through the pressures and the perplexities of these disturbing days.

If we look only at the swiftly moving scenes about us we are filled with fear and feel frustrated. If we look up to Thee and keep on looking up to Thee, our assurances overcome our anxieties, our faith overpowers our fears, and our courage overwhelms our cynicism.

In this forum of freedom give us grace to promote the high principles of our democratic faith lest in seeking comfort or money or security we lose our soul as as a nation.

May the words on our lips, the thought in our minds, and the sympathies of our hearts be acceptable in Thy sight, O Lord, our strength and our redeemer. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11793. An act to reorganize and consolidate certain functions of the Federal Government in a new Federal Energy Administration in order to promote more efficient management of such functions.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 11793) entitled "An act to reorganize and consolidate certain functions of the Federal Government in a new Federal Energy Administration in order to promote more efficient management of such functions," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIBICOFF, Mr. ERVIN, Mr. JACKSON, Mr. MUSKIE, Mr. METCALF, Mr. PERCY, Mr. JAVITS, and Mr. GURNEY to be the conferees on the part of the Senate.

CONTINUATION OF WAGE-PRICE LEGISLATION?

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

Mr. PATMAN. Mr. Speaker, your Committee on Banking and Currency recently held hearings on the subject of wage-price control legislation which expires on April 30 of this year. There is no need to go into detail as to the way the program has operated to date. Phase IV of the program, in my opinion and those of others, is an abysmal failure. Phase II of the program was, even as spokesmen of the administration admit, a success.

The bill sent to the Congress by the administration calls for continuation of controls only for the health industry. In my opinion, this proposal is highly discriminatory and completely unworkable. It is significant to note no Member of the House to date has seen fit to introduce the administration's proposal.

In order to have something before your Committee on Banking and Currency for consideration, I introduced a bill, which would simply have extended existing wage-price authority for 1 year.

Mr. Speaker, it appears as if the committee has concluded its hearings since no additional witnesses have asked to be heard. Those witnesses who did appear or submit statements, except for the administration, were unanimous in their opposition to an extension of any kind of wage-price legislation. In my opinion, any consideration of extension of this legislation is on dead center. Any hope for passage or even committee action appears to be dim, if not dead.

Mr. Speaker, no one will deny that operating an effective, fair, and equitable wage-price program is a complicated and exacting task. Unfortunately, in the opinion of many, the administration did not succeed in its efforts to conduct a fair and reasonable wage-price control program since the Congress gave it its authority in 1970. What is frightening to me is that if the program is allowed to expire, we will be faced with continuing high inflationary pressures—higher food prices, higher interest rates, and numerous other price increases—and, at the same time, continuing high levels of unemployment with no effective tools to deal with the situation.

Mr. Speaker, I take this time to inform the House that your Banking and Currency Committee is operating in a responsible manner on this legislation which, unless the Congress acts positively, will expire in a few days. The dissatisfaction which many seem to have of the inequitable way in which the program has been operated to date cannot be laid on Congress doorstep. Congress gave the authority under this legislation to the President to design a fair and equitable program. In other words, the President has failed to perform his duties under the Constitution. The congressionally passed wage-price legislation was given to the President for proper administration and execution. Everyone who has testified before the committee so far has, in my opinion, indicated that neither the President nor the executive has administered the program in a fair and equitable way.

Mr. Speaker, I make this statement to inform the House of this matter, because so many Members have asked me about the wage-price legislation. I repeat, it is my feeling at this time that the Banking and Currency Committee will not look favorably on any extension of this legislation.

WAGE AND PRICE CONTROLS SHOULD EXPIRE

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

Mr. ROUSSELOT. Mr. Speaker, I am delighted to hear the chairman of our Committee on Banking and Currency, Mr. PATMAN, state so clearly today that there was no testimony before the Committee on Banking and Currency that really encouraged an extension of wage and price controls. I am pleased to see that so many people throughout the country have objected to the way the program was administered. There were many of us who had grave doubts when this House passed the bill originally to provide for wage and price controls and the extension of this kind of power to the executive branch.

I hope we have learned our lesson. Many Members of the House now believe that we should not extend the power of wage and price controls, and that we will let the law expire as it properly should.

APPOINTMENT AS MEMBER OF COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

The SPEAKER. Pursuant to the provisions of section 602(b), title 6, Public Law 92–352, the Chair appoints as a member of the Commission on the Organization of the Government for the Conduct of Foreign Policy the gentleman from New Jersey, Mr. FRELINGHUYSEN, to fill the existing vacancy thereon.

TWENTY-THIRD ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–242)

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 Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to submit to the Congress the Twenty-Third Annual Report of the National Science Foundation.

The Nation today is faced with scientific and technological challenges and opportunities of unprecedented importance. As this report shows, the National Science Foundation is funding projects across a broad spectrum of scientific inquiry, from basic research to highly focused and sophisticated engineering techniques. Concurrently, National Science Foundation programs are encouraging the more rapid transfer of technological knowledge from the laboratories to the marketplace and are increasing the scientific and technical manpower base which the United States must have in the future.

I believe the annual report of the National Science Foundation merits the close attention of the Congress. It is a record of a very productive year.

RICHARD NIXON.

THE WHITE HOUSE, *March 18, 1974.*

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, March 14, 1974.

The Honorable CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: As you know, I found it necessary to veto the Energy Emergency Act on March 6th. I can well understand and share the frustrations you must feel when legislation which has consumed great time and effort falls short of enactment, but for the reasons set forth in my message to the Senate on this subject, I felt that the act would hinder, not help, our efforts to solve this problem.

Now that the energy emergency bill is behind us, I would hope that everyone in the Executive and Legislative branches could join together in a spirit of constructive cooperation to pass the legislation that is still urgently needed for the future of our Nation.

I recognize that Members of the Congress have already made several proposals which merit attention and that others are likely to be forthcoming. This Administration will always welcome a healthy debate on these matters and seek to work with members of the House and Senate.

At the same time, I would hope that future energy bills passed by the Congress will be as direct and straightforward as possible without the burden of extraneous issues. Consistent with this approach, I have over the past thirteen months proposed a comprehensive package of seventeen legislative initiatives relating to energy. While some progress has been made toward enactment, a great deal remains to be done. I would therefore like to take this opportunity to summarize those initiatives for you:

Windfall Profits Tax—prevents oil producers from making undue profits as a result of the petroleum shortage by imposing a tax of up to 85 percent on that part of the selling price of domestic crude oil above its December 1, 1973 ceiling price.

Job Security Assistance Proposal—strengthens the unemployment insurance program that now exists by extending it to many workers not now covered and by providing additional benefits to those who lose jobs in areas where unemployment rates show that other jobs will be hard to find.

Special Energy Act of 1974—authorizes mandatory energy conservation measures and rationing (if it should become necessary) and grants to States to carry out energy emergency programs.

Natural Gas Supply Act—allows competitive pricing of newly developed gas supplies, thereby encouraging exploration and development of new wells. This bill should be of the highest priority.

Mandatory Reporting on Energy Information—requires all domestic energy companies to report energy inventories, production, cost, and reserves. Such information is needed to enable the Government to determine and carry out energy policies more effectively.

Naval Petroleum Reserves—allows limited production of oil from Elk Hills Naval Petroleum Reserve No. 1 and provides funds for further exploration and development of reserve No. 1 and exploration of reserve No. 4.

Mined Area Protection Act—establishes standards to govern surface effects of coal mining. This is needed to encourage the development of State programs which permit the mining of coal in a manner that is environmentally safe. The absence of clear legislation in this area is inhibiting the development of our coal reserves.

Deepwater Port Facilities Act—authorizes the Secretary of the Interior to grant permits for the construction, licensing and operation of ports beyond the three-mile limit. These facilities would permit the use of ships that are economically and environmentally sound for the importation of petroleum.

Mineral Leasing Act—places all mineral exploration and mining activities on Federal lands under a modernized leasing system. This proposal would assure that persons obtaining leases have an interest in early exploration for oil, gas and other minerals.

Drilling Investment Tax Credit—provides a tax credit similar to the investment tax credit for costs incurred for exploratory drilling for new oil and gas fields in the United States. Approval of this provision would provide an important incentive for new domestic oil and gas exploration.

Foreign Depletion Allowances—changes the present law to eliminate the 22 percent depletion deduction permitted in computing U.S. taxes on foreign production of oil and gas. This proposal would eliminate any incentive that percentage depletion provides for investment in foreign oil and gas development rather than U.S. energy resources.

Foreign Tax Credits—limits foreign tax credits available to U.S. oil and gas companies operating in foreign lands. Taxes paid to foreign oil producing countries by U.S. oil companies operating abroad have increased dramatically. It is no longer realistic to treat these payments to foreign governments entirely as income taxes creditable against the U.S. tax; it is proposed that the excessive portion of these payments be treated as an expense rather than as a tax credit.

Appliance and Motor Vehicle Energy Labeling Act—requires that major appliances and motor vehicles be labeled to show their energy use and efficiency so that consumers will have the information they need to make wise choices in purchasing.

Revision of Nuclear Licensing procedures—encourages standardization of nuclear plant designs and encourages early site review and approval so as to reduce the time required for getting nuclear plants on line from the current 9–10 years to 5–6 years, without compromising safety and environmental standards.

Federal Energy Administration—provides statutory responsibility to deal with the current energy problem through the allocation program and to carry out major new activities in encouraging the development of new energy supplies, collecting and analyzing energy information and supporting energy conservation.

Energy Research and Development Administration—provides a central agency for a series of $10 billion, five year energy research and development programs designed to develop new technologies for increasing energy supplies and for more efficient energy utilization. ERDA would include the research and development as well as production functions of the Atomic Energy Commission and selected energy R. & D. functions of the Department of the Interior, the National Science Foundation, and the Environmental Protection Agency.

Department of Energy and Natural Resources—provides a new Cabinet department for the comprehensive management of Federal energy and natural resource programs. DENR would incorporate most of the responsibilities of Interior, plus selected natural resource activities from the Departments of Agriculture, Commerce, Transportation and the Corps of Engineers. These responsibilities would form the basis of a modern department.

Our main concern now must be to work together to reconcile differing views so that important energy legislation can be brought to enactment as quickly as possible. I will personally guarantee the full cooperation of the executive branch in making this possible.

With warm personal regards,

Sincerely,

RICHARD NIXON.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 90]

Addabbo	Goldwater	Nix
Alexander	Grasso	O'Brien
Andrews, N.C.	Gray	O'Hara
Annunzio	Green, Oreg.	Pepper
Ashley	Griffiths	Peyser
Bell	Gubser	Pickle
Bergland	Gude	Pike
Blatnik	Gunter	Podell
Brasco	Hanley	Preyer
Breckinridge	Hansen, Wash.	Railsback
Brinkley	Hébert	Reid
Broomfield	Hinshaw	Reuss
Brown, Mich.	Huber	Riegle
Brown, Ohio	Jarman	Rooney, N.Y.
Burke, Calif.	Jones, Tenn.	Roy
Burke, Fla.	Jordan	Ryan
Carey, N.Y.	King	St Germain
Chamberlain	Kuykendall	Sebelius
Chappell	Kyros	Slack
Chisholm	Landgrebe	Steed
Clark	Lehman	Steele
Cochran	McClory	Stubblefield
Collins, Ill.	McCloskey	Symington
Conyers	McCollister	Talcott
Cotter	McDade	Teague
Davis, Ga.	McEwen	Thompson, N.J.
Dellums	McKinney	Towell, Nev.
Diggs	McSpadden	Udall
Dorn	Macdonald	Ullman
Downing	Madden	Van Deerlin
Dulski	Maraziti	Vander Veen
Eckhardt	Metcalfe	Vigorito
Erlenborn	Milford	Waldie
Esch	Minshall, Ohio	Wiggins
Fraser	Mitchell, Md.	Wilson, Bob
Frelinghuysen	Moakley	Wilson,
Froehlich	Moorhead, Calif.	Charles, Tex.
Fulton	Morgan	Wolff
Fuqua	Murphy, Ill.	Yatron
Gibbons	Nichols	Young, S.C.

The SPEAKER. On this rollcall 313 Members have recorded their presence by electronic device, a quorum.

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

CONSENT CALENDAR

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

AMENDING TITLE 35, UNITED STATES CODE, "PATENTS"

The Clerk called the bill (H.R. 9199) to amend title 35, United States Code, "Patents", and for other purposes.

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

H.R. 9199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3, title 35, of the United States Code is amended to read as follows:

§ 3. Officers and employees

"(a) There shall be in the Patent Office a Commissioner of Patents, a Deputy Commissioner, two Assistant Commissioners, and not more than fifteen examiners-in-chief. The Deputy Commissioner, or, in the event of a vacancy in that office, the Assistant Commissioner senior in date of appointment shall fill the office of Commissioner during a vacancy in that office until the Commissioner is appointed and takes office. The Commissioner of Patents, the Deputy Commissioner, and the Assistant Commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary of Commerce, upon the nomination of the Commissioner, in accordance with law, shall appoint all other officers and employees.

"(b) The Secretary of Commerce may vest in himself the functions of the Patent Office and its officers and employees specified in this title and may from time to time authorize their performance by any other officer or employee.

"(c) The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each examiner-in-chief in the Patent Office at not in excess of the maximum scheduled rate provided for positions in grade 17 of the General Schedule of the Classification Act of 1949, as amended."

SEC. 2. The first paragraph of section 7 of title 35 of the United States Code is amended to read as follows:

"The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, who shall be, appointed under the classified civil service. The Commissioner, the deputy commissioner, the assistant commissioners, and the examiners-in-chief shall constitute a Board of Appeals, which on written appeal of the applicant, shall review adverse decisions of examiners upon applications for patents. Each appeal shall be heard by at least three members of the Board of Appeals, the members hearing such appeal to be designated by the Commissioner. The Board of Appeals has sole power to grant rehearings."

SEC. 3. The last sentence of section 151 of title 35 of the United States Code is amended to read as follows: "If any payment required by this section is not timely made, but is submitted with the fee for delayed payment and the delay in payment is shown to have been unavoidable, it may be accepted by the Commissioner as though no abandonment or lapse had ever occurred.".

SEC. 4. (a) The Commissioner of Patents, may, in accordance with section 3 of this Act, accept late payment of issue fees, the payment of which was governed by the provisions of Public Law 89–83: *Provided,* That the term of the patent for which late payment of such an issue fee is accepted shall expire earlier than the time specified in section 154 of title 35, United States Code, by a period equal to the delay between the time the application became abandoned or a patent lapsed for failure to pay the issue fee and the time the late payment is accepted after enactment of this Act: *Further provided,* That no patent, with respect to which the payment of the issue fee was governed by the provisions of Public Law 89–83 and for which a late payment of the issue fee is accepted under the authority created by section 3 of this Act, shall abridge or affect the right of any person or his successors in business who made, purchased, or used after the date the application became abandoned or patent lapsed for failure to pay the issue fee, but prior to the grant of the patent, anything covered by the patent, to continue the use of or to sell to others to be used or sold, the specific thing so made, purchased, or used. A court before which such matter is in question may provide for the continued manufacture, use, or sale of the thing made, purchased, or used as specified or for the manufacture, use, or sale of which substantial preparation was made after the date the application became abandoned or a patent lapsed for failure to pay the issue fee but prior to the grant of the patent, and it may also provide for the continued practice of any process covered by the patent, practiced, or for the practice for which substantial preparation was made, prior to the grant of the patent, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced before the grant of a patent.

(b) This Act shall be effective upon enactment. Examiners-in-chief in office on the date of enactment shall continue in office under and in accordance with their then existing appointments.

With the following committee amendment:

Strike out all on page 3, line 13, down through page 4, line 21, and insert in lieu thereof the following:

SEC. 4. (a) The Commissioner of Patents may, in accordance with section 3 of this Act accept late payment of issue fees, the payment of which was governed by the provisions of Public Law 89–83; *Provided:* the term of the patent for which late payment of such an issue fee is accepted shall expire earlier than the time specified in section 154 of title 35, United States Code, by a period equal to the delay between the time the application became abandoned or the patent lapsed for failure to pay the issue fee and the time the late payment is accepted after enactment of this Act: *Further provided:* no patent with respect to which the payment of the issue fee was governed by the provision of Public Law 89–83 and for which a late payment of the issue fee is accepted under the authority created by section 3 of this Act, shall abridge or affect the right of any person or his successors in business who made, purchased or used anything covered by the patent, after the date of the application became abandoned or patent lapsed for failure to pay the issue fee but prior to the grant or restoration of the patent, to continue the use of or to sell to others to be used or sold, the specific thing so made, purchased, or used. A court before which such matter is in question may provide for the continued manufacture, use or sale of the thing made, purchased or used as specified, or for the manufacture, use or sale of which substantial preparation was made after the date the application became abandoned or patent lapsed for failure to pay the fee but prior to the grant or restoration of the patent, and it may also provide for the continued practice of any process covered by the patent, practiced, or for the practice of which substantial preparation was made, after the date the application became abandoned or patent lapsed for failure to pay the issue fee but prior to the grant or restoration of the patent, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced before the grant or restoration of the patent.

The committee amendment was agreed to.

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

DESIGNATING LANDS IN OKEFENOKEE NATIONAL WILDLIFE REFUGE, GA., AS WILDERNESS

The Clerk called the bill (H.R. 6395) to designate certain lands in the Oke-

fenokee National Wildlife Refuge, Ga., as wilderness.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone who is knowledgeable concerning this bill, whether it is proposed to dump any Federal funds under this bill into the Okefenokee Swamp?

Mr. MELCHER. Mr. Speaker, if the gentleman will yield, the answer is no, there are no Federal funds involved here. I would advise the gentleman from Iowa that this would designate 340,000 acres of the Okefenokee Swamp as wilderness which requires that development be prohibited, therefore no expenditures.

Mr. GROSS. And is it anticipated that none will be involved in the future as a result of passage of this bill?

Mr. MELCHER. Again the answer is no. I will say to the gentleman from Iowa that there are no anticipated funds that would result from passage of the bill.

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

Mr. Speaker, I withdraw my reservation of objection.

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

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

H.R. 6395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Okefenokee National Wildlife Refuge, Georgia, which comprise about three hundred forty-three thousand eight hundred and fifty acres and which are depicted on a map entitled "Okefenokee Wilderness Proposal" dated October 1967, revised March 1971, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. Within the wilderness designated by this Act, subject to such restrictions as the Secretary of the Interior deems necessary for public safety and to protect flora and fauna of the wilderness, (1) the use of powered watercraft, propelled by outboard motors of ten or less horsepower, will be permitted, (2) watercraft trails consisting of approximately one hundred twenty miles as delineated on the attached map will be maintained. Access to watercraft trails in the wilderness area will be provided from the Suwannee River Sill, Steven Foster State Park, Kings Landing, and Suwannee Recreation Area (Camp Cornelia).

SEC. 3. Fishing shall be permitted in the waters of the Okefenokee Wilderness, in accordance with applicable State and Federal regulations, except that the Secretary of the Interior may designate zones and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment.

SEC. 4. As soon as practicable after the Act takes effect, a map and a legal description of the wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 5. The area designated by this Act as wilderness shall be known as the Okefenokee Wilderness and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

With the following committee amendments:

Page 2, line 7, strike the word "outboard".

Page 2, line 8, strike the words "consisting of" and insert in lieu thereof the word "including".

The committee amendments were agreed to.

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

WITHHOLDING OF CERTAIN CITY TAXES FROM FEDERAL EMPLOYEES' PAY

The Clerk called the bill (H.R. 8660) to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances.

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

H.R. 8660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 55 of title 5 of the United States Code is amended by redesignating sections 5518 and 5519 as sections 5519 and 5520, respectively, and by inserting after section 5517 the following new section:

"§ 5518. Witholding of city income or employment taxes

"(a) When a city ordinance—

"(1) provides for the collection of a tax by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the city; and

"(2) imposes the duty to withhold generally on the payment of compensation earned within the jurisdiction of the city in the case of employees whose regular place of employment is within such jurisdiction;

the Civil Service Commission shall, under regulations prescribed by the President, enter into an agreement with the city within one hundred and twenty days of a request for agreement by the proper city official. The agreement shall provide that the head of each agency of the United States shall comply with the requirements of the city ordinance in the case of employees of the agency who are subject to the tax and whose regular place of Federal employment is within the jurisdiction of the city with which the agreement is made. The agreement may not apply to pay for service as a member of the Armed Forces.

"(b) This section does not give the consent of the United States to the application of an ordinance which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section. An agency of the United States may not accept pay from a city for services performed in withholding city income or employment taxes from the pay of employees of the agency.

"(c) For the purpose of this section, the term 'city' means a city which is duly incorporated under the laws of a State."

SEC. 2. The table of sections for chapter 55 of title 5 of the United States Code is amended by redesignating the items relating to sections 5518 and 5519 as 5519 and 5520, respectively and by inserting after the item relating to section 5517 the following new item:

"5518. Withholding of city income or employment taxes.".

SEC. 3. The amendments made by the first section of this Act shall apply only to requests for agreements made after the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5520. Withholding of city income or employment taxes

"(a) When a city ordinance—

"(1) provides for the collection of a tax by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the city; and

"(2) imposes the duty to withhold generally on the payment of compensation earned within the jurisdiction of the city in the case of employees whose regular place of employment is within such jurisdiction;

the Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the city within 120 days of a request for agreement by the proper city official. The agreement shall provide that the head of each agency of the United States shall comply with the requirements of the city ordinance in the case of employees of the agency who are subject to the tax and whose regular place of Federal employment is within the jurisdiction of the city with which the agreement is made. The agreement may not permit withholding of a city tax from the pay of an employee who is not a resident of the State in which that city is located unless the employee consents to the withholding.

"(b) This section does not give the consent of the United States to the application of an ordinance which imposes more burdensome requirements on the United States than on other employers or which subjects the United States or its employees to a penalty or liability because of this section. An agency of the United States may not accept pay from a city for services performed in withholding city income or employment taxes from the pay of employees of the agency.

"(c) For the purpose of this section—

"(1) 'city' means a city which is duly incorporated under the laws of a State and within the political boundaries of which 500 or more persons are regularly employed by all agencies of the Federal Government; and

"(2) 'agency' means—

"(A) an Executive agency;

"(B) the judicial branch; and

"(C) the United States Postal Service."

(b) The analysis of subchapter II of chapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof—

"5520. Withholding of city income or employment taxes.".

SEC. 2. Section 410(b) of title 39, United States Code, is amended by striking out the words "and section 5532 (dual pay)" and inserting in lieu thereof "section 5520 (withholding city income or employment taxes), and section 5532 (dual pay)".

SEC. 3. This section shall become effective on the date of enactment of this Act. The provisions of the first section and section 2 of this Act shall become effective on the ninetieth day following the date of enactment.

The committee amendment was agreed to.

Mr. CLAY. Mr. Speaker, H.R. 8660, the bill we are now considering, will assist Federal employees in meeting their tax obligations under city ordinances.

The bill provides that where required by a city ordinance, tax withholdings from the pay of employees will apply to employees of Federal agencies when there is an agreement for such withholding between the city and the Department of the Treasury. There are 196 cities in the United States that impose some form of income or employment tax. There is a total of 203,000 Federal employees, exclusive of Postal Service employees, located in these cities.

The bill defines "city" to mean a city which is duly incorporated under the laws of a State and within the political boundaries of which 500 or more persons are regularly employed by all agencies of the Federal Government. Thirty of the 196 cities have 500 or more Federal employees within their taxing jurisdiction with a total Federal employee population of approximately 196,000. The bill, as amended, applies to 96 percent of the Federal work force who are subject to a city income tax. All of these figures are exclusive of Postal Service employees as the original bill did not apply to the Postal Service but the inclusion of the Postal Service in the reported bill is not expected to result in any great administrative burdens.

Currently, there is no authorization to withhold city income tax obligations from the pay of Federal employees except on a voluntary basis. H.R. 8660 will permit the Federal Government to withhold earnings taxes from the payroll of the wages of its employees. The Federal Government now withholds from the wages of its employees for Blue Cross, Blue Shield, U.S. savings bonds, union dues, savings accounts, State income tax, and of course, Federal income tax; yet it does not withhold municipal wage taxes, which are an important source of income for at least 30 cities, in 9 States. In addition to Federal employees being able to deduct union dues, United Fund contributions they will be able to deduct city earnings if this bill becomes law.

The administrative cost to the Government would be minimal. The Treasury Department has stated that there would be no significant additional costs resulting from the enactment of this bill. Although there will be some initial costs involved, the computerized payroll systems of the agencies are constantly being changed to reflect pay and deduction adjustments and, the cost of adding city tax withholding would not be any greater to the agency than the normal payroll adjustment. No additional equipment or personnel will be required to implement this legislation.

Many Federal employees are suffering undue financial problems as a result of being forced to pay city earnings taxes in a lump sum.

Since such a vast number as 196 cities are involved, the committee focused its attention on two—St. Louis and Philadelphia. In St. Louis, 30,000 Federal employees who work in or reside in that city will benefit from this legislation. During the past 4 years, the city of St. Louis has initiated 21,534 court cases involving Federal employees resulting in fines and court cases totaling approximately $200,000. In Philadelphia in 1972, there were 71,500 Federal employees subject to the Philadelphia wage tax. In fiscal year 1973, the city of Philadelphia collected from Federal employees alone a total of $662,000 in interest and penalties. During the past 5 years, Federal employees in Philadelphia have paid a total of $2,615,000 in interest and penalties.

The result is that these people have had to pay all these taxes plus penalties and interests. The adoption of mandatory withholding of local taxes from Federal employees would save all these cities hundreds of thousands of dollars in the cost of preparing, processing, and suit preparation. In addition to the cost factor, the city would benefit because it would receive the payments quarterly and could invest these tax funds for additional revenue.

For many years the passage of this legislation has been opposed by the Treasury Department, the Civil Service Commission, the Post Office and the administration—but all have now changed their position to support for the measure.

It makes good sense to pass the city earnings tax withholding bill since it presents no additional burden to the cities or the Federal Government and will alleviate the problems now encountered by Federal employees and those cities involved in collecting these revenues.

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

PLACING CERTAIN SUBMERGED LANDS WITHIN JURISDICTION OF GOVERNMENTS OF GUAM, VIRGIN ISLANDS, AND AMERICAN SAMOA

The Clerk called the bill (H.R. 11559) to place certain submerged lands within the jurisdiction of the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes.

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

H.R. 11559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, all right, title, and interest of the United States in lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastlines of the territories of Guam, the Virgin Islands, and American Samoa, as heretofore or hereafter modified by accretion, erosion, and reliction, and in artificially made, filled in, or reclaimed lands which were formerly permanently or periodically covered by tidal waters, are hereby conveyed to the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, to be administered in trust for the benefit of the people thereof.

(b) There are excepted from the transfer made by subsection (a) hereof—

(i) all deposits of oil, gas, and other minerals, but the term "minerals" shall not include coral, sand, and gravel;

(ii) all submerged lands adjacent to property owned by the United States above the line of mean high tide;

(iii) all submerged lands adjacent to property above the line of mean high tide acquired by the United States, after the date of enactment of this Act, by eminent domain proceedings, purchase, exchange, or gift;

(iv) all submerged lands filled in, built up, or otherwise reclaimed by the United States, before the date of enactment of this Act, for its own use;

(v) all tracts or parcels of submerged land containing on any part thereof any structures or improvements constructed by the United States;

(vi) all submerged lands that have heretofore been determined by the President or the Congress to be of such scientific, scenic, or historic character as to warrant preservation and administration under the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.);

(vii) all submerged lands designated by the President within one hundred and twenty days after the date of enactment of this Act;

(viii) all submerged lands that are within the administrative responsibility of any agency or department of the United States other than the Department of the Interior;

(ix) all submerged lands lawfully acquired by persons other than the United States through purchase, gift, exchange, or otherwise;

(x) all submerged lands within the Virgin Islands National Park established by the Act of August 2, 1956 (16 U.S.C. 398 et seq.), including the lands described in the Act of October 5, 1962 (16 U.S.C. 398c–398d); and

(xi) all submerged lands within the Buck Island Reef National Monument as described in Presidential Proclamation 3448 dated December 28, 1961.

Upon request of the Governor of Guam, the Virgin Islands, or American Samoa, the Secretary of the Interior may, with or without reimbursement, convey all right, title, and interest of the United States in any of the lands described in clauses (ii), (iii), (iv), (v), (vi), (vii), or (viii) of this subsection to the government of Guam, the Virgin Islands, or American Samoa, as the case may be, with the concurrence of the agency having custody thereof.

SEC. 2. (a) Nothing in this Act shall affect the right of the President to establish naval defensive sea areas and naval airspace reservations around and over the islands of Guam, American Samoa, and the Virgin Islands when deemed necessary for national defense.

(b) Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of the lands transferred by the first section of this Act, and the navigable waters overlying such lands, for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power.

(c) The United States retains all of its navigational servitude and rights in and powers of regulation and control of the lands conveyed by the first section of this Act, and the navigable waters overlying such lands, for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically conveyed to the governments of Guam, the Virgin Islands, or American Samoa, as the case may be, by the first section of this Act.

SEC. 3. Subsection (b) of section 31 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1545(b)) is amended to read as follows:

"(b) All right, title, and interest of the United States in the property placed under the control of the government of the Virgin Islands by section 4(a) of the Organic Act of the Virgin Islands of the United States (48 U.S.C. 1405c(a)), not reserved to the United States by the Secretary of the Interior within one hundred and twenty days after the date of enactment of this subsection, is hereby conveyed to such government. The conveyance effected by the preceding sentence shall not apply to that land and other property which on the date of enactment of this subsection is administered by the Secretary of the Interior as part of the National Park System and such lands and other property shall be retained by the United States.".

SEC. 4. On and after the date of enactment of this Act, all rents, royalties, or fees from leases, permits, or use rights, issued prior to such date of enactment by the United States with respect to the land conveyed by this Act, or by the amendment made by this Act, and rights of action for damages for trespass occupancies of such lands shall accrue and belong to the appropriate local government under whose jurisdiction the land is located.

SEC. 5. The first section, and sections 2 and 3 of the Act entitled "An Act to authorize the Secretary of the Interior to convey certain submerged lands to the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes", approved November 20, 1963 (48 U.S.C. 1701–1703), are repealed.

SEC. 6. No person shall be denied access to, or any of the benefits accruing from, the lands conveyed by this Act, or by the amendment made by this Act, on the basis of race, religion, creed, color, sex, national origin, or ancestry.

Mr. WON PAT. Mr. Speaker, I rise to speak out on behalf of H.R. 11559, a bill to vest the government of Guam and the Virgin Islands and the Governor of American Samoa with title to all tidelands extending from the high-water mark out to the 3-mile limit from the coastlines of each respective territory.

Our principal objective in this bill is to give the American citizens on Guam and the Virgin Islands and the residents of American Samoa a degree of control over their tidewater lands similar to that now enjoyed by residents of the States and the Commonwealth of Puerto Rico.

Title to the offshore areas in the three territories affected by our legislation presently rests with the Federal Government. Such lands are administered by the Department of the Interior, which, in testimony before the House Interior Committee last year, stated its support for the basic intentions of this legislation and recommended its enactment.

As the Department itself said on September 24, 1973, and I quote—

We believe that the territories are fully competent to administer these tidelands and submerged lands under their own laws.

Enactment of this bill would eliminate several distinct problems:

First, local territorial residents would no longer be required to seek approval from the Department of the Interior in Washington for such mundane objectives as building a pier. Under present law, only the Interior Department may issue the necessary permits, a fact which has often caused officials in the Department considerable paperwork they would rather do without, and has forced a delay of up to 1 year in the approval of such permits.

Granting territorial governments jurisdiction over the offshore areas would also confer upon local authorities full police powers and the ability to collect all fees charged for offshore construction. The government of Guam has stated its concern over its present lack of authority in this matter, and has expressed its desire to have control of these areas where it rightfully belongs—with island authorities.

And finally, passage of H.R. 11559 would correct the impression now left on existing statutes that residents of the territories are unqualified to administer their own tidewater lands. Needless to say, such is certainly not the case, as the Department of the Interior itself pointed out. In the territories, as in the States, control of local affairs is a sensitive matter, as many so-called States righters have successfully noted in the past. Passage of our legislation would correct this unwarranted impression, and to silence charges by the United Nations of American colonialism in its territories.

I thank you for listening to me and stand ready to answer any questions.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of H.R. 11559 and H.R. 11573. H.R. 11559 conveys title and control of submerged lands on Guam, the Virgin Islands, and American Samoa from the U.S. Government to the territorial governments. Submerged land is that area extending from the high water mark to a point 3 miles at sea. Local control of such area is in consonance with the authority already vested in the 50 States and Puerto Rico, permitting better land and water use development and closing the time lag between requests to initiate shoreline improvement and their actual commencement. Excluded from the enactment, however, are U.S. oil, gas, and other mineral rights, and land currently within the administrative responsibility of Federal agencies other than the Department of the Interior. Also exempted are all submerged lands adjacent to property above the line of mean high tide acquired by the Federal Government after the date of enactment.

The act also turns over to the Virgin Islands' government title to properties which have been under territorial control since 1937. No change is effected, on the other hand, in Presidential power to establish naval defense areas, when required, and congressional authority to regulate or improve navigation and flood control within the territories.

H.R. 11573 amends the Organic Act of Guam, giving to the territorial government title to Federal property not specifically reserved by the President. Over one-third of the island is comprised of federally owned land with the Department of Defense being the primary real estate holder. In order to provide sufficient time for Federal review of such large holdings and to insure that future strategic requirements in the Pacific are met, a 1-year review period is specified. And, as an additional safeguard, Federal repossession of all conveyed property may be resorted to when in the interest of national security.

Additionally, H.R. 11573 amends the Organic Act of Guam by repealing the provision by which the President may suspend concurrent jurisdiction over crimes committed on Federal property. Considering the growth of self-government in Guam, Federal executive authority to suspend concurrent jurisdiction is an unnecessary stipulation and implies a lack of confidence in Guam's governmental institutions, particularly since this provision, historically, has never been enforced.

Thus, it is apparent that both measures provide for the protection of U.S. national interests while simultaneously stimulating political growth and maturity in America's territories. In meeting these two objectives, Mr. Speaker, I, therefore, recommend enactment of both legislative proposals.

Mr. DE LUGO. Mr. Speaker, I appreciate this opportunity to address the House on behalf of my bill H.R. 11559, which would transfer certain submerged and other lands to the jurisdiction of the Governments of Guam, the Virgin Islands, and American Samoa.

Basically, this legislation conveys to these three territories all right, title, and interest of the United States in land from the point of mean high tide seaward to a line 3 geographical miles from their respective coastlines. It would in effect grant the territories the same conditions of ownership of offshore lands now possessed by all of our coastal States and the commonwealth of Puerto Rico.

Among the major exceptions to this conveyance are:

First. All deposits of oil, gas, and other minerals but not including coral, sand, and gravel;

Second. Submerged land adjacent to property owned by the United States;

Third. All lands acquired by persons other than the United States;

Fourth. All lands designated by the President within 120 days of the enactment of this legislation, and;

Fifth. Lands previously determined by the President or Congress to be of scientific, scenic, or historic character and warrant preservation and administration under the National Park Service Act.

Also exempted are those naval defensive sea areas and naval airspace reservations around and over the insular possessions which the President finds necessary for the national defense. In addition to transferring lands permanently or periodically covered by tidal waters, this legislation would also transfer to the people of the Virgin Islands many of the most famous buildings and properties in the territory.

Among the better known Federal real property to which the Virgin Islands government would obtain title under this legislation are Government House; the former Marine barracks, now the Senate building, the Lieutenant Governor's Office; the old Public Works Headquarters, now housing the department

of finance; the Budget Office, known as Quarters B; and a parcel of Estate Ross, now housing the Lucinda Millin Home for the Aged.

On St. Croix, Fort Louise Augusta, the Public Works Yard in Christiansted, the former Marine barracks, and the Kingshill Home for the Aged are among the properties to be transferred to the Virgin Islands government.

All of these properties on St. Thomas and St. Croix have great historic and cultural significance for the people of the Virgin Islands, and have been under the control and maintenance of the territorial government for many years.

Placing tidal and submerged lands under the jurisdiction of the Virgin Islands, Guam, and American Samoa will eliminate the present cumbersome and duplicative administrative processes which must be undertaken before these lands may be beneficially utilized. For example, even the simplest activity, such as the construction of a dock, requires not only the fulfillment of local administrative rules, but also the approval of the Department of the Interior. The Interior Department in turn must clear the request with the Environmental Protection Agency, and thus the most routine application may require up to a year before final action is taken. Passage of this legislation will not only eliminate these time consuming and frustrating delays, but will also free resources of the Department of the Interior from these nonproductive functions for more pressing needs.

The easing of the administrative burden in securing permission to use submerged lands will stimulate their greater commercial development and increase the rental and permit fees available to the Virgin Islands government. These fees are now payable to and administered by the Department of the Interior, but under my bill they would accrue to the Virgin Islands. While they are only a fractional amount of the Department's budget they would be a substantial addition to the critical needs of the Virgin Islands' treasury.

I wish to stress that while additional utilization of Virgin Islands tidal and submerged land may be anticipated, any such development will be subject to existing and future national air and water quality standards, as well as the environmental preservation laws of the Virgin Islands. Likewise, permits from the Army Corps of Engineers will continue to be required for activities which come within its jurisdiction. The placing of these lands under local jurisdiction and supervision will lead to stricter adherence to ecological considerations than is possible under the present absentee ownership.

Mr. BURTON. Mr. Speaker, H.R. 11559 would transfer ownership and jurisdiction of certain submerged and other lands to the governments of Guam, the Virgin Islands, and American Samoa. The lands to be transferred have been held too long by the Federal Government, and their administration has been too long marked by unnecessary and duplicative effort by the Federal Government and the governments of the respective territories.

H.R. 11559 would in effect grant the territories the same conditions of ownership of offshore lands now possessed by all of our coastal States and the Commonwealth of Puerto Rico. The legislation protects the basic interests of the United States by exempting from the transfer all deposits of oil, gas, and other minerals and all National Park Service properties.

The bill also specifically states that—

Nothing in this Act shall affect the right of the President to establish naval defense sea areas and naval airspace reservations around and over the islands of Guam, American Samoa, and the Virgin Islands when deemed necessary for national defense.

H.R. 11559 would convey to the Virgin Islands government the properties placed under the control of the Virgin Islands government by the Organic Act of the Virgin Islands, except for any properties reserved to the United States by the Secretary of the Interior within 120 days after the enactment of this legislation.

The properties to be conveyed to the territorial governments are to be administered in trust for the benefit of the people of the territory. The legislation is designed to accomplish public use and benefit by the transfer and does not permit sale or contemplate commercial leases with renewal options that would frustrate public use and benefit.

The total effect of this legislation will be to free the United States and the Department of the Interior from their present cumbersome administrative processes and eliminate one more vestige of colonialism from our relationship with these offshore areas.

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

AMENDING ORGANIC ACT OF GUAM TO PLACE CERTAIN LANDS WITHIN JURISDICTION OF GOVERNMENT OF GUAM

The Clerk called the bill (H.R. 11573) to amend the Organic Act of Guam to place certain lands within the jurisdiction of the government of Guam, and for other purposes.

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

H.R. 11573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 28(b) of the Organic Act of Guam (48 U.S.C. 1421f(b)) is amended to read as follows:

"(b) All right, title, and interest in all property, real and personal, owned by the United States in Guam on the date of enactment of this subsection, not reserved to the United States by the President within one year after the date of enactment of this subsection, is hereby conveyed to the government of Guam, to be administered for the benefit of the people of Guam, and the legislature shall have authority, subject to such limitations as may be imposed upon its acts by this Act or subsequent Acts of the Congress, to legislate with respect to such property, real and personal, in such manner as it may deem desirable. Whenever the President deems it necessary to the national security of the United States, he may repossess any of the property conveyed by this subsection to be used for so long as the national security interest requires."

(b) Section 28(c) of the Organic Act of Guam (48 U.S.C. 1421f(c)) is amended by striking out "subsection (a) hereof, or which is not placed under the control of the government of Guam by subsection (b) hereof," and inserting in lieu thereof "subsection (a) or (b) of this section."

SEC. 2. On and after the date of enactment of this Act, all rents, royalties, or fees from leases, permits, or use rights, issued prior to such date of enactment by the United States with respect to the land conveyed by the amendment made by this Act, and rights of action for damages for trespass occupancies of such lands, shall accrue and belong to the government of Guam.

SEC. 3. Section 4(b) of the Act entitled "An Act to authorize the Secretary of the Interior to convey certain submerged lands to the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes," approved November 20, 1963 (48 U.S.C. 1704(b)), is repealed.

SEC. 4. No person shall be denied access to, or any of the benefits accruing from, the lands conveyed by this Act, or the amendment made by this Act, on the basis of race, religion, creed, color, sex, national origin, or ancestry.

With the following committee amendment:

Page 2, line 14, strike out "section.' " and insert "section,' ".

The committee amendment was agreed to.

Mr. WON PAT. Mr. Speaker, as the sponsor of H.R. 11573, I take pride in rising today to ask my colleagues in the House for their support of this measure which seeks to transfer certain land now owned by the Federal Government to the government of Guam and to confer upon the American citizens of Guam the same degree of concurrent jurisdiction in the matter of crimes committed on Federal property as is now extended to the residents of all other American areas.

In essence, H.R. 11573 aims to resolve the question of land use in Guam by asking the President to determine what territorial lands now owned by the Federal Government are needed for national defense purposes. All Federal lands, not specifically reserved within 1 year after the enactment of this legislation would then be given to the territorial government to be administered for the benefit of the people.

For an island of less than 225 square miles, this problem is an especially acute one. The Federal Government now holds title to slightly over one-third of Guam. While much of this land is being actively used by the military, a great deal has been allowed to lie fallow ever since it was acquired from the local citizenry in the 1940's and early 1950's.

In recent years, Guam has experienced enormous growth. More land than ever before is required to meet the needs of the public. Were this bill to become law, I am confident that a fair assessment by the President of Federal land holdings in the territory would reveal that the Federal Government is holding more acreage than it can legitimately utilize.

This excess property then could be utilized to meet the requirements of the local populations.

H.R. 11573 additionally would repeal title 48, section 1704(b) of the United States Code. This little known and thankfully never utilized law gives the President of the United States extraordinary powers over the legal rights of the people of Guam. He presently may exclude from the concurrent jurisdiction of the government of Guam persons charged with unspecified acts on Department of Defense property in the territory, for whatever reasons he finds in the interest of the national security.

This law, vague at best, and binding only on the residents of Guam, has no purpose except that of casting doubt on the loyalty of the people of Guam. Our courts in the territory are equally capable as those in the States and other American territories of handling crimes committed. And, the people of Guam are no more prone to commit acts of disloyalty or sabotage than are the residents of Washington, D.C., Honolulu, or San Diego.

There are sufficient statutes on the books to handle whatever problems may arise. And, since not one Guamanian has ever been charged with disloyalty to our Government, despite our being captured by the enemy in World War II, I believe the time has come to wipe this unfortunate law off the Nation's books once and for all. To do so would be welcomed by your fellow Americans in Guam and would end any question of distrust between the Federal Government and our territorial citizens.

I, therefore, urge my colleagues here today to vote for H.R. 11573.

Mr. BURTON. Mr. Speaker, H.R. 11573 would turn over title and control of unused or underutilized property of the United States in Guam to the government of Guam after reassessment and reevaluation of the true needs of the United States. The interest of the United States will be fully protected by the specific provision in the bill that gives the President a full year after enactment to assess and reserve to the United States all United States property in Guam which he wishes to reserve.

The bill also gives the right of repossession by the President of any of the conveyed properties whenever he deems it necessary in the interest of national security and for however long the national security requires.

The effect of the bill will be to allay the concerns of the people of Guam that the United States, which controls more than one-third of all the land in Guam, is holding many properties in unproductive use because of bureaucratic inertia and invalid estimates of the actual needs of the United States for this very limited land area.

The bill would also eliminate a provision of the Organic Act of Guam which, if invoked by the President, would deter the government of Guam from prosecuting persons who violate the laws of Guam. It is felt that the interests of the United States are fully protected by other laws and certainly by the powers granted the President as Commander in Chief in matters of national security.

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

The SPEAKER. This ends the call of the eligible bills on the Consent Calendar.

GENERAL LEAVE

Mr. BURTON. Mr. Speaker, I ask unanimous consent that all Members may have the balance of the day in order to revise and extend their remarks with reference to the bills just passed, H.R. 11559 and H.R. 11573.

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

There was no objection.

CONCEPCION VELASQUEZ RIVAS

Mr. EILBERG. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1206) for the relief of Concepcion Velasquez Rivas, as amended.

The Clerk read as follows:

S. 1206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the first proviso contained in paragraph (1) of section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by striking out "or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years" and by inserting in lieu thereof the following: "or to any person who, on the date of the filing of his petition for naturalization as provided in section 334 of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years".

Amend the title so as to read: "An Act to amend section 312 of the Immigration and Nationality Act."

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. EILBERG).

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

Mr. Speaker, the purpose of S. 1206, as reported, is to exempt any alien over 50 years of age, and who has been living in the United States for 20 or more years at the time an application for naturalization is filed, from the requirement of an understanding of the English language. Identical legislation has been approved by the House in the last three Congresses.

Section 312 of existing law precludes the naturalization of a person who cannot demonstrate an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language. An exception to this prohibition is made in favor of those who are physically unable to meet the literacy requirements.

An additional exception is applied to those who, on December 24, 1952, were over 50 years of age and had been living in the United States for at least 20 years. Such persons qualify for naturalization, notwithstanding an inability to understand, read, write, or speak simple English.

The only individuals who can now qualify for the exception on the basis of age and length of residence must be at least 70 years of age and must have been living in the United States for at least 40 years. Other elderly, longtime residents who had not yet reached age 50 years or had not had the required 20 years of residence in 1952 do not qualify for the exception and will not qualify for it on a future date under existing law. These worthy residents may be fully qualified for citizenship in every other respect but are ineligible because of their illiteracy. Many have made significant contributions to the welfare of the country, are the parents of native-born children, many of whom have been sacrified for their country in military service, and would be an asset to the citizenry of the United States. Nevertheless, although literate in their native tongue and, through foreign language media, fully aware of political, foreign, and domestic matters affecting the United States, are not privileged to achieve the status of citizenship solely by reason of their illiteracy in the English language.

The persons involved are, for the most part, not those who deliberately chose to remain ignorant of our language. Rather, they represent persons who gravitated to communities in which their native language was spoken almost exclusively, and who, in raising families and earning livelihoods, had little or no opportunity to attend school or otherwise learn English. They have now reached the age where school attendance is practically impossible or, where possible the ability to learn no longer exists. Nevertheless, that handicap offers no valid reason for denying them the opportunity, if otherwise qualified, to become American citizens.

It must be remembered that from the beginning of the Republic until 1906 no law of the United States required a candidate for citizenship to understand the English language. From 1906 to 1940, the only literacy requirement was the ability to speak simple English. Not until 1940 did the naturalization statutes demand an ability to read and write, in addition to speaking the language. There is no basis upon which it can be properly assumed that those who were granted citizenship, although lacking the ability to read and write English, have made poorer citizens or contributed less to this country than those naturalized at a time when such abilities had to be shown. Nor is there room for questioning the quality of the citizenship of those completely illiterate in the English language who nevertheless have qualified for naturalization under the age 50/20-year residence exemption. Sound consideration and equity, and the welfare of the country,

demand that the longtime resident who, since December 24, 1952, has reached age 50 years and has been living here for 20 years or more should be recognized as deserving of citizenship as much as his neighbor who met the identical prerequisites as far back as December 24, 1952.

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

Mr. EILBERG. I yield to the gentleman from Alabama.

Mr. FLOWERS. I thank the chairman for yielding.

Mr. Speaker, I would like to join with my colleagues in recommending approval of this bill that is so long overdue. The amendment we are considering today has passed the House on three different occasions and helps to remedy an unfair situation.

If an alien who is over 50 years of age resides in this country for 20 years and is fully integrated in every way into our society, it seems only logical that such individuals when seeking to be naturalized should be exempt from the English literacy requirements. Such persons would still be required to establish that they have knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States. Let me reiterate that we are bestowing the blessings of American citizenship on senior aliens who in every way have been productive members of our society.

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

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

Mr. GROSS. I thank the gentleman for yielding.

Do I understand this bill would provide citizenship for those who have been here for 20 years who have attained the age of 50?

Mr. EILBERG. An opportunity for citizenship. As of the date of filing of the naturalization petition, a person over the age of 50 years who has resided in the United States for at least 20 years could apply for citizenship and be exempt from knowledge of English.

Mr. GROSS. And they have not learned to speak the English language or are incapable of signing their own names in English?

Mr. EILBERG. That is correct.

Mr. GROSS. What do they come to this country for in the first place—to become citizens or partial citizens of the country?

Mr. EILBERG. If the gentleman will permit me to respond, the typical case appears in the Senate bill which came over to this Chamber, S. 1206.

Briefly the facts in that case are that a Mexican woman entered the country as an orphan at age 8. She did not know how to read or write or understand English. At a relatively early age she married, and she is now the widow of a veteran of our Armed Forces, and she is now 56 years of age and she wants very much to be a citizen of the United States. She has been here over 50 years and has not had the opportunity to learn English. The committee thinks that she would make a very good citizen.

Furthermore, we think that the Senate, in passing the private bill, embraces exactly the theory of this general bill. Many people who come to this country continue to live in relative exclusion or isolation and continue to speak the language of their native country. They never have the opportunity to speak English or learn English because of the circumstances in which they find themselves.

Mr. GROSS. What is the requirement or requisite of other countries for Americans who emigrate? What is the requirement laid upon them?

Mr. EILBERG. I cannot answer the gentleman.

Mr. GROSS. The committee did not go into that?

Mr. EILBERG. No, we did not explore that.

Mr. GROSS. This sounds as though these people who come to this country are not really interested in becoming citizens or they would learn at least the language, how to sign their names, and speak English at least to the point where they could converse with some of our citizens. I do not understand how they could live in this country for 20 years and attain the age of 50 and still not be able to speak the English language so as to converse with others. It seems to me that would be the first thing they would have to do, that is to be able to speak the language of the country of their adoption.

Mr. EILBERG. I would respond to the gentleman that I know, in at least northeast Philadelphia, there are neighborhoods which are Italian speaking and are known as Little Italy neighborhoods since they all speak Italian to one another. As their Congressman, I must have interpreters with me as I go through the neighborhoods. Sometimes, the people have been in this country for many years. This is the way these people live.

Mr. GROSS. And we condone it?

Mr. EILBERG. I did not understand the gentleman.

Mr. GROSS. We condone it? We are asked to underwrite that sort of situation? I think it is wrong.

Mr. EILBERG. I would say the House has already passed similar legislation three times, Mr. Chairman.

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

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

Mr. KAZEN. Mr. Speaker, I wholeheartedly support this bill, as amended by the Committee on the Judiciary. As the House is aware, the matter of making special provision for older men and women who want to become citizens after living many years in the United States is a problem that the House has considered previously. Three times, as a sponsor of legislation covering this need for change in our immigration laws, I have been proud that the House has voted for this change. We have said, in effect, that if an applicant for citizenship is over 50 years of age and has lived more than 20 years in this country, we shall not require the English language literacy test.

We have said we would welcome these men and women as citizens. To my regret, there have been problems in the other body, but my inquiries show that these have been technical, and that this new attempt will be welcomed in the other body.

In my district, we have many persons of Mexican American and other heritages who have proven their loyalty to our Nation. Some of them have fought in our armed forces; others have sent their sons to military service. They have been —I want to say, "solid citizens," except we have not permitted them to be citizens. I believe the time has come to recognize them, and I urge passage of this bill.

Mr. RONCALIO of Wyoming. Mr. Speaker, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I associate myself with the remarks made by my friend, the gentleman from Texas, Mr. "CHICK" KAZEN. I know there are two situations in Wyoming which are comparable. I urge passage of the bill.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I welcome the opportunity to rise in support of favorable consideration of S. 1206 as amended, for the purpose of amending section 312(1) of the Immigration and Nationality Act. This section contains the general requirements that applicants for naturalization be able to speak, understand, read, and write the English language, and an exemption from those requirements. Since I came to the Congress I have supported this legislation—and three times saw the House pass it. Now as an amendment to a Senate bill maybe we have broken through.

Indeed, I respectfully submit that the bill merely implements an existing congressional policy which has become largely ineffective with the passage of time. It is safe to state that, during the interim period of the past 22 years, the vast majority of aliens who could qualify for the English-language exemption under section 312(1), in its present context, have availed themselves of the benefit and, if otherwise eligible, have become naturalized citizens of the United States. Accordingly to a very considerable extent, the exemption provision has a relatively negligible application at the present time.

On the other hand, among the more than 3 million aliens residing permanently in the United States, there are a very great many who were not eligible for the English-language exemption in 1952, either because they lacked a year or more of residence, or were 1 or more years under the age of 50. Although otherwise worthy of citizenship, these deserving persons have been unable to achieve their

desire to become citizens, because of their inability to satisfy the English-language requirements. Within this large group are persons who have now lived in the United States for well over 40 years, and others who are more than 70 years of age. Logic and commonsense should convince us, I think, that aliens who have accumulated lengthy residence and have arrived at an advanced age during the past 22 years are no less worthy of the exemption than those who qualified for the benefit on December 24, 1952.

The aliens who will benefit from this bill are representative of diverse foreign nationalities, and live in all sections of the United States. I have been fortunate enough to meet, observe, and know personally many men and women in this elderly group. They are, for the most part, the fathers and mothers of a fine, representative generation of young American citizens, born and reared in this country. I am familiar with the extent to which these parents have sacrificed themselves to educate their children, and bring them up in the traditional American manner. To me these sacrifices show a spirit of loyalty and devotion to democratic ideals, and a dedication to the welfare of the United States, which betoken a sense of good citizenship in its highest form. Elderly longtime residents who have demonstrated their qualifications for citizenship in this fundamental manner should not be deprived of the opportunity to become citizens merely because they have been unable to learn the English language.

Of particular concern to me are the many members of this elderly group who have come from Mexico and other Spanish-speaking countries, and have been residing in my home State of Texas and other parts of the Southwest for many years. I have visited these Spanish-speaking people in their homes, have watched them at work, and I know their problems well.

In the past, I have taken the floor of the House to speak of the need of special measures to improve their living conditions and assure them better educational and job opportunities. Devoted as they have been to the solidarity of the home and the welfare of their families, their lives have been years of backbreaking toil, hardship, and poverty, years of constant struggle to earn the bare necessities of life for themselves and their children. Although their burdens have been far greater than those of other residents of foreign birth, who have been enjoying the good American life, these God-fearing people have withstood them with courage and forbearance, ever obedient to the law and loyal to the United States and the principles of government. The great majority, despite the heavy demands upon them, have successfully raised and educated children who have served this country well in agriculture, industry, the professions, and the Armed Forces. The cost of these accomplishments, however, has been a heavy one, for these elderly fathers and mothers have had to forego the opportunity to improve their lot by education. Throughout the years, few, if any of them, have had the time to attend citizenship classes where they could receive assistance in learning the English language. Moreover, with the passing of the years, the infirmities of advanced age and a diminished capacity to learn make it virtually impossible for them to acquire this knowledge.

My colleagues, I say to you with the utmost sincerity that these elderly Spanish-speaking men and women, my neighbors and friends, have been good citizens in fact for many years. Above all, my meetings with them have disclosed their fervent, heartfelt yearning to become citizens in name as well. This privilege is being denied them solely because, in the twilight of a life of sacrifice, they have been unable to master the intricacies of the English language. I counsel you to remove this obstacle, and to permit them to achieve full citizenship of the adopted country they have served so well. Indeed, how can we deny this assistance to them, when in some instances, their sons have surrendered their lives in the cause of freedom and justice upon battlefields abroad?

S. 1206 as amended will materially assist many of these deserving persons to become citizens and, again, I strongly urge you to accord the measure favorable consideration today.

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

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

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

Mr. Speaker, I want to express my very warm support for this legislation. I think it is very much in the tradition of this country. I think we would all do well to bear in mind our own ancestry—and I suspect there are many Members of this Chamber whose great-grandparents might have been immigrants into this country who became citizens before we imposed the literacy requirement.

Mr. Speaker, I represent an area where there are many Portuguese citizens who would be affected by this legislation and I commend this bill to the Members and thank them and the committee for their understanding.

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

Mr. EILBERG. Mr. Speaker, I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I would like to rise in support of this legislation, and point out that many of the people in my district are of Portuguese descent or are Spanish speaking, and this legislation would work directly to their benefit.

Mr. Speaker, I commend the committee for the excellence of its work, and I urge passage of the bill.

Mr. FISH. Mr. Speaker, I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Speaker, for years the rights and privileges of citizenship have been denied to hundreds of thousands of people throughout the country, who immigrated to the United States to begin new lives as Americans, based on their inability to pass the required literacy examination.

I have been acquainted with this problem in my district, the 10th District of Massachusetts, which contains a large number of Portuguese, Italian and French Canadian immigrants. They came especially to Fall River where 60 percent of the city are of Portuguese descent.

Many of these people have spent their lives in Massachusetts, payings taxes as any average citizen does each year. The difference is that these thousands of people do not have a direct voice in our Government because they have no vote. Effectively, any individual who is over 50 years of age and has lived and worked in this country for 20 years or more is an American. However, if he is not technically a citizen, he will not be allowed full participation in our political system.

It is a great contradiction in the very fundamentals of our democracy that these people who have made their lives in this country and have contributed to our economic growth for 20 or more years should not be recognized as Americans in every sense of the word.

I urge my colleagues to vote in favor of the amendment to the Immigration and Naturalization Act which will grant citizenship to all naturalization applicants over 50 years who have lived in the United States for 20 years and will exempt them from the English language requirement.

Mr. FISH. Mr. Speaker, I am pleased to join my colleague from Pennsylvania, the chairman of the Subcommittee on Immigration in support of S. 1206 as amended by our subcommittee.

This amendment to the Immigration and Nationality Act has passed the House during the 90th, 91st, and 92d Congresses, only to fail to be enacted due to lack of action by the other body. It is not a new concept, but merely updates the policy expressed in the present immigration law that those immigrants who have lived in our country for 20 years, and are over 50 years of age should not be subjected to one requirement for naturalization—that of a knowledge of the English language. All those fortunate enough to have met these two conditions as of December 1952, the date the present law was enacted, have been able to seek naturalization without this one requirement. This bill would merely update that waiver of this single requirement and extend it to those who meet these conditions now and in the future.

It is possible today that an immigrant could have lived in our country a total of 41 years, 19 prior to 1952 and the 22 years since, and still be denied citizenship due to a deficiency in his or her knowledge of English. I submit that 20 years residence, much less for 41 years should be more than adequate proof of one's allegiance to the United States and interest in and love for our country.

Let us examine to whom this waiver would most likely apply. The beneficiaries for the most part would be those people who have spent at least their middle years here probably working hard to raise their families. However, if many years ago the home they established was in a neighborhood where others of their nationality lived, a common occurrence, it is not hard to understand how acquiring a knowledge of English was of lower

priority than dealing with many struggles faced by immigrant families.

Mr. Speaker, I might point out that we are addressing ourselves very narrowly to one obligation of naturalization. This bill does not affect, does not change the requirement for a knowledge and understanding of the fundamentals of the history and the principles of the form of government of the United States.

Our subcommittee has felt, and this House has agreed in each of the last three Congresses, that the policy waiving the English language requirement should apply to all those persons who have lived here at least 20 years, and have passed the age of 50 years. The Immigration and Naturalization Service of the Department of Justice agrees, and I am happy to join the gentleman from Pennsylvania in urging that the House suspend the rules and pass S. 1206 as amended by our subcommittee.

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

Mr. FISH. Mr. Speaker, I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I am pleased to join my subcommittee chairman and ranking minority member in support of S. 1206, as amended by the subcommittee.

Mr. Speaker, I would just like to add to my colleagues' remarks that the enactment of this bill would be a very humanitarian gesture. Those persons who would qualify for an exemption under this legislation are those who have lived a good part of their lives already. If they have not learned English by the time they have reached the age of 50, I think it would be most difficult to learn even the basics of a new language at that point in their lives.

Mr. Speaker, I feel, as my colleagues on the subcommittee do, that if a person has spent 20 years in the country and can meet all the other qualifications of citizenship, which as the gentleman from New York pointed out include a knowledge and understanding of the fundamentals of our history and our form of government, it is totally proper to waive the English language requirements so that they can become citizens.

Mr. Speaker, I join my colleagues on the subcommittee in urging passage of this bill.

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

Mr. FISH. I yield to the gentleman from Utah.

Mr. OWENS. Mr. Speaker, I thank my colleague on the Committee on the Judiciary for yielding.

I join in commending the chairman of this subcommittee and the other members of the subcommittee for this excellent bill.

This bill will help solve the problem of a lovely lady in my district whose only basic impediment to her becoming a citizen of the United States is the language. There is no more sincere, devoted American than this lady. She is deserving of citizenship, and I am grateful that the subcommittee, along with the full committee, has seen fit to report out this bill.

Mr. Speaker, I support the bill very strongly.

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

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

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

I represent a district in which as many as 50 percent of the citizens are Spanish-speaking. I would like to point out to the Members of the House that the Mexican-American communities of the United States have contributed more Medal of Honor winners proportionately than any other minority group. These people have paid their taxes, and they have been good citizens. I feel that they deserve this recognition which we will give them by this bill.

Mr. Speaker, I certainly strongly support the bill.

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

Mr. EILBERG. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, the bill before us now amends the Immigration and Nationality Act to waive the English language requirement for any alien over 50 years of age who has been living in the United States for 20 years or more at the time when application for naturalization is filed. This bill is consistent with recent legislation setting conditions for removal of literacy tests as a prerequisite for voting. In other words, this bill merely updates the current law to conform it to the basic 1952 Immigration and Nationality Act.

Under existing law, an alien need not be literate in English only if such an alien were on December 24, 1952, over 50 years of age and then had lived in the United States for periods totaling at least 20 years. This bill relieves any alien living in this country for a period totaling 20 years or more who is over 50 years of age from the requirement of an understanding of the English language. In 1952, the Congress, and the Department of Justice, felt that persons of a specific age who had resided in this country for a specific period of time should be exempted from the English language requirement. There is no reason why that policy should not be the policy in 1974. There is, in short, no reason to exclude from naturalization proceedings those applicants with identical qualifications who reach a specified age and complete the necessary period of residence at a later date.

More than 21 years have passed since the cutoff date prescribed in the 1952 Immigration and Nationality Act. Those who could claim the exemption from the requirement of understanding the English language would have to be at least 71 years of age and have lived in this country for as much as 41 years. The principles underlying the legislation are not altered by permitting those who reach age 50 and who complete the 20 years of residence after the 1952 cutoff date to be exempted from the requirement of understanding the English language. The test of their ability to read, write, and speak English is not a test relevant to their appropriateness for citizenship.

Mr. EDWARDS of California. Mr. Speaker, I urge my colleagues to join the members of the Judiciary Committee in supporting this long overdue legislation. Simply stated, the bill would exempt from the requirement of understanding English, any alien over 50 years of age who has resided in the United States for 20 years and who meets all other requirements of our naturalization laws.

Quite frankly, the current law limiting this provision to individuals who immigrated to the United States in 1932 or before makes no sense at all in 1974.

However, the enactment of this legislation would permit many parents and grandparents of U.S. citizens to enjoy the rights and privileges of citizenship which I feel they have earned.

To continue to deny citizenship to 20-year residents whose only handicap is an inability to understand English speaks more loudly of our Government's failure to provide adequate bilingual education programs than it does of anything else.

I am sure that almost every Member of this body has constituents who could benefit from this legislation and from whose citizenship we as a country would benefit. Therefore, I urge unanimous consent on the passage of S. 1206.

Mr. PODELL. Mr. Speaker, there is a man who lives in my district, who has been living in this country for almost 30 years. He has raised two fine children, and he is a successful small businessman. He pays his taxes, he honors this country, he is, by all respects, a useful, productive member of our society. However, he is not fully a member of this society, because he is not a citizen.

This man of whom I speak came to the United States in 1946, a victim of Nazi oppression. He built a new life for himself in this country, a life which was full and rewarding and successful. But he never had the time or the opportunity to learn how to read or write the English language.

In spite of this so-called handicap, my consituent built a life which would have been the envy of his contemporaries in Europe. It cannot be denied that the inability to read or write English prevented him from making a success of his life against very high odds, and yet the laws of this country do not think he has done well enough to merit citizenship.

The bill before us today (S. 1206 confers the privilege of citizenship upon this man and thousands of others like him in my congressional district and throughout the country. When this man and all the others in his situation came to this country, they were fully grown. They had other concerns greater than learning how to read and write a new language. They had to worry about making a living, about providing for their families, about learning to surviving and get ahead in a strange, new society.

I most strongly urge my colleagues to

join me in voting for this measure. It is not a radical thing we are proposing. Rather, it is simply conferring the benefits of citizenship upon those who have already spent long years making contributions to our society. Their lack of facility in reading and writing English did not keep them from working, earning a living, paying taxes, educating their children to appreciate the values of American society, and it should not keep them any longer from being citizens of this country that they have chosen as their own.

There are many inequities in the immigration laws, many requirements which, in the light of today's society, look ridiculous to the thoughtful observer. The change we vote for today will change the letter of the law to comport with the spirit in which it was originally written. Citizenship ought not to be denied anyone except on the most serious grounds.

The mere inability to read and write English should not be reason enough to deny an otherwise valuable member of our society his full rights as a citizen of the United States.

Mr. RODINO. Mr. Speaker, I wish to express my strong support for S. 1206 as amended, for in substance, it is identical to H.R. 983, a bill which I originally sponsored.

Today we are considering an amendment to section 312 of the Immigration and Nationality Act, which would exempt an alien over 50 years of age and who has been living in the United States for 20 years or more at the time an application for naturalization is filed, from the requirement of understanding the English language. Existing law waives the literacy requirement only in the case of aliens who are physically unable to comply with the provisions and who on December 24, 1952, the effective date of the Immigration and Nationality Act, were over 50 years of age and had been living in the United States for at least 20 years. In other words, the benefits are today available only to persons who are 72 years of age or older. Hence, the effect of this amendment is to eliminate the cutoff date.

It is my belief that the legislation we are considering today helps to rectify an unfair and unfortunate situation. The individuals who will be benefited by this bill have passed the age where attending school to fulfill the reading, writing and speaking requirements of the law as it exists, is just not feasible. If an alien over 50 years of age and who has been living in this country for 20 years is otherwise qualified for naturalization there is no valid reason for denying him the privilege of American citizenship.

It was the intent of the Congress in enacting the original law that individuals who had lived in this country for many years and who had reached a certain age should be exempted from the obligation of learning to read, write and speak the English language. It is my opinion that the spirit which Congress originally displayed ought to serve as guidance today. I reiterate we are merely facilitating the acquisition of citizenship by those individuals who notwithstanding their total assimilation into American society, are unable to master the required English language skills.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of S. 1206, as amended. This bill, as amended, will help resident aliens in the United States over the age of 50 years who have resided in the United States for over 20 years to become naturalized American citizens by waiving the requirement of reading, writing, and speaking the English language. The legislation would permit persons who, despite their language handicap, have, during their 20 years or more of domicile in this country become productive contributors to our society, to become full partners as Americans with their children and grandchildren.

In my State of Hawaii alone, there are approximately 5,000 persons who have enriched our multiracial society with their talents, skills, and cultural contributions, but who, simply because the English language examinations remain too difficult for them, are unable to become American citizens. Yet, they are as informed, as active, and as civic-minded as their English-speaking American neighbors.

Throughout our great land, there are thousands of others who live in our communities and who have become hard-working, productive members in our society. In their hearts, their work and recreation, and their daily lives, they are truly Americans. Only because of a senseless legal inadequacy—not in them but in the current law—they remain aliens under our law.

In 1952, Congress recognized the inadequacy and inconsistency of our immigration and naturalization laws. Thus, Congress amended the Immigration and Nationality Act to waive the English language requirement for aliens who were 50 years of age or older at the time the amendment became law and who had resided in this country for a total of 20 years or more. Over 20 years have passed since that amendment. Thus, the law, as it now exists, permits only aliens who are at least 70 years of age and who have resided no less than 40 years in the United States to apply for citizenship in a foreign language.

It is no wonder that the legislation we are now considering has been passed by this House three times before in the past three Congresses. It has the endorsement of the Department of State and the Department of Justice. No objections have been raised by the Office of Management and Budget. The House Judiciary Committee, guided by our respected and able colleague, Mr. EILBERG, chairman of the subcommittee, has wisely acted again to restore reason to our immigration and natralization laws. I commend Mr. EILBERG and members of the House Judiciary Committee for acting swiftly and boldly to correct the existing inequity in our law and hope that the Senate will awaken to the situation.

Mr. Speaker, I urge overwhelming approval of this worthy measure.

Mrs. MINK. Mr. Speaker, I urge this body to again give its approval to legislation offering the English language requirement exemption to those who meet the qualifications of Public Law 82–414 but who are presently excluded by the phrase, "as of the effective date of this act." This amendment retains the qualifications of Public Law 82–414, a permanent resident alien must be over 50 years of age and must have resided in this country for a total of 20 years. But where Public Law 82–414 limited its benefits to those born before 1902, this amendment would permit those born after 1902 to avail themselves of this exemption.

The House has passed this amendment several times previously only to have the bill die in the Senate. I sponsored legislation of this nature in 1967. My bill (at that time H.R. 3596) passed the House in December 1967, but failed to become law when the Senate did not act on it. I commend the Immigration Subcommittee for its diligent concern and its undiminished efforts to secure passage of this amendment in both Houses of Congress. Though the group we are hoping to help is a distinctly limited one—qualifications of 50 years of age and 20 years residence make the affected group a minority among our immigrant population—it is nonetheless a group much in need of our assistance and the bill speaks to a problem much in need of recognition and redress.

I would imagine that most of us have had some experience at learning a foreign language. Normally that experience is an academic one—one which, significantly, comes within the youthful, malleable stages of our mental development.

Linguists tell us that languages are most readily assimilated by the very young. Those of us who come from districts with sizable immigrant populations know first-hand the difficulties confronting immigrants trying to learn a new language. While their children seem to absorb the new language's slang and rhythms as well as its structures and idioms, the older immigrant must struggle to master even the bare rudiments of the new tongue.

This is a natural and expected phenomenon. Language is a tool, a process. By the time an individual reaches adulthood, language is a complex tool. It is an infrastructure whose very complexity resists discarding in favor of a new system where the learner is in a very real sense a child again.

Given the all too human barriers against achieving fluency in English among older immigrants, I would urge the House again approve this amendment. We know now that the inability of some of our older immigrants, those who enter the United States after the completion of their formal education and have, like so many of us, no particular gift for languages, to absorb a new language is characteristic of us all. I urge each of the Members to consider his own chances of learning a new language at this point in his life were he to be placed in a similar situation.

This amendment we have before us is a simple and limited one. Its principle has already been acknowledged by the passage of Public Law 82–414. I urge you now to extend its understanding and compassion to our older immigrants born after 1902.

These immigrants are mature. In midlife they have chosen to break with a life

they knew well and begin anew. Their commitment and courage I commend. I hope it will not go unfulfilled because the technical skills of mastering a new language have eluded them.

With 20 years residence in the United States, these immigrants have not only seen, felt, and enjoyed American life—they have enriched it. I urge you to grant them exemptions from the language requirement and permit them to become what they have made so many sacrifices for—American citizens.

Mr. GONZALEZ. Mr. Speaker, I am very pleased to see that the House is today considering a bill that amends section 312 of the Immigration and Nationality Act, as I have attempted to amend this section ever since I came to Congress in 1962.

Under existing law, section 312 of the Immigration and Nationality Act waives the requirement of an understanding of the English language for any person who, on December 25, 1952, was over 50 years of age, who then had lived in the United States for periods totaling at least 20 years. The bill we are considering today eliminates the 1952 cutoff date, something that should have been eliminated a long time ago.

As the law stands now, only those persons who came to the United States prior to December 24, 1932, that is, 20 years preceding the effective date of the act, could qualify for this exemption. The change that will be made by the passage of this bill would create an open-end classification, allowing persons to fall within the exception when they have lived in the United States for at least 20 years, even though they may have come in after 1932.

Since I have been in Congress I have received many letters from constituents who desperately wish to become citizens, some who say they wish to do so before they die, but they cannot under the existing law because they cannot read and write English and came into the United States after 1932.

For many it is not because they did not try to learn to read and write English. They went to classes when they could, but most had to work to support their families and did not have the time to devote to studying English and to become proficient in our language.

Some of these people have lived here 25 and 30 years. They have worked hard most of their lives. They have paid taxes to the State and Federal government. They have raised their families here, and have seen their children, who are citizens because they were born here, go off to fight and maybe die for America. Many may even have grandchildren and possibly even great grandchildren who are citizens of the United States, yet these people can never come within the exemption set out in section 312.

I have always believed that this law was unjust and I have worked to see it amended. I know that many of my colleagues feel the same way, and I am hopeful that today we can pass this bill that will correct the inequity in the law which has existed for too long.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. EILBERG) that the House suspend the rules and pass the Senate bill (S. 1206) as amended.

The question was taken.

Mr. GROSS. 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 301, nays 21, not voting 110, as follows:

[Roll No. 91]

YEAS—301

Abdnor	Donohue	Long, La.
Abzug	Downing	Long, Md.
Adams	Drinan	Lott
Anderson, Calif.	Duncan	Lujan
Anderson, Ill.	du Pont	McCormack
Andrews, N. Dak.	Edwards, Ala.	McFall
Archer	Edwards, Calif.	McKay
Arends	Eilberg	Madigan
Armstrong	Erlenborn	Mahon
Aspin	Eshleman	Mallary
Badillo	Evans, Colo.	Mann
Bafalis	Evins, Tenn.	Martin, Nebr.
Baker	Fascell	Mathias, Calif.
Barrett	Findley	Matsunaga
Bauman	Fish	Mayne
Beard	Fisher	Mazzoli
Bennett	Flood	Meeds
Bevill	Flowers	Melcher
Biaggi	Foley	Mezvinsky
Biester	Ford	Michel
Bingham	Forsythe	Miller
Blackburn	Fountain	Mills
Boggs	Frenzel	Minish
Boland	Frey	Mink
Bolling	Gaydos	Mitchell, N.Y.
Bowen	Giaimo	Mizell
Brademas	Gilman	Mollohan
Bray	Gonzalez	Montgomery
Breaux	Goodling	Moorhead, Calif.
Brooks	Green, Pa.	Moorhead, Pa.
Brotzman	Grover	Morgan
Brown, Calif.	Guyer	Mosher
Broyhill, Va.	Haley	Murphy, N.Y.
Buchanan	Hamilton	Murtha
Burgener	Hammer-schmidt	Myers
Burke, Mass.	Hanley	Natcher
Burleson, Tex.	Hanna	Nedzi
Burton	Hanrahan	Nelsen
Butler	Hansen, Idaho	Obey
Byron	Hansen, Wash.	Owens
Camp	Harrington	Parris
Carney, Ohio	Harsha	Passman
Carter	Hastings	Patman
Casey, Tex.	Hawkins	Patten
Cederberg	Hays	Perkins
Clark	Hébert	Pettis
Clausen, Don H.	Hechler, W. Va.	Pike
Clawson, Del	Heckler, Mass.	Poage
Clay	Heinz	Podell
Cleveland	Helstoski	Powell, Ohio
Cohen	Hicks	Price, Ill.
Collier	Hillis	Price, Tex.
Collins, Tex.	Hogan	Pritchard
Conable	Holifield	Quie
Conlan	Holt	Quillen
Conte	Holtzman	Randall
Corman	Horton	Rangel
Coughlin	Hosmer	Rees
Crane	Howard	Regula
Cronin	Hudnut	Rhodes
Culver	Hungate	Rinaldo
Daniel, Robert W., Jr.	Hunt	Roberts
Daniels, Dominick V.	Hutchinson	Robinson, Va.
Danielson	Johnson, Calif.	Robison, N.Y.
Davis, S.C.	Johnson, Colo.	Rodino
Davis, Wis.	Johnson, Pa.	Roe
de la Garza	Jones, Ala.	Rogers
Delaney	Jones, N.C.	Roncalio, Wyo.
Dellenback	Jones, Okla.	Roncalio, N.Y.
Dellums	Karth	Rooney, Pa.
Denholm	Kastenmeier	Rosenthal
Dent	Kazen	Rostenkowski
Derwinski	Kemp	Roush
Devine	Ketchum	Roybal
Dickinson	Kluczynski	Runnels
Diggs	Koch	Ruppe
Dingell	Lagomarsino	Ruth
	Latta	Sandman
	Leggett	Sarasin
	Lent	Sarbanes
	Litton	Scherle
	Long, La.	Schneebeli
	Long, Md.	Schroeder
	Lott	Shipley
	Lujan	Shoup
	McCormack	Shriver
	McFall	Shuster
	McKay	Sikes
	Madigan	Sisk
	Mahon	Skubitz
	Mallary	Smith, Iowa
	Mann	Smith, N.Y.
	Martin, Nebr.	Spence
	Mathias, Calif.	Staggers
	Matsunaga	Stanton, J. William
	Mayne	Stanton, James V.
	Mazzoli	Stark
	Meeds	Steelman
	Melcher	Steiger, Ariz.
	Mezvinsky	Steiger, Wis.
	Michel	Stephens
	Miller	Stokes
	Mills	Stratton
	Minish	Stuckey
	Mink	Studds
	Mitchell, N.Y.	Sullivan
	Mizell	Symms
	Mollohan	Taylor, Mo.
	Montgomery	Taylor, N.C.
	Moorhead, Calif.	Teague
	Moorhead, Pa.	Thompson, N.J.
	Morgan	Thomson, Wis.
	Mosher	Thone
	Murphy, N.Y.	Thornton
	Murtha	Tiernan
	Myers	Vander Jagt
	Natcher	Vanik
	Nedzi	Veysey
	Nelsen	Waggonner
	Obey	Walsh
	Owens	Wampler
	Parris	Ware
	Passman	Whalen
	Patman	White
	Patten	Whitehurst
	Perkins	Whitten
	Pettis	Widnall
	Pike	Williams
	Poage	Wilson, Charles H., Calif.
	Podell	Winn
	Powell, Ohio	Wright
	Price, Ill.	Wyatt
	Price, Tex.	Wydler
	Pritchard	Wylie
	Quie	Wyman
	Quillen	Yates
	Randall	Young, Alaska
	Rangel	Young, Ga.
	Rees	Young, Ill.
	Regula	Young, Tex.
	Rhodes	Zablocki
	Rinaldo	Zion
	Roberts	Zwach
	Robinson, Va.	
	Robison, N.Y.	
	Rodino	
	Roe	
	Rogers	
	Roncalio, Wyo.	
	Roncalio, N.Y.	
	Rooney, Pa.	
	Rosenthal	
	Rostenkowski	
	Roush	
	Roybal	
	Runnels	
	Ruppe	
	Ruth	
	Sandman	
	Sarasin	
	Sarbanes	
	Scherle	

NAYS—21

Ashbrook	Ginn	Rarick
Broyhill, N.C.	Gross	Rose
Burlison, Mo.	Henderson	Rousselot
Daniel, Dan	Ichord	Satterfield
Dennis	Landrum	Snyder
Flynt	Martin, N.C.	Treen
Gettys	Mathis, Ga.	Young, Fla.

NOT VOTING—110

Addabbo	Grasso	O'Brien
Alexander	Gray	O'Hara
Andrews, N.C.	Green, Oreg.	O'Neill
Annunzio	Griffiths	Pepper
Ashley	Gubser	Peyser
Bell	Gude	Pickle
Bergland	Gunter	Preyer
Blatnik	Hinshaw	Railsback
Brasco	Huber	Reid
Breckinridge	Jarman	Reuss
Brinkley	Jones, Tenn.	Riegle
Broomfield	Jordan	Rooney, N.Y.
Brown, Mich.	King	Roy
Brown, Ohio	Kuykendall	Ryan
Burke, Calif.	Kyros	St Germain
Burke, Fla.	Landgrebe	Sebelius
Carey, N.Y.	Lehman	Seiberling
Chamberlain	Luken	Slack
Chappell	McClory	Steed
Chisholm	McCloskey	Steele
Clancy	McCollister	Stubblefield
Cochran	McDade	Symington
Collins, Ill.	McEwen	Talcott
Conyers	McKinney	Towell, Nev.
Cotter	McSpadden	Udall
Davis, Ga.	Macdonald	Ullman
Dorn	Madden	Van Deerlin
Dulski	Maraziti	Vander Veen
Eckhardt	Metcalfe	Vigorito
Esch	Milford	Waldie
Fraser	Minshall, Ohio	Wiggins
Frelinghuysen	Mitchell, Md.	Wilson, Bob
Froehlich	Moakley	Wilson, Charles, Tex.
Fulton	Moss	Wolff
Fuqua	Murphy, Ill.	Yatron
Gibbons	Nichols	Young, S.C.
Goldwater	Nix	

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

The Clerk announced the following pairs:

Mr. Annunzio with Mrs. Griffiths.
Mr. Rooney of New York with Mr. Lehman.
Mr. Pepper with Mr. Preyer.
Mr. Carey of New York with Mr. Chappell.
Mr. O'Neill with Mr. Jarman.
Mr. Brasco with Mr. Brinkley.
Mrs. Grasso with Mr. King.
Mr. Cotter with Mr. Kuykendall.
Mr. Fulton with Mr. Burke of Florida.
Mr. Macdonald with Mr. Gude.
Mr. Mitchell of Maryland with Mr. Waldie.
Mr. Nichols with Mr. Huber.
Mrs. Chisholm with Mr. Eckhardt.
Mr. Nix with Mr. Gray.
Mr. Kyros with Mr. Chamberlain.
Mr. St Germain with Mr. Brown of Ohio.
Mr. Steed with Mr. Reid.
Mr. Stubblefield with Mr. Cochran.
Mrs. Collins of Illinois with Mr. Blatnik.
Mr. Bergland with Mr. Brown of Michigan.
Mr. Addabbo with Mr. Clancy.
Mr. Metcalfe with Mr. Gray.
Mr. Murphy of Illinois with Mr. Broomfield.

Mr. Vigorito with Mr. Sebelius.
Mr. Conyers with Mr. Madden.
Mr. Yatron with Mr. Esch.
Mr. Wolff with Mr. Bell.
Mr. Pickle with Mr. Goldwater.
Mrs. Burke of California with Mr. O'Hara.
Mr. Davis of Georgia with Mr. Froehlich.
Mr. Moakley with Mr. Gubser.
Mr. Van Deerlin with Mr. Landgrebe.
Mr. Symington with Mr. Hinshaw.
Mr. Slack with Mr. Steele.
Mr. Riegle with Mr. McSpadden.
Mrs. Green of Oregon with Mr. McClory.
Mr. Ashley with Mr. Maraziti.
Mr. Alexander with Mr. McCloskey.
Mr. Andrews of North Carolina with Mr. McCollister.
Mr. Breckinridge with Mr. Luken.
Miss Jordan with Mr. McDade.
Mr. Jones of Tennessee with Mr. McEwen.
Mr. Fraser with Mr. Minshall of Ohio.
Mr. Fuqua with Mr. O'Brien.
Mr. Gibbons with Mr. Peyser.
Mr. Dulski with Mr. McKinney.
Mr. Dorn with Mr. Talcott.
Mr. Gunter with Mr. Towell of Nevada.
Mr. Milford with Mr. Wiggins.
Mr. Reuss with Mr. Bob Wilson.
Mr. Moss with Mr. Young of South Carolina.
Mr. Roy with Mr. Udall.
Mr. Ryan with Mr. Vander Veen.
Mr. Seiberling with Mr. Charles Wilson of Texas.
Mr. Ullman with Mr. Railsback.

The result of the vote was announced as above recorded.

The title was amended so as to read: "To amend section 312 of the Immigration and Nationality Act."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EILBERG. 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, S. 1206.

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

There was no objection.

PROVIDING FOR FINANCING AND ECONOMIC DEVELOPMENT OF INDIANS AND INDIAN ORGANIZATIONS

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6371) to provide for financing and economic development of Indians and Indian organizations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Financing Act of 1974".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress to provide capital on a reimbursable basis to help develop and utilize Indian resources, both physical and human, to a point where the Indians will fully exercise responsibility for the utilization and management of their own resources and where they will enjoy a standard of living from their own productive efforts comparable to that enjoyed by non-Indians in neighboring communities.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior.

(b) "Indian" means any person who is a member of any Indian tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in the Alaska Native Claims Settlement Act (85 Stat. 688).

(c) "Tribe" means any Indian tribe, band, group, pueblo, or community, including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(d) "Reservation" includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

(e) "Economic enterprise" means any Indian-owned (as defined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit: *Provided,* That such Indian ownership shall constitute not less than 51 per centum of the enterprise.

(f) "Organization", unless otherwise specified, shall be the governing body of any Indian tribe, as defined in subsection (c) hereof, or entity established or recognized by such governing body for the purpose of this Act.

(g) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association.

SEC. 4. No provision of this or any other Act shall be construed to terminate or otherwise curtail the assistance or activities of the Small Business Administration or any other Federal agency with respect to any Indian tribe, organization, or individual because of their eligibility for assistance under this Act.

TITLE I—INDIAN REVOLVING LOAN FUND

SEC. 101. In order to provide credit that is not available from private money markets, all funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934 (48 Stat. 986), the Act of June 26, 1936 (49 Stat. 1968), and the Act of April 19, 1950 (64 Stat. 44), as amended and supplemented, including sums received in settlement of debts of livestock pursuant to the Act of May 24, 1950 (64 Stat. 190), and sums collected in repayment of loans heretofore or hereafter made, and as interest or other charges on loans, shall hereafter be administered as a single Indian Revolving Loan Fund. The fund shall be available for loans to Indians having a form of organization that is satisfactory to the Secretary and for loans to individual Indians who are not members of or eligible for membership in an organization which is making loans to its members: *Provided,* That, where the Secretary determines a rejection of a loan application from a member of an organization making loans to its membership from moneys borrowed from the fund is unwarranted, he may, in his discretion, make a direct loan to such individual from the fund. The fund shall also be available for administrative expenses incurred in connection therewith.

SEC. 102. Loans may be made for any purpose which will promote the economic development of (a) the individual Indian borrower, including loans for educational purposes, and (b) the Indian organization and its members including loans by such organizations to other organizations and investments in other organization regardless of whether they are organizations of Indians: *Provided,* That not more than —— per centum of loan made to an organization shall be used by such organization for the purpose of making loans to or investments in non-Indian organizations.

SEC. 103. Loans may be made only when, in the judgment of the Secretary, there is a reasonable prospect of repayment, and only to applicants who in the opinion of the Secretary are unable to obtain financing from other sources on reasonable terms and conditions.

SEC. 104. Loans shall be for terms that do not exceed thirty years and shall bear interest at (a) a rate determined by the Secretary of the Treasury taking into consideration the market yield on municipal bonds: *Provided,* That in no event shall the rate be greater than the rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity, plus (b) such additional charge, if any, toward other costs of the program as the Secretary may determine to be consistent with its purpose: *Provided,* That educational loans may provide for interest to be deferred while the borrower is in school or in the military service.

SEC. 105. The Secretary may cancel, adjust, compromise, or reduce the amount of any loan or any portion thereof heretofore, or hereafter made from the revolving loan fund established by this title and its predecessor constituent funds which he determines to be uncollectable in whole or in part, or which is collectable only at an unreasonable cost, or when such action would, in his judgment, be in the best interests of the United States: *Provided,* That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386a). He may also adjust, compromise, subordinate, or modify the terms of any mortgage, lease, assignment, contract, agreement, or other document taken to secure such loans.

SEC. 106. Title to any land purchased by a tribe or by an individual Indian with loans made from the revolving loan fund may be taken in trust unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchasers without any restriction on alienation, control, or use. Title to any personal property purchased with a loan from the revolving loan fund shall be taken in the name of the purchaser.

SEC. 107. Any organization receiving a loan from the revolving loan fund shall be required to assign to the United States as security for the loan all securities acquired in connection with the loans made to its members from such funds unless the Secretary determines that the repayment of the loan to the United States is otherwise reasonably assured.

SEC. 108. There is authorized to be appropriated, to provide capital and to restore any impairment of capital for the revolving loan fund $50,000,000 exclusive of prior authorizations and appropriations.

SEC. 109. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE II—LOAN GUARANTY AND INSURANCE

SEC. 201. In order to provide access to private money sources which otherwise would not be available, the Secretary is authorized

(a) to guarantee not to exceed 90 per centum of the unpaid principal and interest due on any loan made to any organization of Indians having a form or organization satisfactory to the Secretary, and to individual Indians who are not members of or eligible for membership in an organization which is making loans to its members; and (b) in lieu of such guaranty, to insure loans under an agreement approved by the Secretary whereby the lender will be reimbursed for losses in an amount not to exceed 15 per centum of the aggregate of such loans made by it, but not to exceed 90 per centum of the loss on any one loan.

SEC. 202. The Secretary shall fix such premium charges for the insurance and guarantee of loans as are in his judgment adequate to cover expenses and probable losses, and deposit receipts from such charges in the Indian Loan Guaranty and Insurance Fund established pursuant to section 217(a) of this title.

SEC. 203. Loans guaranteed or insured pursuant to this title shall bear interest (exclusive of premium charges for insurance, and service charge, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable taking into consideration the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

SEC. 204. The application for a loan to be guaranteed hereunder shall be submitted to the Secretary for prior approval. Upon approval, the Secretary shall issue a certificate as evidence of the guaranty. Such certificate shall be issued only when, in the judgment of the Secretary, there is a reasonable prospect of repayment. No loan to an individual Indian may be guaranteed or insured which would cause the total unpaid principal indebtedness to exceed $100,000. No loan to an economic enterprise (as defined in section 3) in excess of $100,000, or such lower amount as the Secretary may determine to be appropriate, shall be insured unless prior approval of the loan is obtained from the Secretary.

SEC. 205. Any loan guaranteed hereunder, including the security given therefor, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the United States or of any State or the District of Columbia.

SEC. 206. Loans made by any agency or instrumentality of the Federal Government, or by an organization of Indians from funds borrowed from the United States, and loans the interest on which is not included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954, as amended, shall not be eligible for guaranty or insurance hereunder.

SEC. 207. Any loans insured hereunder shall be restricted to those made by a financial institution subject to examination and supervision by an agency of the United States, a State, or the District of Columbia, and to loans made by Indian organizations from their own funds to other tribes or organizations of Indians.

SEC. 208. Loans guaranteed hereunder may be made by any lender satisfactory to the Secretary, except as provided in section 206. The liability under the guaranty shall decrease or increase pro rata with any decrease or increase in the unpaid portion of the obligation.

SEC. 209. Any loan made by any national bank or Federal savings and loan association, or by any bank, trust company, building and loan association, or insurance company authorized to do business in the District of Columbia, at least 20 per centum of which is guaranteed hereunder, may be made without regard to the limitations and restrictions of any other Federal statute with respect to (a) ratio of amount of loan to the value of the property; (b) maturity of loans; (c) requirement of mortgage or other security; (d) priority of lien; or (e) percentage of assets which may be invested in real estate loans.

SEC. 210. The maturity of any loan guaranteed or insured hereunder shall not exceed thirty years.

SEC. 211. In the event of default of a loan guaranteed hereunder, the holder of the guaranty certificate may immediately notify the Secretary in writing of such default and the Secretary shall thereupon pay to such holder the pro rata portion of the amount guaranteed and shall be subrogated to the rights of the holder of the guaranty and receive an assignment of the obligation and security. The Secretary may cancel the uncollectable portion of any obligation, to which he has an assignment or a subrogated right under this section: *Provided,* That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386a). Nothing in this section shall be construed to preclude any forbearance for the benefit of the borrower as may be agreed upon by the parties to the loan and approved by the Secretary. The Secretary may establish the date, not later than the date of judgment and decree of foreclosure or sale, upon which accrual of interest or charges shall cease.

SEC. 212. When a lender suffers a loss on a loan insured hereunder, including accrued interest, a claim therefor shall be submitted to the Secretary. If the Secretary finds that the loss has been suffered, he shall reimburse the lender therefor: *Provided,* That the amount payable to the lender for a loss on any one loan shall not exceed 90 per centum of such loss: *Provided further,* That no reimbursement may be made for losses in excess of 15 per centum of the aggregate of insured loans made by the lender: *Provided further,* That before any reimbursement is made, all reasonable collection efforts shall have been exhausted by the lender, and the security for the loan shall have been liquidated to the extent feasible, and the proceeds applied on the debt. Upon reimbursement, in whole or in part, to the lender, the note or judgment evidencing the debt shall be assigned to the United States, and the lender shall have no further claim against the borrower or the United States. The Secretary shall then take such further collection action as may be warranted, or may cancel the uncollectable portion of any debt assigned pursuant hereto. The Secretary may establish a date upon which accrual of interest or charges shall cease.

SEC. 213. Whenever the Secretary finds that any lender or holder of a guaranty certificate fails to maintain adequate accounting records, or to demonstrate proper ability to service adequately loans guaranteed or insured, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of a borrower or of the United States, he may refuse, either temporarily or permanently, to guarantee or insure any further loans made by such lender or holder, and may bar such lender or holder from acquiring additional loans guaranteed or insured hereunder: *Provided,* That the Secretary shall not refuse to pay a valid guaranty or insurance claim on loans previously made in good faith.

SEC. 214. Any evidence of guaranty or insurance issued by the Secretary shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this Act and the amount of such guaranty or insurance: *Provided,* That nothing in this section shall preclude the Secretary from establishing, as against the original lender, defenses based on fraud or material misrepresentation or bar him from establishing, by regulations in force at the date of such issuance or disbursement, whichever is the earlier, partial defenses to the amount payable on the guaranty or insurance.

SEC. 215. Title to any land purchased by a tribe or by an individual Indian with loans guaranteed or insured pursuant to this title may be taken in trust, unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchaser without any restriction on alienation, control, or use. Title to any personal property purchased with loans guaranteed or insured hereunder shall be taken in the name of the purchaser.

SEC. 216. The financial transactions of the Secretary incident to or arising out of the guarantee or insurance of loans, and the acquisition, management, and disposition of property, real, personal, or mixed, incident to such activities, shall be final and conclusive upon all officers of the Government. With respect to matters arising out of the guaranty or insurance program authorized by this title, and notwithstanding the provisions of any other laws, the Secretary may—

(a) sue and be sued in his official capacity in any court of competent jurisdiction;

(b) subject to the specific limitations in this title, consent to the modification, with respect to the rate of interest, time of payment on principal or interest or any portion thereof, security, or any other provisions of any note, contract, mortgage, or other instrument securing a loan which has been guaranteed or insured hereunder;

(c) subject to the specific limitations in this title, pay, or compromise, any claim on, or arising because of any loan guaranty or insurance;

(d) subject to the specific limitations in this title, pay, compromise, waive, or release any rights, title, claim, lien, or demand, however acquired, including, but not limited to, any equity or right of redemption;

(e) purchase at any sale, public or private, upon such terms and for such prices as he determines to be reasonable, and take title to property, real, personal, or mixed; and similarly sell, at public or private sale, exchange, assign, convey, or otherwise dispose of such property; and

(f) complete, administer, operate, obtain, and pay for insurance on, and maintain, renovate, repair, modernize, lease, or otherwise deal with any property acquired or held pursuant to the guaranty or insurance program authorized by this title.

SEC. 217. (a) There is hereby created an Indian Loan Guaranty and Insurance Fund (hereinafter referred to as the "fund") which shall be available to the Secretary as a revolving fund without fiscal year limitation for carrying out the provisions of this title.

(b) The Secretary may use the fund for the purpose of fulfilling the obligations with respect to loans guaranteed or insured under this title, but the aggregate of such loans which are insured or guaranteed by the Secretary shall be limited to $200,000,000.

(c) All funds, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and all collections and proceeds therefrom, shall constitute assets of the fund; and all liabilities and obligations of such assets shall be liabilities and obligations of the fund. The Secretary is authorized to make agreements with respect to servicing loans held, guaranteed, or insured by him under this title and purchasing such guaranteed or insured loans on such terms and conditions as he may prescribe.

(d) The Secretary may also utilize the

fund to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed or insured under this title or held by the Secretary, to acquire such security property at foreclosure sale or otherwise, and to pay administrative expenses.

SEC. 218. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE III—INTEREST SUBSIDIES AND ADMINISTRATIVE EXPENSES

SEC. 301. The Secretary is authorized under such rules and regulations as he may prescribe to pay as an interest subsidy on loans which are guaranteed or insured under the provisions of title II of this Act amounts which are necessary to reduce the rate payable by the borrower to the rate determined under section 104 of this Act.

SEC. 302. There are authorized to be appropriated to the Secretary (a) to carry out the provisions of section 217 and 301 of this Act, such sums to remain available until expended, and (b) for administrative expenses under this Act not to exceed $20,000,000 in each of the fiscal years 1975, 1976, and 1977.

TITLE IV—INDIAN BUSINESS GRANTS

SEC. 401. There is established within the Department of the Interior the Indian Business Development Program whose purpose is to stimulate and increase Indian entrepreneurship and employment by providing equity capital through nonreimbursable grants made by the Secretary of the Interior to Indians and Indian tribes to establish and expand profitmaking Indian-owned economic enterprises on or near reservations.

SEC. 402. (a) No grant in excess of $50,000, or such lower amount as the Secretary may determine to be appropriate, may be made to an Indian or Indian tribe.

(b) A grant may be made only to an applicant who, in the opinion of the Secretary, is unable to obtain adequate financing for its economic enterprise from other sources: *Provided*, That prior to making any grant under this title, the Secretary shall assure that, where practical, the applicant has reasonably made available for the economic enterprise funds from the applicant's own financial resources.

(c) No grant may be made to an applicant who is unable to obtain at least 60 per centum of the necessary funds for the economic enterprise from other sources.

SEC. 403. There are authorized to be appropriated not to exceed the sum of $10,000,000 for each of the fiscal years 1975, 1976, and 1977 for the purposes of this title.

SEC. 404. The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this Act.

TITLE V

SEC. 501. Concurrent with the making or guaranteeing of any loan under titles I and II and with the making of a grant under title IV of this Act, the purpose of which is to fund the development of an economic enterprise, the Secretary shall insure that the loan or grant applicant shall be provided competent management and technical assistance consistent with the nature of the enterprise being funded.

SEC. 502. For the purpose of providing the assistance required under section 501, the Secretary is authorized to cooperate with the Small Business Administration and ACTION and other Federal agencies in the use of existing programs of this character in those agencies. In addition, the Secretary is authorized to enter into contracts with private organizations for providing such services and assistance.

SEC. 503. For the purpose of entering into contracts pursuant to section 502 of this title, the Secretary is authorized to use not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to section 302 of this Act.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Washington is recognized.

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

Mr. Speaker, one of the most serious problems on Indian reservations is the inadequate availability of financial resources to permit the Indian people to develop their own resources. All the traditional economic indicators on economic levels place Indians and the Indian reservations at the bottom. On every reservation today, there is almost a total lack of an economic community.

Where the reservation does have valuable economic resources, these resources either go undeveloped or are developed by outside promoters with only minimal return to the tribe and its membership.

Income generated through Federal, tribal, and other kinds of activity on the reservation does not stay on the reservation because of this lack of an economic community. With the absence of Indian-owned small businesses on the reservation, this income immediately flows off the reservation into the off-reservation, non-Indian communities.

Yet, the credit and capital resources necessary for Indian development of their resources and Indian-owned and operated small businesses is nowhere near adequate. Lacking their own capital, they must rely on the private money markets. Yet, these sources are practically closed to them. Indian tribes and individuals have been categorized as poor credit risks for reasons which are often beyond their control. As a consequence, credit, if available at all, is only available at interest rates so high as to be prohibitive.

Early attempts to remedy the lack of available credit for Indians resulted in the Congress authorizing direct Federal loan programs to be administered through the Bureau of Indian Affairs. The first of these was authorized by the Indian Reorganization Act of 1934. Later, three small revolving funds were authorized. The total amount authorized under these four funds is $28,800,000. For all practical purposes, this amount has been almost totally appropriated and the demand on the revolving loan funds is completely inadequate to meet the needs.

The Bureau of Indian Affairs estimates that the current credit needs of Indian tribes stands at $1.08 billion. This includes both tribal and individual credit demands and covers all aspects of economic development. If Indian people, both as tribal governments and individuals, are to become economically self-sufficient, the Federal Government will, necessarily, have to provide this kind of assistance.

H.R. 6371 is administrative legislation designed to fill this largely unmet need. The subcommittee has stricken everything in H.R. 6371 and substituted in lieu the language of H.R. 9843 which is identical to S. 1341 as passed by the Senate.

This legislation attempts to meet the capital and credit needs of Indians by establishing and funding three separate programs. Title I consolidates the four existing revolving loan funds administered by the Bureau of Indian Affairs and authorizes $50 million in additional appropriations. It additionally provides a statutory structure for the program which is currently implemented on administrative rules and regulations.

Title II and III creates a new Indian Loan Insurance and Guaranty Fund, with authorized appropriations of $20 million for the next 3 fiscal years. This fund will permit the Secretary of the Interior to either guarantee or insure Indian loans in the private money market. It is expected that such a program funded at a $20 million level will generate approximately $200 million in new credit for Indians and Indian tribes. The legislation provides that the interest rates charged both on the title I loans and on the titles II and III loans will be at approximately the rates charged on U.S. obligations of similar maturity, either through initial low rates or through interest subsidies.

Title IV establishes an Indian business development program funded at an authorized level of $10 million for the next 3 fiscal years. The purpose of the program is to provide "seed-money," nonreimbursable grants to Indians and Indian tribes to become established in small business entrepreneurship. The provisions of the title are written so as to insure that the applicant must avail himself of all other sources—including his own financial resources—before becoming eligible for a grant, but does not preclude the Secretary from making a grant to avoid a total debt financing for such an enterprise.

Title V is a new title added by the subcommittee requiring the Secretary to offer a borrower and/or grantee under the bill management and technical assistance in his economic enterprise.

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

Mr. MEEDS. Mr. Speaker, I yield to the distinguished gentleman from Florida, the chairman of the full committee.

Mr. HALEY. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Washington. This legislation has been needed for some time. I am glad that the gentleman has gotten these funds together so that the Indians will have an opportunity to move forward.

Mr. Speaker, I urge the passage of this bill.

Mr. MEEDS. Mr. Speaker, I thank the gentleman for his comments.

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

Mr. MEEDS. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise in support of this legislation and to congratulate the gentleman from Washington for the fine leadership

which he has provided our committee in working out this bill.

Mr. Speaker, I am pleased to join my colleagues today in support of the enactment of H.R. 6371—a bill providing for financing and economic development of Indians and Indian organizations.

As everyone knows, I represent the area where the eastern band of the Cherokee Indians live. We are proud of the independent spirit of these citizens and we are pleased with their economic growth over the years.

This bill will help the Indian people in all parts of the Nation. It combines into one program the four existing Indian revolving loan funds administered by the Bureau of Indian Affairs and it authorizes an additional $50 million to be available for direct Federal loans to Indian organizations and individuals at reasonable interest rates. In addition, it authorizes loans to be insured or guaranteed through a Federal program and it establishes an Indian business development program which will provide grants to Indians and Indian tribes to encourage small business operations.

In short, Mr. Speaker, H.R. 6371 is a bill which is designed to help the Indian people help themselves. It is a comprehensive effort to help our original Americans secure the financial assistance which they need in order to develop the economic security which they deserve.

I commend my colleague, Mr. MEEDS, the chairman of the Subcommittee on Indian Affairs, who worked so diligently to bring this legislation before the House and I am pleased to have this opportunity to join in support of the enactment of this legislation.

Mr. REGULA. Mr. Speaker, I agree with the statements by my distinguished colleague, the chairman of the Indian Affairs Subcommittee, and I am pleased to join him in supporting this bill. At this point, I yield myself as much time as I may require.

Mr. Speaker, this bill addresses a problem that is very real in the Indian community: The problem of obtaining sufficient credit to begin a business or develop an industry. Trust lands and restricted lands cannot be offered as security, and a lender's normal recourse to garnishment or repossession is complicated where tribal status is concerned. Thus, an Indian's access to normal credit markets is severely limited.

In providing alternative lending sources through this bill, we are not intending to provide a source of "soft" loans of Federal funds. On the contrary, we have built provisions into the bill that will insure a high degree of borrower's equity with whatever assets the individual or tribe may possess. Before the nonreimbursable seed-money grants in title IV can be made available, the Secretary must be certain that the borrower has exhausted all other sources of funds—including his own resources and including loans from the revolving, guaranteed, or insured loan programs in this bill.

I do not see this loan program as being in competition with any private lending program. On the contrary, we have built into the bill a mechanism for the profitable participation by commercial lending institutions through guaranteed and insured loans. This program is intended to supplement and complement—not to supplant—existing private lending programs.

Nor is this bill intended to duplicate or replace any other government lending program. The Small Business Administration has well-defined and fairly narrow purposes for which its programs are intended. It cannot lend money, for example, to a student for a college education. The purposes of this bill are much broader and include a very important provision for education loans. The programs in this bill are intended to extend Indian business loans and economic development loans beyond the scope of the Small Business Act.

It is designed as a self-help type of program in providing access to financial support for any Indian or tribe so desiring.

Mr. Speaker, I consider this a very worthwhile piece of legislation and one that has been long overdue. It is a bill that was first proposed 4 years ago, and I urge all of my colleagues to join in its unanimous passage.

Mr. Speaker, I might say that this is my first bill as the ranking minority member on the Committee on Indian Affairs, and I am pleased that for openers I can be here in support of such a fine piece of legislation that will do much to help Indians in achieving their goals.

Mr. ZWACH. Mr. Speaker, back on March 29, 1973, I joined with Mr. CAMP and the late Congressman from Pennsylvania, Mr. Saylor, in introducing H.R. 6371, legislation designed "to provide for financing and economic development of Indians and Indian organizations."

H.R. 6371 is one of the seven key administration-backed Indian affairs bills introduced into Congress. It has already passed the Senate—July 28, 1973—and was reported from the House Interior and Insular Affairs Committee on March 13, 1974.

Known as the "Indian Financing Act of 1974," this legislation provides three separate programs: First, a title I program which consolidates the four existing Indian revolving loan funds administered by BIA and authorizes $50 million in additional appropriations; second, a title II and III program creating a new Indian Loan Guaranty and Insurance Fund with $20 million in a revolving fund over 3 years; and third, a title IV program designed to provide seed money—$10 million over 3 years—for nonreimbursable grants to Indians and Indian tribes to become established in small business entrepreneurship. The interest rate on these "not to exceed 30 years" loans would be determined by the Secretary of the Treasury and based on the market yield of municipal bonds with certain stipulations.

The selected Indian reservation program of the Economic Development Administration, providing a supporting role for the Indians' own efforts in developing their resources, has brought about some gratifying results. We have seen the Blackfeet establish a logging and lumber industry in Montana, the White Mountain Apaches of Arizona develop a unique tourism complex, the Lummis of Washington, in a fish hatchery and oyster culture endeavor, to name some of them. We even find a pencil factory in Montana, with the controlling stock Indian-owned. Other enterprises have been developed through private and tribal funding, and many of these more directly reflect the native American culture and heritage, such as processing of wild rice products, jewelry, basketry, and other crafts. The advantages of prosperous enterprises in Indian communities are quite obvious.

Mr. Speaker, I feel the enactment of this bill would certainly improve the economic outlook for Indians in their home communities. We have not seen desirable results when Indians, nearly destitute, have been forced to leave their homes and seek hand-to-mouth existence in communities where much is alien to them.

In other words, the act would give more hope for growth of ideas and industry from the roots of Indian culture and resource. I feel it is a goal worth pursuing, and urge favorable action by this body today.

This bill is not only a beginning step in the strengthening of our native American's self-determination in their economic future, but also a tribute to the man who held the Indian a dear friend to his heart, the late Congressman from the 12th District of Pennsylvania, John P. Saylor.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. MEEDS) that the House suspend the rules and pass the bill H.R. 6371, as amended.

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

A motion to reconsider was laid on the table.

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1341) to provide for financing the economic development of Indians and Indian organizations, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Financing Act of 1973".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress to provide capital on a reimbursable basis to help develop and utilize Indian resources, both physical and human, to a point where the Indians will fully exercise responsibility for the utilization and management of their own resources; where they will enjoy a standard of living from their own productive efforts comparable to that enjoyed by non-Indians in neighboring communities; and where they will have the op-

portunity to be integrated socially, politically, and economically into American life.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior.

(b) "Indian" means any person who is a member of any Indian tribe, band, pueblo, group, or community of Indians or Alaska Natives which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(c) "Indian tribe" means any tribe, band, pueblo, group, or community of Indians or Alaska Natives which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(d) "Reservation" includes Indian reservations, public domain land occupied by Indians, former Indian reservations in Oklahoma, and land occupied by Alaska Native communities.

(e) "Economic enterprise" means any Indian-owned as defined by the Secretary of the Interior, commercial, industrial, or business activity established or organized for the purpose of profit.

(f) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association.

TITLE I—INDIAN REVOLVING LOAN FUND

SEC. 101. In order to provide credit that is not available from private money markets, all funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934 (48 Stat. 986), the Act of June 26, 1936 (49 Stat. 1968), and the Act of April 19, 1950 (64 Stat. 44), as amended and supplemented, including sums received in settlement of debts of livestock pursuant to the Act of May 24, 1950 (64 Stat. 190), and sums collected in repayment of loans heretofore or hereafter made, and as interest or other charges on loans, shall hereafter be administered as a single revolving loan fund and shall be available for loans to Indians having a form of organization that is satisfactory to the Secretary and for loans to individual Indians who are not members of or eligible for membership in an organization which is making loans to its members as well as for administrative expenses incurred in connection therewith.

SEC. 102. Loans may be made for any purpose which will promote the economic development of (a) the individual Indian borrower, including loans for educational purposes, and (b) the Indian organization and its members including loans by such organizations to other organizations and investments in other organizations regardless of whether they are organizations of Indians.

SEC. 103. Loans may be made only when, in the judgment of the Secretary, there is a reasonable prospect of repayment, and only to applicants who in the opinion of the Secretary are unable to obtain financing from other sources on reasonable terms and conditions.

SEC. 104. Loans shall be for terms that do not exceed thirty years and shall bear interest at (a) a rate determined by the Secretary of the Treasury taking into consideration the market yield on municipal bonds: *Provided*, That in no event shall the rate be greater than the rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose: *Provided*, That educational loans may provide for interest to be deferred while the borrower is in school or in the military service.

SEC. 105. The Secretary may cancel, adjust, compromise, or reduce the amount of any loan or any portion thereof heretofore or hereafter made from the revolving loan fund established by this title and its predecessor constituent funds which he determines to be uncollectable in whole or in part, or which is collectable only at an unreasonable cost, or when such action would, in his judgment, be in the best interests of the United States. He may also adjust, compromise, subordinate, or modify the terms of any mortgage, lease, assignment, contract, agreement, or other document taken to secure such loans.

SEC. 106. Title to any land purchased by a tribe or by an individual Indian with loans made from the revolving loan fund may be taken in trust unless the land is located outside the boundaries of a reservation or a tribual consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restrict interests in the land before the purchase, otherwise title shall be taken in the name of the purchasers without any restriction on alienation, control, or use. Title to any personal property purchased with a loan from the revolving loan fund shall be taken in the name of the purchaser.

SEC. 107. Any organization receiving a loan from the revolving loan fund shall be required to assign to the United States as security for the loan all securities acquired in connection with the loans made to its members from such funds unless the Secretary determines that the repayment of the loan to the United States is otherwise reasonably assured.

SEC. 108. The Secretary may not collect any loan from the revolving loan fund which becomes delinquent or the interest thereon from per capita payments or other distributions of tribual assets derived from a tribal judgment which are due the delinquent borrower.

SEC. 109. There is authorized to be appropriated, to provide capital and to restore any impairment of capital for the revolving loan fund $50,000,000 exclusive of prior authorizations and appropriations.

SEC. 110. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE II—LOAN GUARANTY AND INSURANCE

SEC. 201. In order to provide access to private money sources which otherwise would not be available, the Secretary is authorized (a) to guarantee not to exceed 90 per centum of the unpaid principal and interest due on any loan made to any organization of Indians having a form or organization satisfactory to the Secretary, and to individual Indians who are not members of or eligible for membership in an organization which is making loans to its members; and (b) in lieu of such guaranty, to insure loans under an agreement approved by the Secretary whereby the lender will be reimbursed for losses in an amount not to exceed 15 per centum of the aggregate of such loans made by it, but not to exceed 90 per centum of the loss on any one loan.

SEC. 202. The Secretary may, to the extent he deems consistent with the purposes of the program, fix such premium charges for the insurance and guarantee of loans as are in his judgment adequate to cover expenses and probable losses, and deposit receipts from such charges in the Indian Loan Guaranty and Insurance Fund established pursuant to section 217(a) on this title.

SEC. 203. Loans guaranteed or insured pursuant to this title shall bear interest (exclusive of premium charges for insurance, and service charge, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable taking into consideration the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

SEC. 204. The application for a loan to be guaranteed hereunder shall be submitted to the Secretary for prior approval. Upon approval, the Secretary shall issue a certificate as evidence of the guaranty. Such certificate shall be issued only when, in the judgment of the Secretary, there is a reasonable prospect of repayment. No loan to an individual Indian may be guaranteed or insured which would cause the total unpaid principal indebtedness to exceed $100,000. No loan to an economic enterprise (as defined in section 3) in excess of $100,000, or such lower amount as the Secretary may determine to be appropriate, shall be insured unless prior approval of the loan is obtained from the Secretary.

SEC. 205. Any loan guaranteed hereunder, including the security given therefor, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the United States or of any State or the District of Columbia.

SEC. 206. Loans made by any agency or instrumentality of the Federal Government, or by an organization of Indians from funds borrowed from the United States, and loans the interest on which is not included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954, as amended, shall not be eligible for guaranty or insurance hereunder.

SEC. 207. Any loans insured hereunder shall be restricted to those made by a financial institution subject to examination and supervision by an agency of the United States, a State, or the District of Columbia, and to loans made by Indian organizations from their own funds to other tribes or organizations of Indians.

SEC. 208. Loans guaranteed hereunder may be made by any lender satisfactory to the Secretary, except as provided in section 206. The liability under the guaranty shall decrease or increase pro rata with any decrease or increase in the unpaid portion of the obligation.

SEC. 209. Any loan made by any national bank or Federal savings and loan association, or by any bank, trust company, building and loan association, or insurance company authorized to do business in the District of Columbia, at least 20 per centum of which is guaranteed hereunder, may be made without regard to the limitations and restrictions of any other Federal statute with respect to (a) ratio of amount of loan to the value of the property; (b) maturity of loans; (c) requirement of mortgage or other security; (d) priority of lien; or (e) percentage of assets which may be invested in real estate loans.

SEC. 210. The maturity of any loan guaranteed or insured hereunder shall not exceed thirty years.

SEC. 211. In the event of a default of a loan guaranteed hereunder, the holder of the guaranty certificate may immediately notify the Secretary in writing of such default and the Secretary shall thereupon pay to such holder the pro rata portion of the amount guaranteed and shall be subrogated to the rights of the holder of the guaranty and receive an assignment of the obligation and security. The Secretary may cancel the uncollectable portion of any obligation to which he has an assignment or subrogated right under this section. Nothing in this section shall be construed to preclude any forbearance for the benefit of the borrower as may be agreed upon by the parties to the loan and approved by the Secretary. The Secretary may establish the date, not later than the date of judgment and decree of foreclosure or sale, upon which accrual of interest or charges shall cease.

SEC. 212. When a lender suffers a loss on a loan insured hereunder, including accrued interest, a claim therefor shall be submitted to the Secretary. If the Secretary finds that

the loss has been suffered, he shall reimburse the lender therefor: *Provided*, That the amount payable to the lender for a loss on any one loan shall not exceed 90 per centum of such loss: *Provided further*, That no reimbursement may be made for losses in excess of 15 per centum of the aggregate of insured loans made by the lender: *Provided further*, That before any reimbursement is made, all reasonable collection efforts shall have been exhausted by the lender and the security for the loan shall have been liquidated to the extent feasible, and the proceeds applied on the debt. Upon reimbursement, in whole or in part, to the lender, the note or judgment evidencing the debt shall be assigned to the United States, and the lender shall have no further claim against the borrower or the United States. The Secretary shall then take such further collection action as may be warranted, or may cancel the uncollectable portion of any debt assigned pursuant hereto. The Secretary may establish a date upon which accrual of interest or charges shall cease.

SEC. 213. Whenever the Secretary finds that any lender or holder of a guaranty certificate fails to maintain adequate accounting records, or to demonstrate proper ability to service adequately loans guaranteed or insured, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of a borrower or of the United States, he may refuse, either temporarily or permanently, to guarantee or insure any further loans made by such lender or holder, and may bar such lender or holder from acquiring additional loans guaranteed or insured hereunder: *Provided*, That the Secretary shall not refuse to pay a valid guaranty or insurance claim on loans previously made in good faith.

SEC. 214. Any evidence of guaranty or insurance issued by the Secretary shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this Act and the amount of such guaranty or insurance: *Provided*, That nothing in this section shall preclude the Secretary from establishing, as against the original lender, defenses based on fraud or material misrepresentation or bar him from establishing, by regulations in force at the date of such issuance or disbursement, which ever is the earlier, partial defenses to the amount payable on the guaranty or insurance.

SEC. 215. Title to any land purchased by a tribe or by an individual Indian with loans guaranteed or insured pursuant to this title may be taken in trust, unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchaser without any restriction on alienation, control, or use. Title to any personal property purchased with loans guaranteed or insured hereunder shall be taken in the name of the purchaser.

SEC. 216. The financial transactions of the Secretary incident to or arising out of the guarantee or insurance of loans, and the acquisition, management, and disposition of property, real, personal, or mixed, incident to such activities, shall be final and conclusive upon all officers of the Government. With respect to matters arising out of the guaranty or insurance program authorized by this title, and notwithstanding the provisions of any other laws, the Secretary may—

(a) sue and be sued in his official capacity in any court of competent jurisdiction;

(b) subject to the specific limitations in this title, consent to the modification, with respect to the rate of interest, time of payment on principal or interest or any portion thereof, security, or any other provisions of any note, contract, mortgage, or other instrument securing a loan which has been guaranteed or insured hereunder;

(c) pay, or compromise, any claim on, or arising because of any loan guaranty or insurance;

(d) pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including, but not limited to, any equity or right of redemption;

(e) purchase at any sale, public or private, upon such terms and for such prices as he determines to be reasonable, and take title to property, real, personal, or mixed; and similarly sell, at public or private sale, exchange, assign, convey, or otherwise dispose of such property; and

(f) complete, administer, operate, obtain, and pay for insurance on, and maintain, renovate, repair, modernize, lease, or otherwise deal with any property acquired or held pursuant to the guaranty or insurance program authorized by this title.

SEC. 217. (a) There is hereby created an Indian Loan Guaranty and Insurance Fund (hereinafter referred to as the "fund") which shall be available to the Secretary as a revolving fund without fiscal year limitation for carrying out the provisions of this title. There are authorized to be appropriated to the Secretary to carry out the purposes of the fund and the purposes of section 301 of this Act not to exceed $10,000,000 in each of the fiscal years 1974, 1975, and 1976.

(b) The Secretary may use the fund for the purpose of fulfilling the obligations with respect to loans guaranteed or insured under this title, but the aggregate of such loans which are insured or guaranteed by the Secretary shall be limited to $200,000,000 as authorized in appropriation Acts.

(c) All funds, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and all collections and proceeds therefrom, shall constitute assets of the fund; and all liabilities and obligations of such assets shall be liabilities and obligations of the fund. The Secretary is authorized to make agreements with respect to servicing loans held, guaranteed, or insured by him under this title and purchasing such guaranteed or insured loans on such terms and conditions as he may prescribe.

(d) The Secretary may also utilize the fund to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed or insured under this title or held by the Secretary, to acquire such security property at foreclosure sale or otherwise, and to pay administrative expenses.

SEC. 218. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE III—INTEREST SUBSIDIES AND ADMINISTRATIVE EXPENSES

SEC. 301. The Secretary is authorized under such rules and regulations as he may prescribe to pay as an interest subsidy on loans which are guaranted or issued under the provisions of title II of this Act amounts which are necessary to reduce the rate payable by the borrower to the rate determined under section 104 of this Act.

SEC. 302. There are authorized to be appropriated to the Secretary (a) to carry out the provisions of section 217 and 301 of this Act, such sums to remain available until expended, and (b) for administrative expenses under this Act not to exceed $10,000,000 in each of the fiscal years 1974, 1975, and 1976.

TITLE IV—INDIAN BUSINESS GRANTS

SEC. 401. There is established within the Department of the Interior the Indian Business Development Program whose purpose is to stimulate and increase Indian enterpreneurship and employment by providing equity capital through nonreimbursable grants made by the Secretary of the Interior to Indians and Indian tribes to establish and expand profitmaking Indian-owned economic enterprises on or near reservations.

SEC. 402. No grant in excess of $50,000, or such lower amount as the Secretary may determine to be appropriate, may be made to an Indian or Indian tribe, band, group, pueblo, or community recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs. A grant may be made only to an applicant who, in the opinion of the Secretary, is unable to obtain adequate financing for its economic enterprise from other sources, including its own financial resources, except that no grant may be made to an applicant who is unable to obtain at least 60 per centum of the necessary funds for the economic enterprise from other sources.

SEC. 403. There are authorized to be appropriated not to exceed the sum of $10,000,000 for each of the fiscal years 1974, 1975, and 1976 for the purposes of this title.

SEC. 404. The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this Act.

AMENDMENT OFFERED BY MR. MEEDS

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

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Strike out all after the enacting clause in S. 1341 and insert in lieu thereof the provisions of H.R. 6371, as passed by the House.

The amendment was agreed to.

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

A similar House bill (H.R. 6371) was laid on the table.

GENERAL LEAVE

Mr. MEEDS. 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 Washington?

There was no objection.

AUTHORIZING PARTITION OF SURFACE RIGHTS AND SUBSURFACE RIGHTS IN THE 1934 NAVAJO RESERVATION BETWEEN THE HOPI AND NAVAJO TRIBES, AND PROVIDING FOR ALLOTMENTS TO CERTAIN PAIUTE INDIANS

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10337) to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes, as amended.

The Clerk read as follows:

H.R. 10337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the surface rights in and to that portion of the Hopi Indian Reservation created by the Executive order of December 16, 1882, in which the United States District Court for the District of Arizona found the Hopi and Navajo Indian Tribes to have joint, undivided, and equal interests in the case entitled "Healing against Jones" (210 Fed. Supp. 125 (1962), affirmed 373 U.S. 758), hereinafter referred to as the joint-use area, shall be partitioned in kind as provided in this Act.

SEC. 2. The United States District Court for the District of Arizona in the supplemental proceedings in Healing against Jones is hereby authorized to partition in kind the surface of the joint-use area between the Hopi and Navajo Indian Tribes share and share alike using the following criteria in establishing the boundary line between said tribes:

(a) The Navajo portion shall be contiguous to that portion of the 1934 Navajo Indian Reservation as defined in section 9 of this Act.

(b) The Hopi portion shall be contiguous to the exclusive Hopi Indian Reservation as established by the court in Healing against Jones, hereinafter referred to as Land Management District 6, and shall adjoin that portion of the 1934 Navajo Indian Reservation as partitioned to the Hopi Tribe in section 7 of this Act.

(c) The partition shall be established so as to include the high Navajo population density within the portion partitioned to the Navajo Tribe to avoid undue social, economic, and cultural disruption insofar as reasonably practicable.

(d) The lands partitioned to the Hopi and Navajo Tribes shall be equal in average insofar as reasonably practicable.

(e) The lands partitioned to the Hopi and Navajo Tribes shall be equal in quality and carrying capacity insofar as reasonably practicable.

(f) The boundary line between the Hopi and Navajo Tribes as delineated pursuant to this Act shall follow terrain so as to avoid or facilitate fencing insofar as reasonably practicable.

(g) In any division of the surface rights to the 1882 joint-use area, reasonable provision shall be made for the use and right of access to identified religious shrines of either party on the portion allocated to the party.

SEC. 3. The partition proceedings as authorized in section 2 hereof shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time and shall be expedited in every way by such court.

SEC. 4. The lands partitioned to the Navajo Tribe pursuant to section 2 hereof shall be held in trust by the United States exclusively for the Navajo Tribe and as a part of the Navajo Indian Reservation.

SEC. 5. The lands partitioned to the Hopi Tribe pursuant to section 2 hereof shall be held in trust by the United States exclusively for the Hopi Tribe and as a part of the Hopi Indian Reservation.

SEC. 6. Partition of the surface of the lands of the joint-use area shall not affect the joint ownership status of the coal, oil, gas, and all other minerals within or underlying said lands. All such coal, oil, gas, and all other minerals within or underlying said lands shall be managed jointly by the Hopi and Navajo Tribes, subject to supervision and approval by the Secretary of the Interior as otherwise required by law, and the proceeds therefrom shall be divided between the said tribes, share and share alike.

SEC. 7. Hereafter the United States shall hold in trust exclusively for the Hopi Indian Tribe and as a part of the Hopi Indian Reservation all right, title, and interest in and to the following described land which is a portion of the land described in the Act of June 14, 1934 (48 Stat. 960):

Beginning at a point on west boundary of Executive Order Reservation of 1882 where said boundary is intersected by right-of-way of United States Route 160;

thence south southwest along the centerline of said Route 160, a distance of approximately 8 miles to a point where said centerline intersects the township line between townships 32 and 33 north, range 12 east;

thence west, a distance of approximately 9 miles, to the north quarter corner of section 4, township 32 north, range 11 east;

thence south, a distance of approximately 4¾ miles following the centerlines of sections 4, 9, 16, 21, and 28 to a point where said boundary intersects the right-of-way of United States Route 160;

thence southwesterly, following the centerline of United States Route 160, a distance of approximately 11 miles, to a point where said centerline intersects the right-of-way of United States Route 89;

thence southwesterly, following the centerline of State Route 89, a distance of approximately 11 miles, to the south boundary of section 2, township 29 north, range 9 east (unsurveyed);

thence east following the south boundaries of sections 2 and 1, township 29 north, range 9 east, sections 6, 5, 4, and so forth, township 29 north, range 10 east, and continuing along the same bearing to the northwest corner of section 12, township 29 north, range 11 east (unsurveyed);

thence south, a distance of 1 mile to the southwest corner of section 12, township 29 north, range 11 east (unsurveyed);

thence east, a distance of 1 mile to the northwest corner of section 18, township 29 north, range 12 east (unsurveyed);

thence south, a distance of 1 mile, to the southwest corner of section 18, township 29 north, range 12 east (unsurveyed);

thence east, a distance of approximately 9 miles, following the section lines, unsurveyed, on the south boundaries of sections 18, 17, 16, and so forth in township 29 north, range 12 east and continuing to a point where said section lines intersect the west boundary of Executive Order Reservation of 1882;

thence due north, along the west boundary of the Executive Order Reservation of 1882, a distance of approximately 27½ miles to the point of beginning.

SEC. 8. The Secretary of the Interior is hereby authorized to allot in severalty to individual Paiute Indians, not now members of the Navajo Indian Tribe, who are located within the area described in the said Act of June 14, 1934, and who were located within said area or are direct descendants of Paiute Indians who were located within said area on June 14, 1934, land in quantities as specified in the Act of February 8, 1887 (24 Stat. 388), as amended, and patents shall be issued to them for such lands in the manner and with the restrictions as provided in sections 1, 5, and 6 of that Act, as amended.

SEC. 9. Hereafter the United States shall hold in trust exclusively for the Navajo Indian Tribe and as a part of the Navajo Indian Reservation the lands described in the said Act of June 14, 1934, except the lands partitioned to the Hopi Tribe pursuant to section 2 hereof and the lands as described in section 7 hereof and the lands in the exclusive Hopi Indian Reservation commonly known as Land Management District 6, and further excepting those lands allotted pursuant to section 8 hereof.

SEC. 10. The Secretary of the Interior is authorized and directed to remove all Navajo Indians and their personal property, including livestock, from the lands partitioned to the Hopi Tribe pursuant to section 2 hereof and as described in section 7 of this Act. Such removal shall take place over a period of five years from the date of final partition by the court referred to in section 2 with approximately 20 per centum of the Navajo occupants to be removed each year. No further settlement of Navajo Indians on the lands partitioned to the Hopi Tribe pursuant to section 2 hereof and as described in section 7 of this Act or Land Management District 6, shall be permitted unless advance written approval of the Hopi Tribe is obtained. No Navajo Indian shall hereafter be allowed to increase the number of livestock he grazes on the areas so partitioned to the Hopi Tribe pursuant to section 2 hereof and as described in section 7 of this Act, nor shall he retain any grazing rights in those areas subsequent to his removal therefrom.

SEC. 11. The Secretary of the Interior is authorized and directed to remove all Hopi Indians and their personal property, including livestock, from the lands so partitioned to the Navajo Tribe pursuant to section 2 hereof and as described in section 9 of this Act. Such removal shall take place over a period of two years from the date of final partition by the court referred to in section 2 with approximately 50 per centum of the Hopi occupants to be removed each year. No further settlement of Hopi Indians on the lands so partitioned to the Navajo Tribe pursuant to section 2 hereof and as described in section 9 of this Act shall be permitted unless advance written approval of the Navajo Tribe is obtained. No Hopi Indian shall hereafter be allowed to increase the number of livestock he grazes on the areas so partitioned to the Navajo Tribe pursuant to section 2 hereof and as described in section 9 of this Act, nor shall he retain any grazing rights in those areas subsequent to his removal therefrom.

SEC. 12. (a) The United States shall purchase from the head of each Navajo and Hopi household who is required to relocate under the terms of this Act the habitation and other improvements owned by him on the area from which he is required to move. The purchase price shall be the fair market value of such habitation and improvements.

(b) In addition to the payments made pursuant to subsection (a), the Secretary shall:

(1) reimburse each head of a household whose family is moved pursuant to this Act for his actual reasonable moving expenses as if he were a displaced person under section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894);

(2) pay to each head of a household whose family is moved pursuant to this Act an amount which, when added to the fair market value of the habitation and improvements purchased under subsection (a), equals the reasonable cost of a decent, safe, and sanitary replacement dwelling adequate to accommodate such displaced household: *Provided,* That the additional payment authorized by this paragraph (2) shall not exceed $15,000 for a household of three or less and not more than $20,000 for a household of four or more: *Provided further,* That the additional payment authorized by this subsection shall be made only to a displaced person who purchases and occupies such replacement dwelling not later than the end of the one-year period beginning on the date on which he receives from the Secretary final payment for the habitation and improvements purchased under subsection (a), or on the date on which he moves from such habitation whichever is the later date. Nothing in this subsection shall require a displaced person to occupy a dwelling with a higher degree of safety and sanitation than he desires.

(c) In implementing subsections (b)(1) and (b)(2) of this section, the Secretary shall establish standards consistent with

those established in the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(d) The Secretary is authorized to dispose of dwellings and other improvements acquired pursuant to this Act in such manner as he sees fit, including resale of such improvements to members of the tribe exercising jurisdiction over the area at prices no higher than their acquisition costs.

SEC. 13. The Navajo Tribe shall pay to the Hopi Tribe the fair rental value as determined by the Secretary of the Interior for all Navajo Indian use of the lands referred to in section 5 and described in section 7 of this Act subsequent to the date of the partition thereof.

SEC. 14. The Hopi Tribe shall pay to the Navajo Tribe the fair rental value as determined by the Secretary of the Interior for all Hopi Indian use of the lands referred to in section 4 and described in section 9 of this Act subsequent to the date of the partition thereof.

SEC. 15. Nothing herein contained shall affect the title, possession, and enjoyment of lands heretofore allotted to individual Hopi and Navajo Indians for which patents have been issued. Hopi Indians living on the Navajo Reservation shall be subject to the jurisdiction of the Navajo Tribe and Navajo Indians living on the Hopi Reservation shall be subject to the jurisdiction of the Hopi Indian Tribe.

SEC. 16. The Navajo Indian Tribe and the Hopi Indian Tribe, acting through the chairman of their respective tribal councils, for and on behalf of said tribes, including all villages, clans, and individual members thereof, are hereby authorized to commence or defend in the United States District Court for the District of Arizona an action or actions against each other for the following purposes:

(a) For an accounting of all sums collected by said Navajo Indian Tribe since the 17th day of September 1957 as trader license fees or commissions, lease proceeds or other similar charges for the doing of business or the use of lands within the Executive Order Reservation of December 16, 1882, and judgment for one-half of all sums so collected, and not paid to the Hopi Tribe, together with interest at the rate of 6 per centum per annum compounded annually.

(b) For the determination and recovery of the fair value of the grazing and agricultural use by said Navajo Tribe and its individual members since the 28th day of September 1962 of the undivided one-half interest of the Hopi Tribe in the lands on said day decreed to said Hopi and Navajo Tribes equally and undivided as a joint-use area, together with interest at the rate of 6 per centum per annum compounded annually, nothwithstanding the fact that said tribes are tenants in common of said lands.

(c) For the adjudication of any claims that either said Hopi or Navajo Tribe may have against the other for damages to the lands to which title was quieted as aforesaid by the United States District Court for the District of Arizona in said tribes, share and share alike, subject to the trust title of the United States, without interest, notwithstanding the fact that said tribes are tenants in common of said lands. Said claims shall, however, be limited to occurrences since the establishment of grazing districts on said lands in the year 1936, pursuant to section 6 of the Act of June 18, 1934 (48 Stat. 984).

Neither laches nor the statute of limitations shall constitute a defense to any action authorized by this Act for existing claims if commenced within two years from the effective date of this Act.

SEC. 17. The Navajo Tribe or the Hopi Tribe may institute such further original ancillary, or supplementary actions against the other tribe as may be necessary or desirable to insure the quiet and peaceful enjoyment of the reservation lands of said Hopi and Navajo Indians by said tribes and the members thereof, and to fully accomplish all objects and purposes of this Act. Such actions may be commenced in the United States District Court for the District of Arizona by either of said tribes against the other, acting through the chairman of the respective tribal councils, for and on behalf of said tribes, including all villages, clans, and individual members thereof.

SEC. 18. The United States shall not be an indispensable party to any action or actions commenced pursuant to this Act. Any judgment or judgments by the court shall not be regarded as a claim or claims against the United States.

SEC. 19. All applicable provisional and final remedies and special proceedings provided for by the Federal Rules of Civil Procedure and all other remedies and processes available for the enforcement and collection of judgments in the district courts of the United States may be used in the enforcement and collection of judgments obtained pursuant to the provisions of this Act.

SEC. 20. The Secretary of the Interior is hereby authorized and directed to survey and monument the boundaries of the Hopi Indian Reservation as defined in sections 5 and 7 of this Act.

SEC. 21. The members of the Hopi Indian Tribe shall have perpetual use of Cliff Spring as shown on USGS 7½ minute Quad named Toh Ne Zhonnie Spring, Arizona, Navajo County, dated 1968; and located 1,250 feet west and 200 feet south of the intersection of 36 degrees, 17 minutes, 30 seconds north latitude and 110 degrees, 9 minutes west longitude, as a shrine for religious ceremonial purposes, together with the right to gather branches of fir trees growing within a 2-mile radius of said spring for use in such religious ceremonies, and the further right of ingress, egress, and regress between the Hopi Reservation and said spring. The Hopi Tribe is hereby authorized to fence said spring upon the boundary lines as follows:

Beginning at a point on the 36 degrees, 17 minutes, 30 seconds north latitude 500 feet west of its intersection with 110 degrees, 9 minutes west longitude, the point of beginning;

thence, north 46 degrees west, 500 feet to a point on the rim top at elevation 6,900 feet;

thence southwesterly 1,200 feet (in a straight line) following the 6,900 feet contour;

thence south 46 degrees east, 600 feet;

thence north 38 degrees east, 1,300 feet to the point of beginning, 23.8 acres more or less: *Provided*, That if and when said spring is fenced the Hopi Tribe shall pipe the water therefrom, to the edge of the boundary as hereinabove described for the use of residents of the area. The natural stand of fir trees within said 2-mile radius shall be conserved for such religious purposes.

SEC. 22. Notwithstanding anything contained in this Act to the contrary, the Secretary of the Interior shall make reasonable provision for the use and right of access to identified religious shrines of the Navajo and Hopi Indians for the members of each tribe on the reservation of the other tribe.

SEC. 23. If any provison of this Act, or the application of any provision to any person, entity or circumstance, is held invalid, the remainder of this Act shall not be affected thereby.

SEC. 24. (a) For the purpose of carrying out the provisions of section 12 of this Act, there is hereby authorized to be appropriated not to exceed $28,800,000.

(b) For the purpose of carrying out the provisions of section 20 of this Act, there is hereby authorized to be appropriated not to exceed $300,000.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, I will say to the Members of the House that this legislation today encompasses a legislative settlement of perhaps the largest and the most vexing title quiet action in the western United States, perhaps of all time. It consists of a dispute between the Hopi Indians and the Navajo Indians, and it presents us with a conflict in lifestyles.

The Hopis were located in the area which we see here on this map in white, in the middle of this map, since probably before the year 1300. At least we have records dating back to that era.

They lived in villages at the tops of mesas. They tended fields at the bottoms of the mesa and kept some small flocks. However, generally the Hopis were and are today village people. They lived in a village-based economy. They did not use very much of the land surrounding the area, and there are probably 6,000 Hopis in the various Hopi villages today in the disputed area.

The Navajo Indians, on the other hand, were a seminomadic, herd-grazing group which largely stayed in family groups or small community groups.

They roved extensively tending their sheep and their horses and would move from time to time. They are the largest, tribe of Indians in the entire United States, about 130,000 strong. Because of their population and nomadic habits, they occupied vast areas in the Southwest at approximately the same time as the Hopis did. They occupied areas completely surrounding the Hopi and the reservation today still does surround the Hopi in the middle of this map.

Also, because of their nomadic habits, they encroached on and moved into the middle of this area.

In 1882, this area outlined in orange was set aside by Executive order for the Hopi Indians and "such other Indians as the Secretary of the Interior may see fit to settle thereon." They set aside some 2,472,095 acres for that purpose. At that time there were approximately 300 Navajos residing within this area which was set aside. However, again because of the nomadic habits of the Navajo and their size and because the Hopis were not utilizing much land other than that immediately around their village, the Navajos continued to encroach on this land even within the 1882 set-aside area.

The Secretary of the Interior, who was charged with the responsibility, should have acted at that time to keep the Navajo from moving in, but did not. Friction between the two tribes increased until 1958 when, at the urging of the Hopis, the Congress passed legislation authoring a three-judge district court to adjudicate the conflicting claims existing between the Navajos and the Hopis. The result of that act brought us the case of Healing against Jones which was

handed down in 1962 and which generally held five major things:

One was that neither tribe had a vested right in the Executive order land until the passage of the 1958 act because it was an unconfirmed executive reservation and it did not vest rights at that time. When the Congress passed the Jurisdictional Act in 1958 it did confer vested title in these two tribes. Second, by the 1943 action of the administration establishing this area outlined in white called Grazing District 6, the administration conferred exclusive use in that land in the Hopis. Trust title in land would be in the Federal Government for the benefit of the Hopi Indians.

Third, because of other executive actions and inactions, the Secretary of the Interior had impliedly settled the Navajos throughout this area with the exception of district 6. Fourth, the courts then decided that the two tribes had a joint, undivided, and equal interest in the entire 1882 area with the exception of district 6.

Finally the court held that the jurisdictional act of 1958 did not confer jurisdiction on the court to partition these lands, and thus each tribe had a joint, undivided, and equal interest in everything outside of the white and inside of the orange on the map. This is the course which brought us to the problem.

When the court said it did not have jurisdiction to partition, thereafter action was sought in the Congress, and in 1971 the House passed the Steiger bill.

The Steiger bill would have given trust title, to district 6 and to 905,000 acres within the 1882 land which is here outlined in blue to the Hopis. It would have given trust title to the Navajo to 917,000 acres, of the disputed 1882 land here outlined in orange. Additionally, that bill would have given the Hopis trust title to some 243,000 acres over here, outlined in green, which is known as the Moencopi area. I will cover that right now.

This Moencopi area is part of an area described in a 1934 act of Congress defining and enlarging the boundaries of the Navajo reservation in Arizona in which there were some Hopis also residing.

Actually, they were residing, as is their habit, in a village called Moencopi here, and there were few outside of that village. The language of the bill passed by the Congress was a little bit different than that under which the 1882 area was set up.

This 1934 area was set aside as a reservation for the Navajos "and such other Indians as may already be located thereon." Thus you will notice that that language is contemporaneous, in other words, for those who were there then. The 1882 language, "for such other Indians as the Secretary may see fit to settle thereon," was prospective.

The Navajo contend that there are only about 35,000 acres in the Moencopi area, under this contemporaneous language, that should go to the Hopi.

Some of the other matters covered by the Steiger bill that the Navajos who were residing within what is here the blue area, would be required to move in 5 years. Any Hopis that were residing in the area as encompassed by the orange would be required to move in 2 years. They were both to be compensated for their moving expenses. And the tribes were to administer the subsurface rights jointly. They have been doing that since and it apparently is working out well.

The House passed the Steiger bill in 1971, but the same type of legislation died in the Senate in the 92d Congress, and thus this matter was not resolved in the 92d Congress.

In the 93d Congress we have had some hearings on this matter. We visited the area. We had a markup at which the bill which we are presently considering today was presented to the subcommittee, and passed as a substitute for the Steiger bill which I have explained heretofore.

The Owens bill, the bill we have before us today, passed the full committee on a voice vote, after the failure of a substitute to carry, on a 20-to-20 tie vote. So it comes here somewhat embattled, but nevertheless a solution to this problem. It differs from the Steiger bill, which I described, insofar as it confers jurisdiction on the district court of Arizona to partition the 1882 joint use area. In other words, it is a supplemental proceeding to Healing versus Jones. Under the bill the court partitions according to certain criteria. These criteria are said by some to dictate the Steiger division which give to the Hopi all the lands in the white, the blue, and the green with the remainder to the Navajos. I do not believe this will necessarily result nor do I believe one can say that for a certainty. Additionally, the Owens bill directly partitions 243,400 acres in the Moencopi area to the Hopi. It does not give the court jurisdiction to consider that problem.

It provides for moving the Navajo from lands partitioned to the Hopi within 5 years and the Hopi from Navajo lands in 2 years. It provides $28 million for relocation expenses. It provides for accounting and other matters pending between the two groups.

Mr. Speaker, this is a complicated and deeply emotional issue to both tribes. The affection of Indian people for what they consider to be their own land can be compared to the zest of the crusaders magnified many times. Because of the failure of this Government for many years to make some tough decisions, both tribes consider much of the land in question to be theirs. It is our unfortunate lot to have to make those tough decisions that have thus far been avoided. They cannot be made now without serious and painful results, but time will only increase the seriousness and exacerbate the ultimate trauma which will come from the decisions.

I should have preferred a different method of settling this matter, but a majority of the committee has voted this one. The most important thing is that something be done and be done now.

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

Mr. MEEDS. I yield to the distinguished gentleman from Florida.

Mr. HALEY. I thank the gentleman for yielding.

Mr. Speaker, a similar bill to the bill at the desk was passed in the 92d Congress. Therefore, dispute over land has been going on for many, many years. It has been sometimes very bitter between the two tribes. I think that this bill will solve all of that problem. At least we will have more or less a guideline as to how the matter should be handled in the future, as the gentleman from Washington (Mr. MEEDS) said. I want to compliment him, Mr. Speaker, on the fine job that he has done here, which is his usual good job.

Mr. Speaker, H.R. 10337 partitions between the Navajo and Hopi Tribes some reservation land in which the two tribes have an undivided, joint, and equal interest.

It provides a legislative solution to a longstanding and highly emotional dispute between the Navajos and the Hopis.

This bill is before the House today because the Secretaries of Interior and the Commissioners of Indian Affairs during the past 40 years have not done their jobs properly. I am not criticizing the present incumbents alone, but include prior administrations under both parties.

A bill almost identical to H.R. 10337 was passed by the House in the 92d Congress but was not approved by the Senate.

In 1882, an Executive order was issued setting aside a reservation of approximately 2,472,095 acres for the Hopi Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon. The purpose of the 1882 reservation was to protect the Hopis from encroachment by both the Navajos and non-Indians.

In 1882, the entire Navajo Reservation was located east of the Hopi Reservation, and the two reservations did not adjoin each other. During the years following 1882, however, the Navajo Reservation was expanded by a series of executive and legislative actions, and today the Navajo Reservation completely surrounds the 1882 reservation for the Hopis. The Navajo Reservation now contains 12,449,000 acres, and the tribe owns an additional 921,000 acres located outside the reservation boundaries.

The Navajos were a seminomadic people who did not stay within their reservation boundaries. They were constantly moving into new areas. In 1882, about 300 Navajos resided within the 1882 reservation established for the Hopis. The number steadily increased, and by 1958, the number was 8,800.

The friction between the Navajos and the Hopis was great. The Hopis claimed that the Navajos had no right to be in the 1882 reservation at all, and the Navajos claimed that they were there by permission of the Secretary of the Interior. In 1958, Congress enacted a statute authorizing a three-judge U.S. district court to adjudicate these conflicting claims and to determine the property rights of each tribe.

The court found as fact that no Secretary of the Interior had ever specifically settled any Navajos on the 1882 reservation, that the Navajos had moved there without any official authorization, but that since 1931 the Secretary of the Interior had acquiesced in their presence

and had impliedly exercised his authority to settle them there. The court held that the Hopis had an exclusive right and interest in about 650,000 acres of the reservation known for administrative purposes as Grazing District No. 6, and that the Hopi Tribe and the Navajo Tribe had joint, undivided, and equal rights and interests in the remainder of the reservation, consisting of about 1,822,000 acres.

Notwithstanding the fact that the court determined that the two tribes have equal rights and interests in the 1,822,000 acres, the Navajos were then and are now in actual possession, and they have refused for the 10 years since the court's decision to permit the Hopis to use any part of the joint-use area. Moreover, the Secretary of the Interior has failed to do anything to permit the Hopis to exercise their joint-use rights. He has, in fact, refused to permit them to do so.

The joint-use area is badly overgrazed by the Navajos, perhaps to the extent of 400 percent, and the Secretary has been unable to persuade the Navajos to reduce grazing to the carrying capacity of the land. The Secretary has also refused to cancel any of the Navajo grazing permits and issue new permits to the Hopis.

Because of the severe overgrazing of the joint-use area, the Navajo livestock are constantly trespassing on the Hopi exclusive area, where the forage is better, and the Hopis are impounding those trespassing livestock. Violence and bloodshed have resulted. The Hopis are not only denied their joint-use rights, but their exclusive Hopi area is also threatened.

During the past 10 years the two tribes have attempted to negotiate a joint-use agreement, but the negotiations have failed. The Navajo position was, and still is, that they are in possession of the land and will not relinquish any part of it unless the United States provides lieu land to which the Navajos can be moved. The Navajos actually oppose that solution and ask that the United States purchase the Hopi interest in the joint-use area and give it to the Navajo Tribe. The Hopi position was, and still is, that they have been pushed back and encircled by the Navajos, that the Navajos have invaded and taken large parts of the 1882 reservation which was intended to be for the benefit of the Hopis, that the Hopis will give up no more land, and that the Navajos must vacate one-half of the joint-use area in order to give effect to the court decree.

A second problem relates to Navajo-Hopi conflict over lands immediately west of the 1882 reservation. When the boundaries of the Navajo Reservation were enlarged by the act of June 14, 1934 (48 Stat. 960), the vacant lands within the reservation boundaries were withdrawn for the benefit of the Navajos and such other Indians as were already located thereon. Hopi Indians were then living in the villages of Moencopi and Tuba City, which lie west of the 1882 Hopi Reservation, and Hopi Indians were living on the land between these villages and the 1882 reservation. The Hopi Indians have by statute the same type of joint interest in this land that the court determined they have in the joint-use area of the 1882 reservation.

The problems in the two areas are the same. The Navajo population pressures are compressing the Hopis into smaller and smaller areas, and the two tribes are unable to use the land jointly in harmony. There is a need to delineate the lands each tribe is entitled to use.

The committee concluded that the Navajo Tribe had refused to allow the Hopi to exercise its joint and equal right to use the land, as decreed by the court, and that there was no reasonable basis for believing that the Navajo Tribe would change its position on this basic issue as the result of further negotiation. The Navajo Tribe is in possession of the land, and it has adamantly refused to discuss any plan that called for a relinqushment of its possession. The committee also concluded that the Hopi Tribe was unwilling to sell its undivided but equal interest in the land, either for money or in exchange for other lands, and that there is no practical alternative to a partition of the joint use as provided in the bill.

The bill provides that the surface estate in approximately half of the joint-use area is added to the Hopi Reservation and the other half is added to the Navajo Reservation. About 775 Navajo families will need to move from the Hopi land, and two Hopi families will need to move from the Navajo land. The bill authorizes the appropriation of $28.8 million to relocate these families. Joint ownership of the subsurface estate is not changed by the bill.

With respect to the 1934 reservation, the bill adds to the Hopi Reservation both the surface and subsurface estates in approximately 234,400 acres, and extinguishes all Hopi and other Indian claims to the remainder of the area. The few Paiute families living there will receive allotments to the land they occupy.

I am convinced that the enactment of this bill is necessary to resolve a highly emotional issue, which has resulted in violence and bloodshed. There is no other way to permt the Hopi to exercise their joint and equal rights in the land. It is unfortunate that a partition of the land will require about 775 Navajo families to move, but those families came into the area without permission, and they have no moral or legal right to monopolize the use of the land by excluding the Hopis. Moreover, the bill provides generous financial assistance for relocating these families.

I urge enactment of the bill.

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

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

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, I have received some mail on the subject, surprisingly, inasmuch as my district is located so far from there, but there are several people in my district who are interested in it. They raise an objection to the bill on the ground that it would have been preferable first to have had a survey by the Geological Survey as to the number of wells that are in the area and as to the number of other resources that are in the area, prior to bringing this bill to the floor. Can the gentleman shed some light on that?

Mr. MEEDS. It is clearly possible for the court to do this under the guidelines which have been laid down in the Owens bill. I am sure that a court will give consideration to this in making any kind of provision.

Mr. YATES. Is the whole controversy thrown into the court, then?

Mr. MEEDS. Yes.

Mr. YATES. Is the court to make the total adjudication?

Mr. MEEDS. No. The court is to make a partition now in supplementary proceedings to its original proceedings under certain guidelines. It is said the guidelines dictate the boundaries which I have described here, but I do not think we can say that for certain. There is some indication that is true, but I do not think we can say that for sure.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself so much time as I may require.

Mr. Speaker, I agree with the thoughtful comments of my distinguished and experienced colleague, the chairman of the Subcommittee on Indian Affairs. I am pleased as the ranking member of the minority to join him in support of this bill to protect the rights of a minority Indian tribe, the Hopis. Passage of this bill would achieve justice for a tribe being overwhelmed by the superior numbers of the Navajo Tribe.

Mr. Speaker, this bill concerns a problem that has dragged on for nearly 100 years and badly needs a solution. Unless Congress provides that solution, there will certainly be more violence between the Hopi and Navajo Tribes.

Violence and bloodshed have already occurred, and my only interest as a member of the Indian Affairs Subcommittee is in achieving a fair and equitable arrangement that will settle the argument over this land.

The bill before us is a modified version of a bill that passed this House in 1972 as H.R. 11128. That bill died in the other body. The Senater from Arizona (Mr. GOLDWATER) testified in the House hearings in support of this bill during this session. I believe we have before us the most viable, workable, and passable bill that we can get on this thorny issue.

The gentleman from Florida and the gentleman from Washington have very ably described the bill in detail. I would only add, Mr. Speaker, that time is of the essence and we should resolve this matter promptly if justice is to be achieved for the Hopi Tribe.

The basic facts are clear. The Navajos use almost 100 percent of the disputed land even though the courts have ruled that 50 percent belongs to the Hopis.

But the Navajos, a stronger more aggresive tribe, will not permit the Hopis to use or occupy their 50 percent. This bill if passed by Congress directs the same court that awarded 50 percent of the land to the Hopis in law to now go one step further and award 50 percent to the Hopis in fact.

Legal title without the ability to use

or to occupy the land is no ownership. The Hopis obtained a court order that instructed the Navajos to grant them the use and occupancy to which they are legally entitled. That court order is difficult to implement because it does not spell out specific boundaries. This bill directs the court to establish those boundaries and it goes one step farther: It sets forth clear guidelines that the court must follow in establishing those boundaries.

The guidelines were well thought out in subcommittee and in committee. They do all that is humanly possible to avoid disruption of Navajo homes and moving large numbers of Navajo people.

The bill does not suggest that the court avoid large concentrations of Navajo people in drawing the boundary lines. It orders the court to avoid large concentrations of Navajo people.

If I have any reservation about this bill, Mr. Speaker, it would be with the fact that the bill does not spell out precisely where the displaced Navajo families should be located. However, I would point out that none of our laws on illegal occupancy contain any such provisions.

This bill recognizes that certain Navajos are illegally occupying land that belongs to the Hopis and it orders them to vacate that land. This is precisely what a court would do if any individual illegally occupied land belonging to another. In recognition of the Federal Government's unique relationship with and responsibility for Indian people, this bill does for the Navajos what no court would normally ever do for an individual in the same circumstances: It orders the Federal Government to pay not only the moving expenses but also the cost of relocating and building new homes for these people.

The fact that all mineral royalties received from the land jointly owned by the Navajos and Hopis have been divided equally between the two tribes without objection by the Navajos is a de facto recognition by the Navajos that ownership between the tribes is on a 50–50 basis and yet the Navajos are presently depriving the Hopis of their surface rights.

Mr. Speaker, far from being harsh and unhumanitarian toward the Navajos, this bill is extremely generous. It is a fair bill and a humanitarian bill, a just bill and a very necessary bill if we are to settle this intertribal matter without further violence between the tribes. I urge my colleagues to support its passage.

The SPEAKER. The gentleman consumed 5 minutes.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I thank the ranking minority member for yielding this time to me.

I rise in opposition, Mr. Speaker, to this legislation for several reasons, reasons which are valid and reasons which in my estimation are overriding.

Mr. Speaker, it is true that this bill seeks to solve a problem that has existed for over 100 years. It is true that there have been confrontations between the Hopis and the Navajos, and the sponsors point out these confrontations over the years. They tell us we must do something in order to avoid violence, but let me tell the Members, Mr. Speaker, what we are about to do.

We are not avoiding violence. We are not avoiding confrontation. We are setting the stage for a confrontation, not between the Hopis and the Navajos, but between the Navajos and the United States Army or the National Guard, or whoever it may be.

Mr. Speaker, this bill says that we will forcibly remove, if necessary, from 6,000 to 8,000 Navajos from the place where they live. We would not do this except in an Indian reservation. No one in this whole House would vote to move 6,000 or 7,000 people from their homes.

Mr. Speaker, I say that it will lead to a confrontation between the Armed Forces of this country and the Navajos. Some have said, "You are really, really getting dramatic over this issue."

But, Mr. Speaker, let me point out that I sent out a "Dear Colleague" to the Members. In it were some newspaper artices that appeared in my hometown newspaper, the Albuquerque Tribune, in which several people are quoted, several Navajos are quoted, as saying, "I won't move from here if it costs me my life."

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

Mr. LUJAN. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I read the gentleman's very interesting and persuasive letter. The gentleman spoke about the fact that 6,000 to 8,000 Navajos would have to be moved. As I understand it, are they not occupying Hopi territory and land in dispute? That question depends upon a determination of the dispute by the courts, does it not, as to whether they have to move?

Mr. LUJAN. Mr. Speaker, they are not occupying Hopi territory. They are occupying what has been termed as joint-use land.

Mr. YATES. Will that not be determined by the court?

Mr. LUJAN. The court has determined that it is joint-use land. The court has determined that a line has to be drawn and those occupants be thrown out.

Mr. YATES. Does not the court have the jurisdiction to determine whether or not they should be dispossessed by future decree, or is that already determined?

Mr. LUJAN. No, according to this legislation the major authority the court has is to draw that line, so that the line would be divided more or less in a 50–50 proposition. The court, according to this legislation, must draw the line. Regardless of where they draw the line, some 6,000 to 8,000 Navajos will have to be displaced.

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

Mr. LUJAN. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. CONLAN. Mr. Speaker, I would like to rise in support of the gentleman from New Mexico and express my agreement with him.

Mr. Speaker, I rise in opposition to this bill, H.R. 10337, the Hopi-Navajo Land Partition.

We are confronted today with a unique problem. This legislation is an attempt on the part of Congress to correct a situation which exists as a result of Government inefficiency and mistakes over the past century. The central point of the dispute is which tribe, the Hopi or Navajo, is entitled to ownership and use of approximately 1.8 million acres of land in a joint-use area previously created by Congress.

Many solutions to this conflict have surfaced from time to time but none has yet been considered effective. Mr. Speaker, I am concerned today that this bill, with its awesome repercussions, is being brought to the House floor under suspension. If Congress is to face this problem and attempt to force a solution in favor of one side or the other, then the entire range of solutions should be open to the membership. Amendments and full discussion should be permitted.

I understand that in a vote by the full Interior Committee on a substitute bill, the result was a 20–20 tie and the substitute failed to pass. Mr. Speaker, this is a further indication to me that feelings on this bill are such that it should be defeated as a suspension.

The administration and the Department of the Interior are also opposed to this solution since it would require the United States to physically relocate an estimated 7,000 or 8,000 Navajos from lands on which they and their ancestors have resided for years.

Mr. Speaker, efforts are underway in Arizona to resolve this dispute by negotiation by the parties, and cases are pending in the Federal courts. Much time and effort has gone into working out solutions. It seems to me that this body should not gloss over these efforts by hasty legislative action which does not face the realities of life in that area of Arizona. Again, I urge defeat of this bill.

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

Mr. LUJAN. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, what percentage of the land is presently occupied by the Navajos?

Mr. LUJAN. All of it.

Mr. REGULA. Is it not a fact that 50 percent of it belongs to the Hopis?

Mr. LUJAN. An undivided 50 percent, that is correct, at the present time.

Mr. Speaker, that really is the overriding point, the fact that we will have to go in there and move from 6,000 to 8,000 people, forcibly remove them; many of them have lived there throughout their lives.

There are other considerations to be taken into account. We are making the Navajos pay with this suffering because the Bureau of Indian Affairs and the Department of the Interior have not lived up to their responsibilities. It was the responsibility of the Department to see that the land area was equitably divided so that not too many Navajos moved in or too many Hopis. The fact of the matter is that there are 120,000 Navajos to 6,000 Hopis, and it is natural that they are going to have more Navajos in there.

Mr. Speaker, let me also say that while we are saying that we are going to move them out of there, we have no provisions

as to where we are going to move them to. As a matter of fact, Mr. Speaker, there is no place.

The SPEAKER. The time of the gentle from New Mexico has expired.

Mr. REGULA. Mr. Speaker, I yield 2 additional minutes to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, as a matter of fact, there is no place for them to move. If any Member in this Chamber is acquainted with the Navajo Reservation, he will know that it is poor land that was given to them because nobody else wanted it, so there is no place for the 6,000 to 8,000 people to go.

Quickly, Mr. Speaker, there is another area in the green area over here, the Moencopi area. The Department of the Interior has said that there are some serious possible constitutional problems and we will leave the issue open for lawsuits which could cost millions of dollars. If I get more time, I will go into that in greater detail.

In committee, the chairman of the committee made a proposal as an alternate solution.

It was defeated by a 20 to 20 vote. So let us not kid ourselves that the whole committee is supporting this.

Mr. Speaker, let me say one other thing: Under the proposal I have promulgated, the Navajos would buy from the Hopis, and they would pay for it. Under this bill, it says that we will let the Federal Government pay the bill for $29 million; under the proposal I have offered, it would not cost the Federal Government a dime, except just for administration purposes. Basically it would cost something like $100,000 or $200,000.

For those reasons, primarily, Mr. Speaker, I really feel badly about this bill. It would be so much easier to just say, "Let us solve the problem," but let us not solve it at the price of the heartbreak of all the Navajos.

Mr. Speaker, this is a really terrible bill. I do not think we have had a piece of legislation come before this body that is as bad as this particular legislation.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, as has been explained, there are almost 2 million acres of property in which these two tribes originally had some joint use. They cannot get along and the situation has worsened over the years. And, as has been explained, through some legislation and the results of some court cases the situation finally got down to a point where the real estate is going to have to be roughly divided so that one of the tribes will get about half of it, and the other will get about half of it.

Obviously, that means somebody is going to have to move, and that is a tough situation.

But, after all, that is what the Indians wanted. We are trying to respond to the wishes of the Indians who have asked not to have to be with each other, but to be separated according to their tribes, and ours is not to reason why.

Now, Mr. Speaker, when we do that separation job, as is proposed to be done here, a court will do it according to as good a set of guidelines as anybody could conceive for a situation where you have a spat between a couple of Indian tribes of long, long standing.

Mr. Speaker, I suggest the wisdom of adhearing to these guidelines and taking the bill as it is. If this matter is dragged through this House another time and in another way and then taken over to the other body and dragged through there, there are going to be a lot of people cut up in the process. Those who will be cut up are Congressmen and Senators, as they are being cut up today between and by two Indian tribes that none of us even pretend to understand. And, there are going to be a lot of Indians who are not going to be any further along toward their hopes and aspirations than they are at this particular moment.

Of course, this is not the best solution in the world, because there is no best solution in the world, to problems such as these. It is hardly even a solution at all. It is more like a fight that has legislatively reduced to a low key. We have tried to keep it in as low a key as possible.

Mr. Speaker, on that basis I urge that the Members support this bill. If they do not, they will sooner or later stand again in harm's way because of this historic dispute that is not even any of their real business.

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

Mr. REGULA. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I will ask the gentleman from Ohio this question:

Why is this bill up for consideration under suspension of the rules?

This involves, as I understand it, the future location of a minimum of 7,000 persons and $29 million.

Why is this matter up under suspension of the rules?

Why is it not before the House with adequate general debate provided and the ability to amend the bill?

Mr. REGULA. Mr. Speaker, I will respond to that by saying that I do not have control of that situation, and I would suggest that question be directed to the other side of the aisle.

Mr. GROSS. Mr. Speaker, will the gentleman yield me 1 minute to direct my question to the gentleman from Washington?

Mr. REGULA. Yes, I yield 1 minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding and I will ask the gentleman from Washington this question:

Why is this bill, with the ramifications of the transplanting of 7,000 persons and the expenditure of $29 million, before the House under suspension of the rules?

Mr. MEEDS. Mr. Speaker, if the gentleman will yield, I will answer his question.

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

Mr. MEEDS. Mr. Speaker, the bill is on the Suspension Calendar because the chairman of the committee asked for it to be there. I will also remind the gentleman from Iowa that a bill which was very similar to this had been passed by voice vote in this body in the 92d Congress.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Speaker, those of you who recall this matter from the 92d Congress will recall that it was then, as now, a very emotional issue.

I will tell my colleagues that the congressional district involved in this situation is mine. In my view, there is only political jeopardy for anyone who gets involved in it.

And I will tell my colleagues further that I initiated the legislative solution for it 4 years ago. I did so because, in my view, we have a Federal responsibility that nobody has so far alluded to. As a result of a vague executive order initially, certain lands were designated for the use of certain Indians. Through a series of Bureau of Indian Affairs tacit neglects of the enforcement of the existing laws and regulations, Navajos were indeed permitted to occupy lands that the Federal court subsequently found did not belong to them. Thus the Federal Government at the executive level really compounded the problem both by an inefficient administration, and by cowardice with regard to the enforcement of the regulations.

The Federal court confronted the problem and decided that half of the land in question belonged to the Hopis, and then, I suppose with sufficient legal grounds, refused to bite the bullet and say which half was the Hopi's. The Congress then came along and we did confront the problem head on. In 1961 or 1962 we formed a Navajo-Hopi Boundary Dispute Commission, which was notable more for its title than for its activity. I have been a member of that commission as long as it has been in existence, and I do not know whether it does exist or not at this time, because, to the best of my knowledge, the commission never met. That was to be the congressional answer to this problem—a commission that never met.

The reason why we have this problem is because there are about 125,000 Navajos and 6,000 Hopis. If the numbers were anywhere near equal, the matter would have been resolved before this, but it is a simple fact that the bureaucrats do not like to go up against those kinds of numbers any more than the politicians do.

There is only one way to resolve this problem, namely, to divide the boundary and to give that which belongs to the Hopi to the Hopi and to give that which belongs to the Navajo to the Navajo.

In the absence of that, if we continue to permit the status quo to remain as it is, the problem will be compounded. Violence has alreary occurred. There is continued encroachment by the Navajo on the existing Hopi land, which is that land in white on the map provided by the chairman of the subcommittee.

Mr. Speaker, this is not a myth. I am not trying to romanticize this. I will tell the gentlemen here that my good friend from New Mexico (Mr. LUJAN) described mayhem in his letter urging you to vote against this bill.

I would also point out that follows a rather logical and typical transition with respect to the Navajo people. On first blush they simply attempt to occupy the land, and on second blush they attempt to maintain the occupation by force and

attempt to win the right to occupy it in the courts and to circumvent the legislation and the legislative process. All else failing, they resort to pure emotion and excessive statements.

I simply tell the Members that we will not move 6,000 or 8,000 Navajos because at least half of them are going to move anyway since the livestock will be removed. They are tenders of sheep and cattle. We have reduced the livestock population and it is moving, so they will leave anyway whether we pass this bill or not. Of the 6,000, if there are indeed that number, at least half of them moved into the area since the legislative process began 4 years ago. So you are not really looking at the elderly Navajo couple abandoning their traditional homestead but, rather, at people who have been permitted to live where they are because of an oversight or lack of initiative on the part of the Bureau of Indian Affairs.

The only possible way to resolve this problem is to divide the lands, which the Owens bill does, and remove the Navajo.

We do, as was pointed out by the gentleman from Ohio (Mr. REGULA) authorize, in a manner that is calculated to sooth almost anybody's feelings for the 6,000 people involved, up to $26 million to ease the pain of separation from this land. I submit that this is an obligation that we properly have because the Federal Government is the source of the problem, and so the Federal Government should pay the bill. But let us face it, this is not an arbitrary committing of violence against the people who are being abused.

The SPEAKER. The time of the gentleman from Arizona has expired, and all time has expired for the gentleman from Ohio.

Mr. MEEDS. Mr. Speaker, may I inquire how many minutes I have remaining?

The SPEAKER. The Chair will state that the gentleman from Washington has 4 minutes remaining.

Mr. MEEDS. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. OWENS).

Mr. OWENS. Mr. Speaker and Members of the House, this is an extremely complicated problem. For 15 years the District Court of Arizona, a three-man court, has considered the law and the equities in this matter, and have tried to settle the dispute of over 100 years' standing between the Hopi and the Navajo.

This is not a fight between white men and red men, this is a fight between two Indian tribes. The courts have held that each tribe is the undivided owner of one-half of the land which is in dispute here today, but the court has also found that the Navajo have effectively kept the Hopi from occupying and using their half.

This bill will continue an undivided one-half ownership of the mineral rights for each tribe, but in addition will provide that the court have the further authority to draw the line to insure that both the Hopi and the Navajo have the right to use their half of the land.

So the law in this matter is settled, I will say to the Members of the House neither side of this dispute has ever accused the court of being unfair or being arbitrary or unreasonable. We are not today, in this legislation, determining what the law is, or what the rights are; we are simply giving the courts the power to solve this problem according to the lawful interests, as the court has already determined them.

The Hopi have asked for justice, and they are entitled to this land. They do not want to be bought out of their land as the bill which the gentleman from New Mexico (Mr. LUJAN) has proposed. They want their land and the courts say they are entitled to have it. The Hopi are fewer, by 15 times than the Navajo, and the Navajo have, by their greater aggressiveness and number, effectively prevented the Hopi from the use of their land according to the District Court.

The point the gentleman from Arizona (Mr. STEIGER) made that this land is overgrazed, by 700 percent, according to the Department of the Interior, is accurate. The courts now have cancelled all the grazing leases on this disputed land because it is in such poor shape, and will not support the number of animals that the Navajo need in order to live. So the Navajo are going to be moving off this land because it will not support them any further because of the overpopulation of their flocks. And if this bill does not pass, there will not be any assistance given to them in moving. This bill attempts to handle, in a sensitive way, the very real, heart-rending situation which will come when these Navajo families are required to move, as they will move whether we pass this bill or not, because some of the Navajo will be forced to move, whether by drought and insufficient feed, or by the courts refusing to allow them to graze on the land, or by the terms of this bill. This bill directs the court to draw this line in a very sensitive way to displace the fewest number possible of Navajos or Hopi, and there will be some Hopis who will have to be moved, also.

And it will be a far more humane move, than if dictated by drought and hunger. If we do not pass this bill the thousands who will be forced to move, will be forced to move without any benefit of financial relocation assistance, which this bill provides in an amount up to some $30,000. This is an attempt to make that move as painless as possible and to upgrade the new residence of those who move.

This is a very equitable bill. It deals with an extremely sensitive matter, and I think it does so in a very sensible way. It solves a dispute which the Congress for a hundred years has refused to deal with, to the severe detriment of all parties involved, including the Congress itself.

The Hopis are entitled to justice and entitled to use of their land. To defeat this bill is to refuse to make a decision—to put off a solution. The real solution is to pass this bill, settle that dispute, and then let us get on other legislation to solve the land and commerce problems of the Hopis and the Navajos.

Mr. Speaker, the bill we are considering today represents a compromise solution to the protracted land dispute between the Hopi and Navajo Indian Tribes in northeastern Arizona. I urge my colleagues to adopt this bill as favorably reported without dissent by the Interior Committee.

H.R. 10337 is designed to resolve a disput which began almost a century ago. At times this battle has taken place by physical struggle over the land on the Hopi Reservation. At other times the battle has been taken to the negotiation table, into the courtroom, through the Washington bureaucracy and to the halls of Congress.

By Executive order in 1882, President Chester A. Arthur established a reservation in Arizona for the use and occupancy of the Hopi and such other Indians as the Secretary of the Interior saw fit to settle thereon. During the past 125 years the seminomadic Navajo have pressed their intrusion deeper into these traditionally Hopi lands. Conflict and distrust has grown between the two tribes.

Congress authorized the U.S. District Court of Arizona to determine the respective interests of the Hopi and Navajo Tribes in the disputed area. The district court ruled that 600,000 acres were exclusively Hopi and that the balance of 1,900,000 acres are owned jointly between the Hopi and Navajo Tribes. The court also ruled that it was without congressional authority to partition the jointly held lands. The dispute was therefore never completely resolved, and the two tribes have been unable to jointly administer their common reservation.

In supplemental proceedings, the district court has found that the Navajos, who number 120,000 and the U.S. Government, as trustee, have prevented the Hopis, who number about 6,500 from using any significant portion of their one-half interest in the joint-use area. Absence of proper land management has produced a condition which has virtually destroyed the areas' productivity. The district court said as late as last December that unless the unregulated overgrazing of Navajo livestock on the joint-use area is immediately controlled and the area restored, neither the Hopis nor the Navajos will be able to make any use of this land.

The bill as approved by committee is a compromise effort to reach a final settlement of this situation which will recognize what has already been determined by the court and will resolve remaining issues in an equitable manner for all concerned. The bill authorizes the district court to partition equally the surface of the joint-use area between the Hopi and Navajo Tribes, giving consideration to present population densities and locations and thereby avoiding undue social, economic and cultural disruption. The bill further implements the courts previous decision by providing that each tribe will receive an equal share in the quantity and quality of land.

The argument most often presented on behalf of the Navajo is that a partition will require the Navajo to squeeze together where they are already overcrowded. A quick review of census figures reveals

that the Navajo Reservation contains more land mass than the combined acreage of the States of New Hampshire, Vermont, and Connecticut. The Navajo Reservation is located in the State of Arizona which boasts an average population density of 17 people per square mile of land area, while the population density on the Navajo Reservation is roughly 5 people per square mile. In other words, the proposed partition is a direct outgrowth of the overgrazing and the inability of the Hopi Tribe to use its fair share of the land as decreed by the Supreme Court.

Now, in order to protect the land in the interest of ecology for the use of members of both tribes, and in the best interest of both, we must take immediate action.

I will be introducing legislation which would enable the Navajo to use Federal lands contiguous to their reservation, and to help rebuild their reservation lands and to bring into the reservation lands industry and commerce sufficient to prosper. Any person required to relocate as a result of the partition will receive up to $30,000 in adjustment assistance.

This is not a population problem, but rather a grazing problem. At the present time, the land subject to this legislation is 700 percent overgrazed due to grazing practices and is in such deplorable condition that a Federal judge has ordered the removal of all livestock from the area in an attempt to let the land recover. However, the Navajo Tribe has refused to remove the livestock in definance of the court and sound range management practices.

Mr. Speaker, if we do not act promptly on this matter, the sometimes brutal forces of nature will cause mass reduction of livestock through drought, starvation, and disease, which in turn will result in the forced displacement of many more Indians without the assistance provided in this bill.

I strongly solicit support for this measure. We should have acted long before today. Through passage of this bill, we can attempt to salvage a reasonable and equitable solution.

The SPEAKER. The time of the gentleman has expired.

The question is on the motion offered by the gentleman from Washington (Mr. MEEDS) that the House suspend the rules and pass the bill H.R. 10337, as amended

The question was taken.

Mr. LUJAN. 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 133, nays 199, not voting 100, as follows:

[Roll No. 92]

YEAS—133

Abdnor	Bolling	Clancy
Adams	Brademas	Clark
Arends	Bray	Clausen, Don H.
Badillo	Breaux	Clawson, Del
Bafalis	Broyhill, Va.	Cohen
Biester	Burke, Mass.	Collins, Tex.
Bingham	Butler	Conable
Blackburn	Camp	Crane
Boggs	Cederberg	Cronin
Danielson	Long, Md.	Shoup
Davis, Wis.	McFall	Shriver
Dent	McKay	Shuster
Devine	Macdonald	Sikes
Dickinson	Madigan	Sisk
Donohue	Martin, N.C.	Smith, N.Y.
Duncan	Matsunaga	Staggers
Edwards, Ala.	Meeds	Stanton, J. William
Edwards, Calif.	Melcher	Stanton, James V.
Eshleman	Michel	Stark
Evins, Tenn.	Miller	Steelman
Fascell	Mink	Steiger, Ariz.
Fish	Mitchell, Md.	Steiger, Wis.
Fisher	Mollohan	Stephens
Fulton	Morgan	Stokes
Gettys	Myers	Symms
Gilman	O'Neill	Taylor, N.C.
Haley	Owens	Thompson, N.J.
Hansen, Wash.	Parris	Thomson, Wis.
Harrington	Passman	Tiernan
Harsha	Poage	Vanik
Hays	Podell	Waggonner
Hébert	Powell, Ohio	Ware
Henderson	Pritchard	White
Hicks	Quie	Whitehurst
Holifield	Randall	Winn
Holt	Rangel	Wyatt
Hosmer	Regula	Wydler
Hudnut	Rhodes	Wylie
Hungate	Robison, N.Y.	Young, Alaska
Hunt	Rogers	Young, Fla.
Johnson, Colo.	Roncalio, Wyo.	Young, Tex.
Karth	Rousselot	Zion
Kastenmeier	Sarbanes	
Leggett	Satterfield	
Long, La.	Schneebeli	
	Seiberling	

NAYS—199

Abzug	Forsythe	Murphy, N.Y.
Anderson, Calif.	Fountain	Murtha
Anderson, Ill.	Frenzel	Natcher
Andrews, N. Dak.	Frey	Nedzi
Archer	Gaydos	Nelsen
Armstrong	Giaimo	Obey
Ashbrook	Ginn	Patman
Aspin	Gonzalez	Patten
Baker	Goodling	Perkins
Barrett	Green, Pa.	Pettis
Bauman	Gross	Peyser
Beard	Grover	Pike
Bennett	Guyer	Price, Ill.
Bevill	Hamilton	Price, Tex.
Biaggi	Hammer-schmidt	Quillen
Boland	Hanley	Railsback
Bowen	Hanrahan	Rarick
Brooks	Hansen, Idaho	Rees
Brotzman	Hastings	Rinaldo
Brown, Calif.	Hechler, W. Va.	Roberts
Broyhill, N.C.	Heckler, Mass.	Robinson, Va.
Buchanan	Heinz	Rodino
Burgener	Helstoski	Roe
Burleson, Tex.	Hillis	Roncallo, N.Y.
Burlison, Mo.	Hogan	Rooney, Pa.
Burton	Holtzman	Rose
Byron	Horton	Rosenthal
Carney, Ohio	Howard	Rostenkowski
Carter	Hutchinson	Roush
Casey, Tex.	Ichord	Roybal
Clay	Johnson, Calif.	Runnels
Cleveland	Johnson, Pa.	Ruppe
Collier	Jones, Ala.	Ruth
Conlan	Jones, N.C.	Sandman
Conte	Jones, Okla.	Sarasin
Conyers	Kazen	Scherle
Corman	Kemp	Schroeder
Coughlin	Ketchum	Shipley
Culver	Kluczynski	Skubitz
Daniel, Dan	Koch	Smith, Iowa
Daniel, Robert W., Jr.	Lagomarsino	Snyder
Daniels, Dominick V.	Landrum	Spence
Davis, S.C.	Latta	Stratton
de la Garza	Lent	Studds
Delaney	Litton	Sullivan
Dellenback	Lott	Taylor, Mo.
Dellums	Lujan	Teague
Denholm	Luken	Thone
Dennis	McCormack	Thornton
Derwinski	Mahon	Treen
Diggs	Mallary	Vander Jagt
Dingell	Mann	Veysey
Downing	Martin, Nebr.	Walsh
Drinan	Mathias, Calif.	Wampler
Dulski	Mathis, Ga.	Whalen
du Pont	Mayne	Whitten
Eilberg	Mazzoli	Widnall
Erlenborn	Mezvinsky	Williams
Esch	Mills	Wilson, Charles H., Calif.
Evans, Colo.	Minish	Wolff
Findley	Mitchell, N.Y.	Wright
Flood	Mizell	Wyman
Flowers	Montgomery	Yates
Flynt	Moorhead, Calif.	Young, Ga.
Foley	Moorhead, Pa.	Young, Ill.
	Mosher	Zablocki
	Moss	Zwach

NOT VOTING—100

Addabbo	Gray	O'Brien
Alexander	Green, Oreg.	O'Hara
Andrews, N.C.	Griffiths	Pepper
Annunzio	Gubser	Pickle
Ashley	Gude	Preyer
Bell	Gunter	Reid
Bergland	Hanna	Reuss
Blatnik	Hawkins	Riegle
Brasco	Hinshaw	Rooney, N.Y.
Breckinridge	Huber	Roy
Brinkley	Jarman	Ryan
Broomfield	Jones, Tenn.	St Germain
Brown, Mich.	Jordan	Sebelius
Brown, Ohio	King	Slack
Burke, Calif.	Kuykendall	Steed
Burke, Fla.	Kyros	Steele
Carey, N.Y.	Landgrebe	Stubblefield
Chamberlain	Lehman	Stuckey
Chappell	McClory	Symington
Chisholm	McCloskey	Talcott
Cochran	McCollister	Towell, Nev.
Collins, Ill.	McDade	Udall
Cotter	McEwen	Ullman
Davis, Ga.	McKinney	Van Deerlin
Dorn	McSpadden	Vander Veen
Eckhardt	Madden	Vigorito
Ford	Maraziti	Waldie
Fraser	Metcalfe	Wiggins
Frelinghuysen	Milford	Wilson, Bob
Froehlich	Minshall, Ohio	Wilson, Charles, Tex.
Fuqua	Moakley	Yatron
Gibbons	Murphy, Ill.	Young, S.C.
Goldwater	Nichols	
Grasso	Nix	

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

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Eckhardt.
Mr. Rooney of New York with Mr. Gibbons.
Mr. Stubblefield with Mrs. Griffiths.
Mr. Carey of New York with Mr. Gunter.
Mr. Cotter with Mr. Madden.
Mrs. Grasso with Mr. McDade.
Mr. Nichols with Mr. McEwen.
Mr. Nix with Mr. Riegle.
Mr. Brasco with Mr. McCloskey.
Mr. Hawkins with Mr. Gray.
Mr. Pepper with Mr. King.
Mrs. Green of Oregon with Mr. Kuykendall.
Mr. Addabbo with Mr. Frelinghuysen.
Mr. Chappell with Mr. Huber.
Mr. Fuqua with Mr. Froehlich.
Mr. Moakley with Mr. Gude.
Mr. Metcalfe with Mr. Reid.
Mr. Jones of Tennessee with Mr. Gubser.
Mr. Pickle with Mr. Bell.
Mr. St Germain with Mr. Goldwater.
Mr. Steed with Mr. Broomfield.
Mr. Ullman with Mr. Hinshaw.
Mr. Vigorito with Mrs. Collins of Illinois.
Mr. Yatron with Mr. Landgrebe.
Mr. Murphy of Illinois with Mr. Brown of Michigan.
Mr. Davis of Georgia with Mr. McCollister.
Mr. Bergland with Mr. Brown of Ohio.
Mr. Alexander with Mr. Cochran.
Mr. Jarman with Mr. Burke of Florida.
Mr. Kyros with Mr. McClory.
Mr. McSpadden with Mr. Minshall of Ohio.
Mr. Milford with Mr. O'Brien.
Mr. Fraser with Mr. Maraziti.
Mr. Ford with Mr. Chamberlain.
Mrs. Chisholm with Mr. Charles Wilson of Texas.
Mr. Brinkley with Mr. McKinney.
Mr. Slack with Mr. Preyer.
Mr. Van Deerlin with Mr. Steele.
Mr. Symington with Mr. Young of South Carolina.
Ms. Jordan with Mr. Hanna.
Mr. Breckinridge with Mr. O'Hara.
Mr. Ashley with Mr. Bob Wilson.
Mr. Stuckey with Mr. Sebelius.
Mrs. Burke of California with Mr. Lehman.
Mr. Roy with Mr. Wiggins.
Mr. Ryan with Mr. Blatnik.
Mr. Udall with Mr. Talcott.
Mr. Waldie with Mr. Dorn.
Mr. Reuss with Mr. Andrews of North Carolina.
Mr. Vander Veen with Mr. Towell of Nevada.

The result of the vote was announced as above recorded.

SPECIAL PAY BONUS STRUCTURE RELATING TO MEMBERS OF THE ARMED FORCES

Mr. STRATTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2771) to amend chapter 5 of title 37, United States Code, to revise the special pay bonus structure relating to members of the armed forces, and for other purposes, as amended.

The Clerk read as follows:

S. 2771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Armed Forces Enlisted Personnel Bonus Revision Act of 1974".

SEC. 2. Chapter 5 of title 37, United States Code, is amended as follows:

(1) Section 308 is amended to read as follows:

"§ 308. Special pay: reenlistment bonus

"(a) A member of a uniformed service who—

"(1) has completed at least twenty-one months of continuous active duty (other than for training) but not more than ten years of active duty;

"(2) is designated as having a critical military skill by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy;

"(3) is not receiving special pay under section 312a of this title; and

"(4) reenlists or voluntarily extends his enlistment in a regular component of the service concerned for a period of at least three years;

may be paid a bonus, not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years, or the monthly fractions thereof, of additional obligated service, not to exceed six years, or $15,000, whichever is the lesser amount. Obligated service in excess of twelve years will not be used for bonus computation. Bonus authority provided under this section shall be administered in such a manner that no member reenlisting for two or more reenlistments may receive a total bonus amount that is larger than the amount to which he would have been entitled had his initial reenlistment or active duty extension been for a total period of additional obligated service equal to the two or more reenlistments.

"(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

"(c) For the purpose of computing the reenlistment bonus in the case of an officer with prior enlisted service who may be entitled to a bonus under subsection (a) of this section, the monthly basic pay of the grade in which he is enlisted, computed in accordance with his years of service computed under section 205 of this title, shall be used instead of the monthly basic pay to which he was entitled at the time of his release from active duty as an officer.

"(d) A member who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

"(e) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"(f) No bonus shall be paid under this section with respect to any reenlistment, or voluntary extension of an active-duty enlistment, in the armed forces entered into after, June 30, 1977.".

(2) Section 308a is amended to read as follows:

"§ 308a. Special pay: enlistment bonus

"(a) Notwithstanding section 514(a) of title 10 or any other law, under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who enlists in an armed force for a period of at least four years in a skill designated as critical, or who extends his initial period of active duty in that armed force to a total of at last four years in a skill designated as critical, may be paid a bonus in an amount prescribed by the appropriate Secretary, but not more than $3,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the appropriate Secretary.

"(b) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

"(c) No bonus shall be paid under this section with respect to any enlistment or extension of an initial period of active duty in the armed forces made after June 30, 1977.".

SEC. 3. Notwithstanding section 308 of title 37, United States Code, as amended by this Act, a member of a uniformed service on active duty on the effective date of this Act, who would have been eligible, at the end of his current or subsequent enlistment, for the reenlistment bonus prescribed in section 308 (a) or (d) of that title, as it existed on the day before the effective date of this Act, shall continue to be eligible for the reenlistment bonus under that section as it existed on the day before the effective date of this Act. If a member is also eligible for the reenlistment bonus prescribed in that section as amended by this Act, he may elect to receive either one of those reenlistment bonuses. However, a member's eligibility under section 308 (a) or (d) of that title, as it existed on the day before the effective date of this Act, terminates when he has received a total of $2,000 in reenlistment bonus payments, received under either section 308 (a) or (d) of that title as it existed on the day before the effective date of this Act, or under section 308 of that title, as amended by this Act, or from a combination of both.

SEC. 4. The amendments made by this Act become effective on the first day of the month following the date of enactment.

The SPEAKER. Is a second demanded?

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

The SPEAKER. Is the gentleman from New Jersey (Mr. HUNT) opposed to the bill?

Mr. HUNT. No; I am not, Mr. Speaker.

The SPEAKER. The gentleman from New Jersey does not qualify.

The Chair recognizes the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentlewoman from Colorado (Mrs. SCHROEDER) opposed to the bill?

Mrs. SCHROEDER. I am, Mr. Speaker.

The SPEAKER. The gentlewoman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

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

Mr. Speaker, S. 2771 is designed to meet a critical retention problem in the all-volunteer environment—the attraction and retention of enlisted personnel.

S. 2771 revises both the present enlistment and reenlistment bonus authority.

ENLISTMENT BONUSES

Present law authorizes paying up to $3,000 for an initial enlistment only in the combat arms of the Army or Marine Corps.

S. 2771 would expand this authority to allow bonuses of up to $3,000 for an enlistment of at least 4 years in any critical skill area in any of the services.

REENLISTMENT BONUSES

Present law provides for a Regular reenlistment bonus—RRB—of up to $2,000 for all reenlistees regardless of skill area and regardless of need and a variable reenlistment bonus—VRB—of up to $8,000 for reenlistments in the critical skills. Since it is automatic, the Regular reenlistment bonus is frequently paid to adequately manned or overly manned skills. Thus it is not cost-effective. The variable reenlistment bonus can only be paid once.

S. 2771 would repeal both the Regular reenlistment bonus and the variable reenlistment bonus and in place thereof establish a selective reenlistment bonus—SRB. This would authorize a bonus of up to $15,000 for reenlistment in a critical skill area. The bonus could be paid at any problem point during the initial 10 years of service; the amount of the bonus would vary according to the severity of the retention problem and bonuses would not have to be paid in skills where no shortages exist. Thus, the SRB gives the services the flexibility to meet retention needs and at the same time is cost-effective as it is coupled with the elimination of bonuses in adequately manned skills.

LONG-RANGE COST SAVINGS

Because of the elimination of bonuses in areas where adequate retention can be achieved without extra pay, S. 2771 will result in a net budget saving of $44.5 million by fiscal year 1979. The cost of the bill for the first full fiscal year 1975 will be $85.4 million; but the cost drops rapidly beginning in fiscal 1977 as the savings from the phasing out of the regular reenlistment bonus begin to appear.

COMMITTEE AMENDMENTS

S. 2771 is a Defense Department proposal that was approved by the Senate with minor modification. The Committee on Armed Services made a number of changes, as follows:

The committee set the maximum amount of the reenlistment bonus at $15,000 as requested by the Department of Defense instead of $12,000 as provided in the Senate bill. This will provide the authority to meet exceptional retention problems in critical areas as well as allow for the effect of inflation. The present plans are to pay the maximum bonuses only in the case of personnel trained in nuclear-power skills for submarine duty. Under present law, which expires on June 30, 1975, nuclear-trained enlisted personnel can be paid bonuses of up to $15,000 and the bonus has proved very cost-effective. S. 2771 would allow for the continuation of these bonuses to nuclear-trained personnel.

It is the estimate of the Department of Defense that the average bonus under the bill will be approximately $5,300.

The committee added language to the bill to provide that a service member reenlisting for the maximum 6 years will not receive less in total bonus than one who reenlists for two 3-year periods.

The Senate bill contained no expiration date on the new selective reenlistment bonus. The committee inserted a termination date of June 30, 1977, since the committee believes that after a sufficient period the authority should be subject to a review by the Congress.

The Senate bill was effective on January 1, 1974. The committee amended the bill to make it effective the first day of the month following enactment. A retroactive date would serve no purpose for either attraction or retention of personnel.

The committee deleted a Senate floor amendment designed to allow admission of women to the service academies. The Senate amendment, which had not been subject to committee hearings, was technically defective and our committee deleted the provision without prejudice, believing the matter should be subject to full study at separate hearings.

SENATE AMENDMENT ON ADMISSION OF WOMEN TO THE SERVICE ACADEMIES

I want to make it very clear that rejection of the Senate amendment for admission of women at the service academies does not imply a rejection of the proposal in principle. I personally favor admission of women to the academies as I have stated for the record in the past. Because of the urgent requirements to act on the present bill promptly, the committee did not have time available for full hearings on the admission of women to the academies. The subcommittee that considered the bill, therefore, elected to delete the Senate amendment; and a majority of the committee rejected a motion to restore the amendment. The vote was 18 to 16. The question of admission of women to the academies involves consideration of the rate at which women would be admitted, the question of whether the student body would be enlarged or the number of male students would be reduced, the requirements for modification of the physical facilities at the academies with the attendant costs, and of the possibility of modification of the curriculum, and perhaps most important, a review of the legal and regulatory prohibitions against the use of women in combat since the principal purpose of the service academies is the training of combat leaders. These are all questions which should be addressed in informed hearings prior to action on the legislation by this body.

Again, I want to stress that I personally support the admission of women to the academies; and I have urged on the chairman of our committee consideration of such legislation. The present bill is simply not the proper vehicle.

BONUS EFFECTIVENESS

The examination by our committee has indicated that the use of bonuses in a selective way is a very effective way of meeting the manpower needs of the Armed Forces. The use of initial enlistment bonuses in hard-to-obtain skills has allowed the services to meet their requirements with longer terms of enlistment and with substantial saving in training costs. In effect, the longer periods of service achieved by use of the bonus more than amortizes the training costs; and the true cost per year of a trainee is less with the bonus than without. Illustrations of this will be found in the subcommittee's report.

Likewise, using the reenlistment bonus in a selective way allows us to concentrate the bonus dollar where the needs are. It has been estimated by the Department of Defense that in fiscal year 1973 $43 million was spent in bonuses in skills where the required manning could have been achieved without a bonus. This kind of procedure will be eliminated by S. 2771.

I urge the House to approve the bill.

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

Mr. Speaker, I would like to give the Members of the House a laundry list as to why I think this bill should be defeated. First and foremost is the procedure in which the bill has been reported by the Armed Services Committee.

The first thing that happened was that subcommittee No. 4 voted on this bill on February 27, 1974. We have a rule in the Committee on Armed Services, rule No. 8, that says that there should be a 3-day layover between when a subcommittee votes out a bill and when it comes before the full committee. Notwithstanding that rule, the bill was brought up the very next day after subcommittee action on February 28. By a two-thirds vote the committee can set a rule aside. The committee did not do this. There were many of us who were not present when the vote was taken in the full committee to strike this section from the Senate bill because some of us also serve on the Committee on Post Office and Civil Service. As the Members know, that was the day Post Office and Civil Service had a vote on the congressional pay raise.

Three members of the Armed Services Committee came into the committee room a little late, after the vote had been taken on the motion to strike the section permitting women to go to the academies. At the time we entered the room the vote was 18 to 16 in favor of deleting the provision that would allow women to go to the service academies. One Member asked for unanimous consent to record his vote. It was granted, and it then became 18 to 17. The other two of us had asked for permission to record our votes, and this was denied.

The committee had not yet adjourned.

I feel on that basis alone we should vote down this bill for committee rules and practices were not fully complied with.

Does the gentleman desire me to yield to him?

Mr. HÉBERT. Yes, Mr. Speaker, I would ask the gentlewoman to yield.

Mrs. SCHROEDER. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, the gentlewoman from Colorado is very charming, and I appreciate the gentlewoman yielding to me, but I do believe that the record should be kept straight.

To begin with, I would ask the gentlewoman from Colorado whether the gentlewoman was ever present while the bill was being considered in the committee?

Mrs. SCHROEDER. I was not present until after it had been considered, but the committee was still in session at the time I came in.

Mr. HÉBERT. The committee was in session at the time, and that business had been done away with, it was finished business.

So the gentlewoman from Colorado was not present any time while the bill was under consideration?

Mrs. SCHROEDER. That is correct; three of us were not present, and we asked for unanimous consent.

Mr. HÉBERT. If the gentlewoman will yield further, No. 2, insofar as the suggestion that the bill was not brought up in a legal manner, under the rules of the committee a bill can be brought up at any time subject to a rollcall vote if the question was raised. The bill was brought up, and no question was raised. Therefore there was no challenge to the bill being brought up at any time.

If a point of order had been made against it, I would have sustained the point of order. That could have been overruled by a majority vote, and within the House could have been done by a two-thirds vote.

So there was no violation of the rules there.

Next, nobody asked me for unanimous consent to vote in the committee. One member asked that his vote be changed after the committee vote was taken, and anybody knows that you cannot change a vote once the vote is announced, and that is true here in the House Chamber.

Next, the gentlewoman asked for unanimous consent to vote, and the unanimous consent request was denied under the rules.

With all in order, there was nothing irregular, nothing sinister, and nothing that I could see at all except following the rules.

Mrs. SCHROEDER. Let me say that I think the gentleman's interpretation of the rules is one, mine is another. I would agree with him on the basis of

facts as to when I was present. Let me proceed from there.

At that point my thought was the best way to go would be to attempt to amend the bill on the floor, to put the service academy amendment back in on the floor and have some discussion at that time. Unfortunately, the decision was then made to bring this bill under suspension of the rules so it could not be amended. We did not find out about that decision until 5 o'clock Thursday when many Members had already gone home. I think this is a very serious issue. I feel that Congress spoke out on this issue when it passed the equal rights amendment. To say that we have to wait until all of the States act before we can do anything about Federal institutions I think is wrong. We have to wait until States act to do something about State government and local government action, but not the Federal Government.

When the Congress passed the equal rights amendment, I think we made our statement as to how we thought the Federal Government should act. I think that under the Volunteer Army, with all of the different programs that are kept going, it is very important to open up these opportunities for women. I feel that this bill should at least be brought up under a regular rule so that it can be amended, or I would be in concurrence if they would agree to hold hearings, and pass the bill, and let the Members speak their will on it. But I think bringing up the bill under suspension is an incorrect way to proceed.

Mr. RONCALIO of Wyoming. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in opposition to S. 2771. When this legislation emerged from the Senate, it contained provisions to eliminate one more vestige of sex discrimination maintained and practiced within our Armed Forces. As referred, S. 2771 provided that women be permitted to attend our Armed Forces academies, an idea and a right whose time is overdue. The House Committee on Armed Services, however, by a narrow margin of 18 to 16 with 8 absent, chose to delete these provisions from the bill.

That is the condition under which this bill comes to us under suspension of the rules.

Mr. GROSS, when he was here, objected to suspending the rules on a bill relating to a battle between the Hopis and the Navajos. This is a man-women battle put on the Suspension Calendar.

If we support and pass this legislation as reported to the floor, we will be giving tacit approval to the perpetuation of sexual discrimination in admittance to the academies which our colleagues in the Senate justly saw fit to call to an end. The committee report states that these provisions were not germane to the bill and that they were of such a nature as to require separate consideration and hearings. I submit that time enough has past. Hearings are not necessary to determine the unjust and outdated nature of admission criteria based on sex.

With all due respect to the distinguished chairman, Mr. HÉBERT, I call for the defeat of this bill until the full equality of sex provisions can be reinstated.

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

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

Mr. HÉBERT. With all humility, I am pleading with the gentlewoman, if she wants to keep the record straight. If she does not want it to be kept straight, that is up to her.

Mr. STRATTON. Mr. Speaker, at the moment we have no requests for time. I would urge the gentlewoman from Colorado to yield some more time to her side. I think she has several speakers who want to speak.

The SPEAKER. Does the gentlewoman from Colorado desire to yield time?

Mrs. SCHROEDER. Mr. Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, if we could take just one moment to try to put this bill in a little bit of perspective, I think that we can both pass the bill and achieve the objective that the gentlewoman from Colorado and I are both interested in achieving.

I am the sponsor of H.R. 10705, which is one of the first pieces of legislation introduced here to permit women to attend the military academies. I agree and associate myself with the remarks of the gentleman from New York (Mr. STRATTON), who points out some of the problems associated with having women in the service academies.

I am very strongly in favor of admitting women or I would not have sponsored the legislation, but I do recognize that we have got to make some decisions both within the Congress and within the Armed Services Committee first. I would hate to see this piece of legislation, which I basically support, defeated because of this possible tangle, so if I could address a question to the chairman of the Committee on Armed Services, I would ask if the chairman will be willing to commit himself to scheduling some hearings on H.R. 10705 and other similar legislation? I think with that kind of commitment we could go forward and pass this legislation with no trouble.

I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I am very happy the gentleman from Delaware asked me that question. That is why I was trying to get the gentlewoman from Colorado to yield, so I could tell her some of the facts of life, but she did not want to hear them. These are the facts.

Mr. DU PONT. I am not too sure we need the facts as much as we need a commitment.

Mr. HÉBERT. My commitment is on the facts of life. The trouble is some people do not know what is going on sometimes. We have had a request to the Department of Defense to report on this bill and all others on October 10, 1973, and that is from the Departments of Defense and Transportation.

The mechanism had already been set into regular orderly motion.

When the Senate passed this amendment they did not debate it 5 minutes. We are in agreement with this. We will be having a hearing on the bill as soon as we can get the report.

On this entire thing we have nothing to hide. The thing I object to is an attempt to make it appear as if there is something insidious in practice. What we are doing is following the rules, and I assure the gentleman there will be hearings.

Mr. DU PONT. I do not think there is anything insidious being tried.

Mr. Speaker, under the understanding the gentleman from Louisiana has just given us I am prepared to support the legislation and I look forward to the hearings which I assume will be within the subcommittee chaired by the gentleman from New York. Am I correct?

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

Mr. DU PONT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I appreciate the gentleman's statement because as he knows I am a cosponsor of this bill to have women admitted to the academies. I am in support of this and not just lately but beginning several years ago before this issue became a popular one. As a member of the Board of Visitors of the Naval Academy I have told the Naval Academy I thought they were behind the times and they ought to get with it.

But, as the gentleman recognizes, this is not a matter that can be settled simply by tacking a nongermane amendment onto something that is different. We ought to have some discussion and some idea of what we will be getting into in terms of legal obligation and cost as far as the women who are going to be involved.

Certainly if the bill is assigned to my subcommittee I can guarantee the gentleman these hearings will be extremely sympathetic.

I simply wanted the gentlewoman from Colorado to yield to me because she said she was prepared to settle it either one way or the other, to attack the amendment under this bill or to have hearings. This is exactly what our committee is prepared to do. But this is a reenlistment bonus designed to try to get people into the armed services under a volunteer environment. If we try to defeat it because of this other question we will be doing a great deal of harm to the armed services themselves.

Mr. DU PONT. Mr. Speaker, I thank the gentleman from New York for his remarks and I thank the gentleman from Louisiana for his commitment and I am looking forward to those hearings. I would urge my colleagues on both sides of the aisle to go ahead and pass this leg-

islation because basically it is good legislation.

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

Mr. DU PONT. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I rise in support of the proposal that women be admitted to the academy as proposed by this and other legislation and I encourage hearings to be promptly held.

Mr. DU PONT. I thank the gentleman from Missouri.

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

Mr. DU PONT. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, in fact we already had planned to have these hearings on the bill which the gentleman introduced. I favor hearings on the legislation. However, it will take study and hearings to determine the additional facilities needed, the cost and numbers of women to be admitted. Otherwise we would simply cause chaos if the gentleman's legislation were passed without adequate hearings and study.

Mr. STRATTON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Speaker, I rise in support of S. 2771. This is a bill to help us recruit and retain high quality enlisted personnel in the all-volunteer environment. Its net effect will be to save money, which everyone favors, and will appeal in particular to the frantic fiscal frenetics. In addition though, it provides the services with much-needed management flexibility and will result in increased retention in specific areas where shortages have become critical.

To put this bill in some historical perspective, this House passed much broader special pay legislation in October 1972, which the Senate did not act on. What we have before us now is one of the highest priority portions of that special pay package.

In order to understand the need for this bill, it is necessary to recount existing law and its practical shortcomings. Presently, bonuses are authorized at initial enlistment and only for specific fields, and there are two separate bonuses applicable only to reenlistments.

The enlistment bonus—payable at the time of initially entering service—is restricted to individuals enlisting in the combat elements of the Army and Marine Corps. This bonus has been an effective tool in increasing enlistments in these career fields, but its scope is too narrow in that it can not be applied in other areas of critical shortages. S. 2771 enlarges the enlistment bonus authority to allow its application to any other career field in which a critical deficiency exists. It simply broadens the scope of an already effective management tool.

Now, in the area of the reenlistment bonus we have a current bonus structure in which two types of reenlistment bonuses exist. The regular bonus is paid to all enlistees at a number of reenlistment points prior to the 20-year mark in their careers, with a career maximum of $2,000. The law requires this bonus be paid; it is not permissive authority. In practice, this turns out to be noncost-effective, because we end up paying bonuses to people in fields which are not critical and to people whose retention is not a problem. We are doing away with that.

The second type of reenlistment bonus, the variable reenlistment bonus, is used for critical shortage specialties, but may only be paid at the time of an individual's first reenlistment. The combined total payment for an individual entitled to these two bonuses cannot exceed $10,000.

Our bill eliminates these bonuses and combines the best parts of each into a selective reenlistment bonus. No longer will there be a reenlistment bonus paid to all people at every enlistment. That is gone. What we propose in this bill is to pay a bonus only in those career fields where the shortage is critical, and to allow it to be paid at any enlistment occurring within the first 10 years of the individual's active service. This is in recognition of the fact that certain skills remain highly marketable to the degree that individuals in those skills are not committed to a service career even after their first reenlistment.

The amount to be paid is not specified beyond the limitation that it not exceed $15,000. The services will have the authority to vary the increments paid to meet the specific situations. This management flexibility is important to make the bonus as attractive as necessary for the variety of career fields involved and yet remain cost effective. To illustrate, we do not need to pay an electronics technician $15,000 in order to be competitive with outside industry, but we may well have to pay that much to an individual in nuclear power.

The original DOD proposal requested a maximum limit of $15,000 for this selective reenlistment bonus; however, the Senate reduced this amount to $12,000. Our committee, after due consideration, has reinstated the $15,000 limit. The higher figure was chosen in order to give the services the flexibility to meet the exceptional or unique retention problem. It makes sense. The only field in which the service testified it is presently planning to pay such a maximum is nuclear power. This training is extremely marketable in industry, and in recognition of this a reenlistment bonus of up to $15,000 is presently authorized for this one field. This current authority expires in June 1975. Our bill will allow the service to continue this bonus at its present amount after the expiration of the current authority. The retention percentage for these nuclear power personnel went from 14 to 39 percent following the introduction of this bonus. So we know these bonuses are effective.

What I have told you up to now only talks of enlarged amounts and utilization for this bonus, and on its face it looks like more money. However, the framework in which these bonuses will be cast under this bill will result in substantial savings.

First, the undiscriminating regular bonus will be gone resulting in savings of approximately $43 million each year in unnecessary payments.

Second, substantial cost savings will accrue from enhanced retention. The skills in which critical shortages exist by and large are those requiring a considerable training investment. Keeping these personnel we have trained for a longer period leads to an immediate reduction in training costs, to say nothing of the improved unit effectiveness. In the area of nuclear power, alone, it is estimated that the introduction of this bonus achieves savings of $4 million per annum in training costs.

Third, use of this bonus will allow the service to phase out payment of proficiency pay.

Mr. Speaker, that concludes what I think is particularly important about this bill. When you have legislation that is necessary, saves money, and streamlines efficiency in the Defense Department, I am more than pleased to be able to speak in its behalf.

Mr. STRATTON. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the bill and urge its passage by the House. Under the all volunteer concept it is absolutely necessary that we take steps through enlistment and reenlistment bonuses to insure minimum manpower levels in the critical skill areas of the Armed Forces.

However, I am also reminded of the fact that we need the same type of legislative authority for members of the Reserve components. The Reserves and National Guard are also experiencing difficulties maintaining their minimum manpower needs. I have introduced legislation authorizing enlistment and reenlistment bonuses for the Reserve components and would hope that the Congress would also turn its attention to this important need.

I am concerned that this legislation deals with reenlistment bonuses and enlistment bonuses for the regular services, but as I understand the bill, there are no provisions to take care of the Reserves or the National Guard as far as reenlistment and enlistment bonuses are concerned.

Mr. Speaker, we do have a lot of problems in the Reserve. I would like to ask the chairman of the subcommittee whether there are any plans on considering bonuses for the Reserve and the National Guard, which is a strong arm in this country. The Pentagon is not moving out to give any incentives to this group.

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

Mr. MONTGOMERY. Mr. Speaker, I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, the answer to that question, of course, is that

this matter of paying bonuses to reservists was raised by our subcommittee. The Defense Department witness indicated that the Defense Department would have recommendations regarding Reserve bonuses of this same type by the time the special pay bill is before us.

This is the legislation which our committee has indicated it will take up when this bill is completed and the committee schedule permits more hearings on personnel matters. At that time the subject of additional enlistment incentives for Reserves will be before the committee and will be discussed along with the special pay proposals.

Mr. Speaker, I think the gentleman has made a very good point. Obviously, if we are going to count on our Reserves, we must have adequate enlistments and adequate retention, and incentives similar to those used for Regulars would have to be considered for Reserves.

So we would give a very sympathetic ear to those proposals.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his remarks.

I would like to point out to the committee that 40 percent of the combat arms of this country are in the Reserves and in the National Guard. Almost half of the combat units are in the Reserve forces.

Certainly some incentive should be considered for this group.

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

Mr. MONTGOMERY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am grateful for the gentleman's yielding.

I wish to associate myself with the gentleman's remarks and express my support for this legislation. I hope we can pass it. I also will say that I am grateful for the announcement and the news provided by the gentleman from New York that his intention is to hold hearings on the special pay bills of all character, which I think is absolutely essential.

I applaud the gentleman from Mississippi for bringing this matter to the attention of the House.

Mr. STRATTON. Mr. Speaker, how much time do I have remaining

The SPEAKER. The gentleman from New York (Mr. STRATTON) has 7 minutes remaining.

Mr. STRATTON. Mr. Speaker, I reserve the balance of my time for conclusion on behalf of the Committee on Armed Services.

Mrs. SCHROEDER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

I rise in opposition to this legislation, Mr. Speaker. I do so for a couple of reasons:

First of all, any of the Members who want to get led down this primrose path on the premise that we will hold hearings on this subject can go down that primrose path if they want to. However, I do not think that is the way to treat women equally if we are interested in treating women equally.

If we are interested in treating women equally, we can do it today; we can do it right now. The Senate passed this bill with a provision allowing women to go to the service academies, and the only reason that there is any controversy whatsoever concerning this bill today is because the House knocked that provision out; the House committee knocked that provision out.

The committee knocked the provision out by an 18 to 16 vote originally, 18 in favor of knocking this out, and 16 opposed to knocking this out.

Another Member, a gentleman, came in, and he asked unanimous consent to vote, and he was allowed to vote. He voted against knocking the provision out, and that made the vote 18 to 17.

Then another Member, a gentlewoman, came in the room. The gentlewoman from Colorado (Mrs. SCHROEDER) came in the room, and she asked unanimous consent to be allowed to have her vote recorded. Well, obviously, this would have created a problem.

Mr. Speaker, I have been on the Committee on Armed Services for 14 years, and this was the first time I have ever heard a member denied the right to be recorded on a vote.

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

Mr. PIKE. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I would like to ask the gentleman which individual Member he is referring to.

Mr. PIKE. I am referring to the gentleman from Missouri (Mr. RANDALL).

Mr. HÉBERT. Mr. Speaker, the record does not show that in my book. It does not show it in the record. Moreover, I do not recall it at all.

Mr. PIKE. Mr. Speaker, I recall it. The gentleman sits only two seats or three seats from me, and I recall he came into the committee meeting late, and he asked unanimous consent to vote, and he was recorded in the negative.

Mr. HÉBERT. Mr. Speaker, I never put the question, and I have never heard of this until right now.

Mr. PIKE. Mr. Speaker, I do not wish to use all my time on this discussion, but I will repeat that it was the gentleman from Missouri (Mr. RANDALL) who came in late, and his vote made it 18 to 17. Then the gentlewoman from Colorado came in, and she was refused the right to record her vote.

There is only one issue here. There is only one reason this is controversial, and it has to do with whether or not women are going to be treated the same as men. That is all there is to it. It is just as simple as that. If we want to go this route of holding hearings, let us see what happens in the Committee on Armed Services when we have hearings.

The services come in. Do you think the Army will come in and say "Yeah, man. We sure want those women at West Point?" And do you think the Navy will come in and say "Yeah, man. We sure want those women at Annapolis" and that the Air Force will come in and say "Oh, we sure want them at the Air Force Academy"? Well, they could have done it at any time in the last 10 years or anytime this year, but they have never done it and will not do it.

So if you want to go down this primrose path and be convinced that you are treating the women of America equally, by the statement that you are going to hold hearings at some time in the future, it can be done.

Mr. HUNT. Will the gentleman yield?

Mr. PIKE. Not at the moment.

I suggest to you that if you want to do anything about getting this bill passed, the best thing to do is to make it as much like the bill passed in the other body so that in conference it will not take very long. The way to do that is to get rid of this prohibition against women going to the academies. Bring it up under a rule and let us have a vote on whether they can go to the academies or not. If it passes, then our bill will be very much like the bill of the other body and the conference will not take any time at all.

I yield to the gentleman from Louisiana.

Mr. HÉBERT. I thank the gentleman.

I want to make this clear for the record that the record shows Mr. RANDALL voted in opposition to the chairman's position.

Mr. PIKE. That is right. And he came in late. He did come in late and asked unanimous consent to be recorded and did in fact vote against the chairman's position.

Mr. HÉBERT. Will the gentleman yield further?

Mr. PIKE. I yield.

Mr. HÉBERT. This is what I did. These paths you follow may look very pretty, you know, but they are not so pretty because they are not so obvious.

Mr. PIKE. If you want to insult me, would you please do it on Mr. STRATTON's time and not on mine?

Mr. HÉBERT. No; I do not want to insult you, but I just want to expose you.

Mr. PIKE. What I think you really want to do is stall. That is what I think you really want, and you have accomplished it.

Mr. FRENZEL. Mr. Speaker, I support this bill. The bonuses are apparently necessary. But I also support the admission of women into our service academies.

I am tempted to vote "no" so that the Senate nongermane amendment allowing admission of women, could be added, but there is no guarantee either that the amendment could be added, or that it would be added in a timely fashion.

Lacking this assurance, I must rely on the assurances of the committee chairman that hearings on admitting women will be held. I will vote for the bill, and strongly urge that the committee bring out women's admission bill soon.

Mr. DRINAN. Mr. Speaker, I cast my vote against the special pay bonus structure bill (S. 2771) before us today, because I believe that it is improper to consider this bill under suspension of the rules.

When this bill was considered in the other body, Senator HATHAWAY intro-

duced an amendment to allow female candidates for admission to military academies to be admitted. His amendment recognized that one of the basic problems we have had with the all-volunteer Army is that not enough people have enlisted. Complementing the bonuses provided for reenlistment in this bill, Senator HATHAWAY proposed that women also be allowed to enter the military academies as an inducement to women to enter military service. Women serve as commissioned officers in the WAVES, WACs, and WAFs. Certainly they should be entitled to the same high-caliber officer training as men.

The amendment was cosponsored on the Senate floor by Senators MANSFIELD, THURMOND, and JAVITS, and supported by Senator STENNIS.

The whole House should have the opportunity to vote against removing this vestige of discrimination against women. As the bill is presented to us, we are unable to vote on the committee amendment to delete the Hathaway amendment allowing women to attend the military academies. I am hopeful that the House will have an opportunity to vote on this important matter. I am also hopeful that the Armed Services Committee will conduct hearings on this matter, whether or not the legislation before us today passes, in order to develop an unbiased helpful record in this important area.

Senator STENNIS, chairman of the Senate Armed Services Committee, expressed his willingness, on the Senate floor, to take the Senate bill to conference and, "If necessary, we can hold some hearings by our committee, or the subcommittee, before the conference itself." I am hopeful the House will do the same.

Ms. HOLTZMAN. Mr. Speaker, the refusal of the U.S. military academies to admit women is deplorable and unjust. S. 2771, as it emerged from the Senate, contained a provision that would have permitted women to enter these service academies.

Unfortunately, the House Armed Services Committee deleted that provision. Consequently, I intend to oppose the bill. In this day and age, it should go without saying that women are entitled to be treated equally. Congress has recognized this principle by approving the equal rights amendment. Nonetheless, the blatant sex discrimination practiced by the military academies stands as a disgraceful blot on our country's efforts to insure that women are given the same opportunities as men.

The Armed Services Committee offers a very flimsy rationale for deleting the Senate provision, namely that it did not have time to hold hearings on this important subject. Surely if the Armed Services Committee had wanted to, it could have disposed of this matter in a relatively short time. After all, it held only one day of hearings on the other provisions of this bill, which involve $80 million in bonus payments to encourage reenlistment in the armed services.

I am afraid the real reason for the Armed Services Committee's inaction is its opposition to ending sex discrimination in the military academies.

By voting against S. 2771 now, we will have the opportunity at a later time to amend this bill by inserting the Senate provision that would permit women to enter the military academies.

Mr. GILMAN. Mr. Speaker, in considering the bill before us, S. 2771, providing a special bonus structure for members of the Armed Services, some of my colleagues are urging defeat of this measure to enable the House to consider a similar measure with a nongermane amendment allowing women to enter our service academies.

While I support the principle of allowing women to be trained and educated by our service academies, I do not support this effort to defeat the bill before us.

There are many important considerations which must be fully reviewed before opening our academies to women—we need to resolve the problems of constructing any new housing required, of defining their involvement in combat training, of health care needs, and so forth, before mandating an opening of the doors.

We must look before we leap and we must provide sufficient leadtime to the academies to adequately provide for their new students.

The chairman of the Armed Services Subcommittee having jurisdiction of this proposal has assured us that hearings on this issue will be held in the near future. That certainly is a more appropriate route to follow, providing for thorough consideration of the many factors involved in preparing our academies for the admission of women. Accordingly, I am supporting the bill now before us, withholding final decision on the matter of women in our academies until we have had an opportunity to complete congressional hearings on this matter.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. STRATTON) that the House suspend the rules and pass the Senate bill (S. 2771), as amended.

The question was taken.

Mr. STRATTON. 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 237, nays 97, not voting 98, as follows:

[Roll No. 93]

YEAS—237

Abdnor	Bennett	Buchanan
Anderson, Ill.	Bevill	Burgener
Andrews, N. Dak.	Biaggi	Burleson, Tex.
Archer	Blackburn	Burlison, Mo.
Arends	Boggs	Butler
Armstrong	Bowen	Byron
Ashbrook	Bray	Camp
Bafalis	Breaux	Carney, Ohio
Baker	Brooks	Carter
Barrett	Brotzman	Casey, Tex.
Bauman	Brown, Calif.	Cederberg
Beard	Broyhill, N.C.	Chamberlain
	Broyhill, Va.	Clancy
Clark	Holt	Regula
Clausen, Don H.	Horton	Rhodes
Clawson, Del	Hosmer	Rinaldo
Cleveland	Hudnut	Roberts
Cohen	Hunt	Robinson, Va.
Collier	Hutchinson	Robison, N.Y.
Collins, Tex.	Ichord	Rogers
Conable	Johnson, Calif.	Roncallo, N.Y.
Conlan	Johnson, Colo.	Rostenkowski
Conte	Johnson, Pa.	Roush
Daniel, Dan	Jones, Ala.	Rousselot
Daniel, Robert W., Jr.	Jones, N.C.	Runnels
	Jones, Okla.	Ruppe
Daniels, Dominick V.	Kazen	Ruth
	Kemp	Sandman
Davis, S.C.	Ketchum	Sarasin
Davis, Wis.	Kluczynski	Satterfield
Dellenback	Lagomarsino	Scherle
Denholm	Landrum	Schneebeli
Dennis	Latta	Shoup
Dent	Leggett	Shriver
Derwinski	Lott	Shuster
Devine	McDade	Sikes
Dickinson	McFall	Sisk
Diggs	McKay	Skubitz
Dingell	Macdonald	Smith, N.Y.
Donohue	Madigan	Snyder
Downing	Mahon	Spence
Duncan	Mallary	Staggers
du Pont	Mann	Stanton, J. William
Edwards, Ala.	Martin, Nebr.	Steelman
Eilberg	Martin, N.C.	Steiger, Ariz.
Erlenborn	Mathias, Calif.	Steiger, Wis.
Esch	Matsunaga	Stephens
Eshleman	Mayne	Stratton
Findley	Mazzoli	Symms
Fish	Meeds	Taylor, Mo.
Fisher	Melcher	Taylor, N.C.
Flowers	Michel	Teague
Flynt	Miller	Thomson, Wis.
Forsythe	Mills	Thone
Fountain	Mitchell, N.Y.	Thornton
Frenzel	Mizell	Tiernan
Frey	Mollohan	Treen
Gaydos	Montgomery	Veysey
Gettys	Moorhead, Calif.	Waggonner
Gilman	Morgan	Walsh
Ginn	Murphy, N.Y.	Wampler
Gonzalez	Murtha	Ware
Goodling	Myers	White
Gross	Nelsen	Whitehurst
Grover	O'Neill	Widnall
Guyer	Parris	Williams
Haley	Passman	Winn
Hamilton	Patman	Wright
Hammer-schmidt	Patten	Wyatt
	Perkins	Wydler
Hanley	Pettis	Wylie
Hanrahan	Peyser	Wyman
Hansen, Idaho	Poage	Young, Alaska
Hansen, Wash.	Powell, Ohio	Young, Fla.
Harsha	Price, Ill.	Young, Ill.
Hastings	Price, Tex.	Young, Tex.
Hébert	Quie	Zablocki
Henderson	Quillen	Zion
Hicks	Railsback	Zwach
Hillis	Randall	
Hogan	Rarick	

NAYS—97

Abzug	Giaimo	Owens
Adams	Green, Pa.	Pike
Anderson, Calif.	Hanna	Podell
	Harrington	Pritchard
Aspin	Hawkins	Rangel
Badillo	Hays	Rees
Biester	Hechler, W. Va.	Rodino
Bingham	Heckler, Mass.	Roe
Boland	Heinz	Roncalio, Wyo.
Bolling	Helstoski	Rooney, Pa.
Brademas	Holtzman	Rose
Burke, Mass.	Howard	Rosenthal
Burton	Hungate	Roybal
Clay	Karth	Sarbanes
Conyers	Kastenmeier	Schroeder
Corman	Koch	Seiberling
Coughlin	Lent	Shipley
Cronin	Litton	Smith, Iowa
Culver	Long, La.	Stanton, James V.
Danielson	Long, Md.	
de la Garza	Lujan	Stark
Delaney	Luken	Stokes
Dellums	McCormack	Studds
Drinan	Mathis, Ga.	Sullivan
Dulski	Mezvinsky	Thompson, N.J.
Edwards, Calif.	Minish	Vanik
Evans, Colo.	Mink	Whalen
Evins, Tenn.	Mitchell, Md.	Wilson, Charles H., Calif.
Fascell	Moorhead, Pa.	
Flood	Mosher	
Foley	Moss	Wolff
Ford	Natcher	Yates
Fraser	Nedzi	Young, Ga.
Fulton	Obey	

NOT VOTING—98

Addabbo	Green, Oreg.	Pepper
Alexander	Griffiths	Pickle
Andrews, N.C.	Gubser	Preyer
Annunzio	Gude	Reid
Ashley	Gunter	Reuss
Bell	Hinshaw	Riegle
Bergland	Holifield	Rooney, N.Y.
Blatnik	Huber	Roy
Brasco	Jarman	Ryan
Breckinridge	Jones, Tenn.	St Germain
Brinkley	Jordan	Sebelius
Broomfield	King	Slack
Brown, Mich.	Kuykendall	Steed
Brown, Ohio	Kyros	Steele
Burke, Calif.	Landgrebe	Stubblefield
Burke, Fla.	Lehman	Stuckey
Carey, N.Y.	McClory	Symington
Chappell	McCloskey	Talcott
Chisholm	McCollister	Towell, Nev.
Cochran	McEwen	Udall
Collins, Ill.	McKinney	Ullman
Cotter	McSpadden	Van Deerlin
Crane	Madden	Vander Jagt
Davis, Ga.	Maraziti	Vander Veen
Dorn	Metcalfe	Vigorito
Eckhardt	Milford	Waldie
Frelinghuysen	Minshall, Ohio	Whitten
Froehlich	Moakley	Wiggins
Fuqua	Murphy, Ill.	Wilson, Bob
Gibbons	Nichols	Wilson, Charles, Tex.
Goldwater	Nix	
Grasso	O'Brien	Yatron
Gray	O'Hara	Young, S.C.

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

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Ashley.
Mr. Rooney of New York with Mr. Blatnik.
Mr. Stubblefield with Mr. Holifield.
Mr. Addabbo with Mr. Dorn.
Mr. Cotter with Mrs. Jordan.
Mr. Carey of New York with Mr. Eckhardt.
Mrs. Grasso with Mr. Gray.
Mr. Nichols with Mr. Huber.
Mr. Nix with Mr. Riegle.
Mr. Brasco with Mr. Coughlin.
Mr. Pepper with Mr. King.
Mrs. Green of Oregon with Mr. Burke of Florida.
Mr. Chappell with Mr. Landgrebe.
Mr. Fuqua with Mr. Hinshaw.
Mr. Moakley with Mr. Kuykendall.
Mr. Metcalfe with Mr. Reid.
Mr. Jones of Tennessee with Mr. McClory.
Mr. Pickle with Mr. Crane.
Mr. St Germain with Mr. Maraziti.
Mr. Steed with Mr. Bell.
Mr. Ullman with Mr. Gude.
Mr. Vigorito with Mr. Frelinghuysen.
Mr. Yatron with Mr. Broomfield.
Mr. Murphy of Illinois with Mr. McCloskey.
Mr. Davis of Georgia with Mr. Sebelius.
Mr. Bergland with Mr. McKinney.
Mr. Alexander with Mr. Froehlich.
Mr. Jarman with Mr. Brown of Michigan.
Mr. Kyros with Mr. O'Brien.
Mr. McSpadden with Mr. McCollister.
Mr. Milford with Mr. Goldwater.
Mr. Gibbons with Mr. Minshall of Ohio.
Mrs. Chisholm with Mr. Charles Wilson of Texas.
Mr. Brinkley with Mr. Brown of Ohio.
Mr. Lehman with Mr. McEwen.
Mr. O'Hara with Mr. Gubser.
Mr. Breckinridge with Mr. Talcott.
Mr. Andrews of North Carolina with Mr. Bob Wilson.
Mrs. Burke of California with Mr. Gunter.
Mrs. Collins of Illinois with Mr. Waldie.
Mr. Madden with Mr. Wiggins.
Mr. Symington with Mr. Steele.
Mr. Van Deerlin with Mr. Vander Jagt.
Mr. Stuckey with Mr. Towell of Nevada.
Mr. Roy with Mr. Young of South Carolina.
Mr. Ryan with Mr. Reuss.
Mrs. Griffiths with Mr. Vander Veen.
Mr. Udall with Mr. Whitten.
Mr. Slack with Mr. Preyer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 2771) to amend chapter 5 of title 37, United States Code, to revise the special pay bonus structure relating to members of the Armed Forces, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. STRATTON, NICHOLS, HÉBERT, HUNT, and BRAY.

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the contents of the bill (S. 2771) just passed.

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

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

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

Mr. O'NEILL. Mr. Speaker, I take this time to announce that we will call up under suspension of the rules tomorrow the bill H.R. 11105, the nutrition program for the elderly. The bill had been scheduled for later in the week, subject to a rule being granted.

PARLIAMENTARY INQUIRY

Mr. PERKINS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. Mr. Speaker, under the rule, as I understood it, the rule granted on H.R. 69 and the colloquy that followed here last Thursday, H.R. 69 was to be called up tomorrow. Am I correct in that inquiry?

The SPEAKER. The Chair will have an announcement to make with respect to that entire issue.

Does the gentleman desire to make any statement further with respect to his inquiry?

Mr. PERKINS. Mr. Speaker, nothing except that I would like to know a day certain that the bill will be called up.

The SPEAKER. The Chair, of course, knows of the issue that has been raised with respect to the rule on the Elementary and Secondary Education Act. The Chair has, accordingly, had the rule, its legislative history, and the precedents studied, and the Chair is prepared to make the following statement:

House Resolution 963 which has made in order the consideration of H.R. 69, provides that "3 legislative days after the conclusion of general debate—the bill shall be read for amendment under the 5-minute rule."

The Chair has examined the provisions of House Resolution 963, as well as the debate on that resolution on March 12, 1974, in the House. On page 6269 of the CONGRESSIONAL RECORD of that day, the gentleman from California (Mr. DEL CLAWSON) inquired whether the reference to 3 legislative days meant that "at least 3 legislative days" must pass before the bill could be read for amendment under the 5-minute rule. The gentleman from Missouri (Mr. BOLLING), who reported the resolution from the Committee on Rules and managed the resolution on the floor, responded that—

> At least 3 legislative days (must pass) because the Committee on Rules, and to a considerable degree the House, would leave anything that was a matter of final scheduling to the leadership.

The Chair agrees with the interpretation placed upon this rule by the gentleman from Missouri, and would point out that such an interpretation is consistent with procedures contemplated in other resolutions reported from the Committee on Rules, except that under this rule the bill may be read for amendment only after the expiration of 3 legislative days from the conclusion of general debate. With other resolutions reported from the Committee on Rules, it has never been considered a mandatory requirement that the Committee of the Whole read a bill for amendment on the same day that it concludes general debate. The Chair retains the discretionary authority to recognize other Members to bring other privileged business before the House at that time.

For these reasons, the Chair feels that the provisions of House Resolution 693 do not necessarily require that H.R. 69 be read for amendment on Tuesday, March 19.

Mr. PERKINS. Mr. Speaker, in view of the ruling of the Chair, when does the Chair contemplate, or when does it intend that the bill be programed in order that the membership of the House may know now?

The SPEAKER. That is not a parliamentary inquiry, but the Chair will discuss the matter with the gentleman and with the leadership on both sides of the aisle. The program will be announced at an appropriate time.

NATIONAL HEALTH EDUCATION POLICY AND DEVELOPMENT ACT OF 1974

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

Mr. COHEN. Mr. Speaker, I am very pleased to introduce today legislation I have formulated entitled the "National Health Education Policy and Development Act of 1974".

Health care is the second largest expenditure in the United States. Yet, with

the tremendous amount of money we devote to this area, we still are surrounded by evidence of inaccessible, inadequate, and poor quality medical care. The United States, one of the most prosperous nations in the world, ranks 14th in infant mortality, 11th in maternal mortality, 22d in life expectancy for men, and 7th in life expectancy for women. It is interesting to note that of the $75 billion spent last year for medical, hospital and health care, about 92 percent is spent for treatment after illness occurs. Clearly, these statistics point out the need for a new initiative to reduce costs and provide services more effectively to the citizens of this Nation.

Such an initiative lies in the area of health education. Certainly, it is in the interest of our entire country to educate and encourage each of our citizens to develop sensible health practices. Yet, we have given remarkably little attention to the health education of our people. Last year less than 1 cent of our health care dollar was spent on health education. While health education may not be a panacea that will solve all health problems, it is undeniably a fundamental part of any logical attack on these problems.

By health education I do not mean a program limited to a personal hygiene course taught in our public schools. Health education can and should be far more than that. It should include all processes which encourage and enable people to act in ways which will allow them to lead the healthiest, most satisfying life attainable, whatever their age or calling in life.

In the past, the Nation's No. 1 health problem was acute infectious disease. Afflicted with such diseases as polio, smallpox, and diphtheria, a patient virtually had no role in his own care. Instead the responsibility for prevention and control was left to medical research. Through extensive and concentrated efforts the ravages of many of these diseases have been effectively eliminated as national health problems.

Infectious disease, however, has been replaced by other health problems which are now the leading causes of disability and death in this country. The problems are in large part chronic conditions such as heart and respiratory diseases, diabetes, cancer, obesity, and alcoholism. Effective control of these conditions is impossible without the active cooperation of an informed patient.

In recognition of this necessary consumer involvement, there have been scattered efforts to educate our populace on such isolated subjects as drug abuse, VD, or family planning. The tragedy, however, is that a great many individuals are still unaware of their own role in the prevention and relief of these ills or accidents, including the knowledge needed to utilize the health care industry itself. They cannot answer such basic questions as How do I choose a doctor, who are the different specialists prepared to deal with my problem, and what services are available to me through the community?

Such personal neglect of one's own health brought about a Presidentially authorized committee to study the means of remedying the problem. In the committee's report, health education was seen as the most cost-effective means to alert the consumer to his health role. Thus, health education must become an integral part of overall health maintenance.

In becoming aware of the need for health education, we are also uncovering many problems which impede the progress of such education. In my State, the bureau of health—in cooperation with the Maine Lung Association—began a survey last July to provide some baseline data on the current status of health education in Maine. Over half of the agencies interviewed felt that health education should be playing a major role in their program and that some agency or program was needed to serve as a focal point in the State for the planning and coordination of health education activities. Unfortunately, only about one-fourth of the agencies could count health education as a major component of their program, and clearly, no widely recognized focal point exists.

In addition, there appears to be a lack of programs or activities to introduce to the public the variety of health services available to meet their problems. While many agencies see information and referral as a part of their function, duplication and gaps exists in these efforts. As can be seen in the case of health education in Maine's school systems most schools appear to operate on a "crisis of the year" curriculum in which one problem—drug abuse, sex education, or veneral disease prevention—becomes a major issue. Little overall perspective is given on what students want or need to know in order to be intelligent health care consumers upon graduation.

While the school system appears to be the logical place to focus on health education, we also have many other resources which should be used to educate the consumer, including public and private health care providers, and the media.

Utilization of these resources is now occurring on a scattered basis, but we need a consolidated effort, a national thrust, which would offer direction and coordination to these present divergent efforts in health education. Our goal should be to assure that every citizen has access to knowledge he needs about health resources available to him and his basic personal health care. In short, the consumer must be recruited as an active member of the health care team.

My bill, which has met with favorable responses through informal contacts with officials in the Department of Health, Education, and Welfare, takes several significant steps toward achieving that goal.

It establishes a National Health Education Administration as the focal point for health education under the direction of the Assistant Secretary of Health in Health, Education, and Welfare. In the past, most health education research has emanated from this office. Therefore, it is important that any Health Education Administration be located in close proximity to such expertise. However, my legislation also establishes an Advisory Council to advise, consult, and make recommendations to the Administration. This Council, composed of officials from the Office of Education and other persons involved with health education, public health, health care, health insurance, and the consumer, will greatly contribute to a balance of emphasis in the activities of the Administration.

After conducting studies into the current status of health education in the Nation, including factors which motivate the consumer to preserve his own health and utilize health care services, the Administration will begin to develop and evaluate specific cost-effective educational and informational mechanisms, aids and systems which will have the greatest potential impact for health education, particularly as it relates to personal health care motivation and resource utilization.

Following the identification of successful health education mechanisms, the Administration will use them not only for the education of our school-aged population, but will make grants for the development of comprehensive health planning. The plans will draw upon the available resources in a community or area to serve all its citizens and will give particular attention to the various cultural health needs of specific ethnic, economic, and geographic populations.

As is stressed in the Presidential report, this bill provides for the coordination and consolidation of various health information and consultation functions for a truly cost-effective and much-needed public service.

In summary, the purpose of this legislation I am introducing today is to provide for the development of the national resource most needed to assure high health standards in this country. That resource is a citizenry thoroughly knowledgeable about the actions needed to maintain personal health at a high level and most effectively utilize our health services. Our entire society has a stake in the health of each individual. And we can best help those who can help themselves.

CONGRESSIONAL COUNTDOWN ON CONTROLS

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

Mr. STEELMAN. Mr. Speaker, wage and price controls throughout history have proven to be a failure. The U.S. experience in World War II through the Korean war is a case in point, and I would like to submit for the record an article written by Robert L. Schuettinger, former assistant professor of political science at the Catholic University of America.

When the United States entered World War II, the Roosevelt administration delayed imposing price and wage control for almost 2 years. This reluctance may well have been stimulated by the example of Germany and Italy; restrictions on personal freedom were not altogether welcome in the midst of an all-out war in defense of freedom. From January 1941 until October 1942 the Government attempted to restrain the inevitable rise in both prices and wages

by voluntary controls and moral persuasion. During that period wholesale prices rose almost 24 percent and consumer prices over 18 percent. With the establishment of the Office of Price Administration and the imposition of strict controls, however, consumer prices rose 8.7 percent from October 1942 to August 1945. Price and wage controls were relatively effective during the Second World War largely because of the strong patriotic feeling which supported any Government action which seemed to bring the end of the war nearer. Even so, hourly wage rates in manufacturing rose 14.7 percent in that same 35-month period. The rise in prices was not as steep in part because some manufacturers lowered the quality of goods while not raising the official selling price and many persons engaged in the black market, paying very high prices to get what they wanted when they wanted it.

After the war was over, however, the pent-up inflation burst and the controls broke down completely. From August 1945 to November 1946 wholesale prices rose over 32 percent and consumer prices almost 18 percent. It is entirely possible, therefore, that the end result would have been almost the same by the year 1946 if controls had never been introduced in the first place.

Much the same series of events occurred when the United States next imposed price and wage controls during the Korean war. In June 1950, when the war began, the Consumer Price Index stood at 177.8. Half a year later, when controls went into effect the index was at the level of 184.7. In September of 1952 when that freeze ended the Consumer Price Index had reached 191.1. It would seem clear from the experience of Korean war controls that price and wage restraints, in the long run, have little effect in controlling inflation. The effects, of course, are largely negative. Thousands of bureaucrats spend hundreds of thousands of man-hours doing essentially nonproductive work. In addition, the economy is distorted in numerous ways as workers, businessmen, and consumers devote their energies to getting around controls.

In that same year, 1952, the chairman of Lloyds Bank in England put the results of controls over the British economy in clear perspective.

He wrote:

There cannot really be any dispute about the superior *efficiency* of a properly working price system . . . Rationing and controls are merely methods of *organizing* scarcity; the price system automatically works toward *overcoming* scarcity. If a commodity is in short supply, a rise in its price does not merely reduce demand but will also stimulate an increase in its supply. In this, the price system stands in direct contrast with rationing and controls, which tend to make it less profitable or less attractive in other ways, to engage in essential production than to produce the inessentials which are left uncontrolled.

OMNIBUS WILDERNESS BILL

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

Mr. TAYLOR of North Carolina. Mr. Speaker, it has been almost 10 years since the passage of the Wilderness Act by the 88th Congress. One of the provisions of this legislation was to direct the Secretary of the Interior to conduct studies of all units of the national park system, and to report to Congress on the suitability of any portions of those areas for inclusion into the National Wilderness Preservation System.

Today I have introduced legislation which will designate certain lands within 12 park system areas as legal wilderness. All of the proposed additions are in areas which have received favorable recommendations from the Department of the Interior. The bill does not entail any significant land acquisition costs; all of the proposals deal with existing park system areas. The inclusion of these areas in the Wilderness System will give further recognition to their unique natural qualities as well as offer the additional protection that wilderness designation will bring. In addition, there are lands in several of the proposals which will be classified as "potential wilderness." These areas will become part of the Wilderness System upon notification by the Secretary of the Interior that the existing nonconforming uses taking place on those areas have terminated.

Our hearings on this bill will permit full examination of the adequacy of each proposal. However, by including all 11 recommendations under a single omnibus bill, we expect to save time for both the committee and the House in considering this legislation. As the large number of my colleagues listed as cosponsors of this bill indicates, there is a high level of interest in the proposals. I believe this bill will give us the opportunity for thorough examination of each study area without burdening the House with an unnecessarily large number of closely related bills.

Mr. Speaker, I would like at this time to submit a tabular listing for the RECORD listing the specific areas and pertinent data regarding each proposal included in this bill:

Name of area	Total size (acres)	Proposed wilderness (acres)	Potential wilderness (acres)
Rocky Mountain Region:			
Black Canyon of the Gunnison, Colo.	13,667	11,180	.....
Great Sand Dunes National Monument, Colo.	36,740	32,930	670
Mesa Verde National Park, Colo.	52,074	8,100	.....
Southwest Region:			
Bandelier National Monument, N. Mex.	29,661	22,030	.....
Western Region:			
Chiricahua National Monument, Ariz.	10,646	9,440	.....
Haleakala National Park, Hawaii	27,283	19,270	5,500
Joshua Tree National Monument, Calif.	558,184	372,700	66,800
Kings Canyon, Sequoia National Parks, Calif.	847,194	750,690	40,080
Pinnacles National Monument, Calif.	14,498	7,313	320
Saguaro National Monument, Ariz.	79,084	71,000	.....
Yosemite National Park, Calif.	761,320	646,700	121

PHASEOUT OF WAGE AND PRICE CONTROLS

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

Mr. DON H. CLAUSEN. Mr. Speaker, I take this time in order to comment briefly on the earlier remarks of the gentleman from Texas (Mr. PATMAN), chairman of the House Banking and Currency Committee.

The time has come for wage and price controls to be phased out. It seems to me the reasons are obvious that controls have been ineffective and counterproductive.

First. Wage and price controls weaken a free market economy and inhibit the collective-bargaining process. They take economic decisions from the consumer and give them to Government. Consumers lose the ability to express their desires in the marketplace by the economic choices they make.

Second. Wage and price controls become more burdensome and unrealistic the longer they are in effect. Many marginal profit articles can be driven off the market causing hardship to those who can afford it least. And, since wage and price controls do not cure the real causes of inflation, they can never be a solution to the real problem which forces prices up.

Finally, wage and price controls not only do not provide incentives to end shortages, but generally they tend to create and perpetuate shortages as we have seen all too often in the past 2½ years.

Therefore, Mr. Speaker, the controls should be promptly ended on April 30 when they are scheduled to expire.

The basic law of supply and demand is still very relevant and should be adhered to as our guiding principle. Also, free collective bargaining and the free competitive enterprise system, working together have stood the test of time.

Controls have distored free market and collective bargaining, thus contributing to the confusion and uncertainty for our working men and women, Mr. and Mrs. Middle America, John Q. Taxpayer, as well as the poor.

In evaluating the effect and results of wages and price controls, I can only conclude that they have been a disaster and have not effectively contained or checked the inflation forces in our country's economy.

I do not believe the responsibility for inflation control should be in the hands of an executive agency. I believe that Congress should recapture control through the establishment of a budget and expenditure control ceiling that would bring the budget into balance between revenues and expenditures. This will more effectively eliminate the deficits which are the prime Government sector contributor to the inflation problem.

Whenever Government suggests that involvement or intervention in the economic marketplace is necessary they should be subject to congressional consideration, and specific statutory pro-

visions, not administrative interpretation and/or determination.

Typical of Federal bureaus and agencies that have a tendency to feed on themselves to justify their existence, the establishment or continuance of a wage-price agency would tend to encourage price increases and discourage price decreases, thus again contributing to the inflationary spiral, minimizing efficiency and quality and disrupt our entire value system.

Controls are potentially dangerous. They have the effect of placing Government in the key position of economic decisionmaking and could lead us down the road to a centrally managed economy and a more dominant centralized Government.

I believe controls have been a significant factor in bringing about shortages. We can all remember what happened to beef. When they were being controlled there was no beef—when the controls came off, beef became available.

Perpetuating controls will contribute only to more shortages in agriculture, fiber, food, steel, paper, fuel and oil and other commodities and resources. There must be more incentives to invest and expand if we are to add to our needed supplies. With this increase will come jobs, payrolls, purchasing power, and increased wages for our working men and women. All of which add to the stabilization of our respective communities' economic and tax base.

Now ask yourself, is that not the American system? What is wrong with it? This country has advanced to a point in history where we are the envy of all nations—without economic controls—except in wartime.

Labor and capital have a much better understanding and grasp of the economic system than Government. Government's role is to create the proper environment and incentives that will permit free market and collective-bargaining systems to function and flourish.

It is not Government's role to constantly intervene, control, or impede those forces that provide the dynamics of our competitive free enterprise system.

It is, Mr. Speaker, for these reasons and more, that I strongly urge this Congress to let the wage-price control legislation expire on April 30.

GENERAL LEAVE

Mr. ARMSTRONG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order taken today by the gentleman from Alabama (Mr. DICKINSON).

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Colorado?

There was no objection.

OUR VIETNAM PRISONERS OF WAR

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 60 minutes.

Mr. DICKINSON. Mr. Speaker, today I had a very pleasant and rather heart-moving experience. I had lunch with some outstanding Americans, each of whom had been a prisoner of war of North Vietnam for many years.

Among those present were:

Comdr. Raymond Vohden, U.S. Navy, shot down on April 3, 1965, a prisoner of war for 8 years;

Col. W. D. Burroughs, U.S. Navy, shot down July 31, 1966, a prisoner of war for 6½ years;

Col. James E. Beam, U.S. Air Force, shot down in 1968, a prisoner of war for 6 years and 2 months;

Comdr. Ed H. Martin, shot down while flying an A–4, July 9, 1967, a prisoner of war almost 6 years;

Comdr. Robert B. Doremus, shot down flying a Navy Air Corps Phantom, a prisoner of war for 7½ years; and Army Lt. Col. Jim Thompson, who was held a prisoner the longest—9 years.

Col. Raymond Merritt, U.S. Air Force, a prisoner of war for 7½ years.

Col. James L. Lamar, U.S. Air Force, shot down May 6, 1966, a prisoner for 6 years and 9 months.

Mr. Speaker, the guests we had for lunch represented a total of almost 60 years of imprisonment as prisoners of the North Vietnamese and the Vietcong.

The reason why I take the well today is because of a matter of some urgency and I think great importance to this country and to us because there are certain facts that the American people ought to know.

To give you a little history, Mr. Speaker, a little over 4 years ago I took the well of this House, as I am doing today, to call the attention of the Congress and the country to an American tragedy. I refer to the plight of our POW's and MIA's in the Vietnamese war. At that time I was joined by over 150 of my colleagues. I believe this was the first time a major speech had been given in the Congress on this subject, and I had the cooperation for the first time of the Department of Defense and the administration. Others joined in after that, and the momentum began which resulted in better treatment of the American POW's.

Mr. Speaker, this special order today deals in part with our former POW's but is prompted by the antics and activities of one Jane Fonda.

According to press reports, Jane Fonda and her husband recently held anti-American seminars entitled "American Imperialism." Approximately 60 staffers from Capitol Hill attended them, and they lasted for 3 weeks.

I do not take this time to complain about her anti-American and pro-Communist statements and activities, but I want most vigorously and vociferously to complain about the official congressional office space used for that purpose and paid for by the taxpayers of this country.

Mr. Speaker, it was Jane Fonda who said on a North Vietnamese radio on July 21, 1972, after visiting Phnom Penh:

What are your commanders telling you? How are they justifying this to you? Have you any idea what your bombs are doing when you pull the levers and push the buttons?

We were told at the luncheon about some firsthand experiences wherein they were assaulted repeatedly by radio broadcasts by Jane Fonda when she addressed the North Vietnamese saying that she was coming to them as their "comrade" and calling on the American servicemen not to obey their commanders and not to load the airplanes but, rather, to desert and defect and disobey their superiors.

It was Jane Fonda or others of her ilk who, according to statements of many of our former POW's, caused many of them to be tortured, to force them to meet with visitors and dignitaries from the United States and to make the statements that the North Vietnamese wanted them to hear. If they did not respond with that meeting, they were tortured after the visitors left.

And these statements from Miss Fonda actually gave encouragement to the North Vietnamese to continue the war. They actually helped to prolong the war rather than shorten it, thereby causing additional deaths on both sides.

Mr. Speaker, I have been asked by the press why I would take the time to sponsor this discussion today. I can think of at least three reasons why and probably many more.

First of all, Congress is held in low enough esteem at best, and when my constituents, and I am sure the American public, read that Jane Fonda is operating out of an office in the Capitol they get the impression that we, in Congress, condone her acts and it gives her a respectability that she does not deserve. We must make it amply clear that the Congress and an overwhelming majority of the Members disapprove of her and her anti-American activities.

Second, we in Congress, in the leadership, must set some reasonable standards as to whom or what organizations may legally use congressional office space, telephones, and eat in our public facilities, and so forth, which are all paid for and furnished by those who love this country.

Third and to the point, we want to point out the hypocrisy and the double standards of the leftwing media. Who of our so-called opinion molders have you heard raise their voices in opposition to such action and even raise an eyebrow? It is freedom of speech we are told. Is it indeed? What do you think the reaction of those same great "civil libertarians" would have been if the same space had been loaned to the Ku Klux Klan, for instance?

Would it be freedom of speech then? What would the reaction have been if, say, the Palestinian Liberation Front were given the use of the same space? Do you think there would not have been an uproar raised in the national press and over the TV networks that would not have even subsided today?

Mr. Speaker, in talking to these young men—and they are relatively young men—who have endured so much and who have suffered so much for their country, they tell you almost without exception that the thing that hurt them

the most, that caused them the most grief, the thing that was most harmful to them of all that they endured was Jane Fonda, and those like her who visited North Vietnam making anti-American statements, plus the quotes of elected American officials making anti-American statements. It is reprehensible and it is deplorable.

I have in my possession an excellent study prepared by U.S. Navy Comdr. Raymond A. Vohden, the fourth longest held POW, which deals in depth with the amounts of stress and different stress factors encountered by the POW's while they were incarcerated. Commander Vohden made a study and surveyed almost 400 former POW's in compiling this paper. Throughout the paper one particular situation keeps appearing in the top 10 reasons for stress—U.S. citizens visiting Vietnam.

And, U.S. citizens visiting Vietnam is always No. 1 in the propaganda department no matter which group of POW's is surveyed. Commander Vohden puts it this way,

In the general area categorized as propaganda the three factors that produced the greatest amount of stress were unfortunately those that had a connotation of betrayal by one's own countrymen. North Vietnamese propaganda efforts that attempted to sell communism, their way of life, or sympathy to their cause, produced very little stress.

The following tables point out just how great an impact visits by those who called themselves Americans had on the morale and mental and physical well-being of American POW's:

PROPAGANDA FACTORS ARE LISTED IN DESCENDING ORDER OF STRESS PRODUCED

(NOTE.—Stress figures run from 1 (no stress) to 6 (intense stress).)

Table 7-A—(All prisoners captured 1964–1973)

1. U.S. Citizens Visiting Vietnam	3.500
2. Early Release of Prisoners	3.348
3. Hearing Reports of U.S. Citizens Opposing the War	2.897
4. Quizzes (interrogations) Propaganda in Nature	2.871
5. Watching Movies of Anti-War Demonstrations in U.S.	2.571
6. Listening to the Voice of Vietnam on Camp Radio	2.000
7. Watching Vietnamese Propaganda Movies in General	1.578
8. Reading Communist Literature	1.478

Table 7-B—All prisoners captured 1971–1973

1. U.S. Citizens Visiting Vietnam	3.017
2. Quizzes (interrogations) Propaganda in Nature	2.359
3. Hearing Reports of U.S. Citizens Opposing the War	2.194
4. Early Release of Prisoners	2.102
5. Listening to Voice of Vietnam on Camp Radio	1.776
6. Watching Movies of Anti-War Demonstrations in U.S.	1.725
7. Watching Vietnamese Propaganda Movies in General	1.344
8. Reading Communist Literature	1.238

Table 7-C—All prisoners captured 1964–1968

1. U.S. Citizens Visiting Vietnam	3.618
2. Early Release of Prisoners	3.612
3. Hearing Reports of U.S. Citizens Opposing the War	3.098
4. Quizzes (Interrogations) Propaganda in Nature	3.012
5. Watching Movies of Anti-War Demonstrations in the U.S.	2.718
6. Listening to the Voice of Vietnam on Camp Radio	2.067
7. Watching Vietnamese Propaganda Movies in General	1.641
8. Reading Communist Literature	1.548

Table 7-D—Prisoners captured 64–68, age 38+

1. U.S. Citizens Visiting Vietnam	3.583
2. Early Release of Prisoners	3.527
3. Hearing Reports of U.S. Citizens Opposing War	3.371
4. Quizzes (Interrogations) Propaganda in Nature	3.012
5. Watching Movies of Anti-War Demonstrations in the U.S.	2.900
6. Listening to the Voice of Vietnam on Camp Radio	1.860
7. Watching Vietnamese Propaganda Movies in General	1.620
8. Reading Communist Literature	1.535

Table 7-E—Prisoners captured 64–68, age 29–37

1. U.S. Citizens Visiting Vietnam	3.680
2. Early Release of Prisoners	3.670
3. Hearing Reports of U.S. Citizens Opposing War	3.152
4. Quizzes (Interrogations) Propaganda in Nature	2.950
5. Watching Movies of Anti-War Demonstrations in U.S.	2.760
6. Watching Vietnamese Propaganda Movies in General	2.152
7. Listening to the Voice of Vietnam on Camp Radio	1.910
8. Reading Communist Literature	1.523

Table 7-F—Prisoners captured 64–68, age 20–28

1. U.S. Citizens Visiting Vietnam	3.400
2. Early Release of Prisoners	3.400
3. Quizzes (Interrogations) Propaganda in Nature	2.900
4. Hearing Reports of U.S. Citizens Opposing the War	2.870
5. Watching Movies of Anti-War Demonstrations in U.S.	2.451
6. Listening to the Voice of Vietnam on Camp Radio	2.100
7. Watching Vietnamese propaganda Movies in General	1.615
8. Reading Communist Literature	1.570

Commander Vohden gives this evaluation of the survey:

In conversations with many prisoners, the controversial nature of the war was generally acknowledged (though not agreed with) but reports of U.S. citizens opposing the war were never enjoyed because it was the opinion of many prisoners that Vietnamese hopes for a military victory were never very high as compared to their hopes for the development of a large anit-war movement in the U.S. that would pressure the U.S. government into withdrawal from Vietnam, similar to that which occurred in France in 1954. It was generally believed that anti-war activities on the part of U.S. citizens would only delay our release.

Commander Vohden continued,

When a man has been subjected to torture, months of solitary confinement, degradation and humiliation at the hands of his captors and then hears that a citizen from his own country is being 'wined and dined' by the very men responsible for his treatment, and when he is aware that his fellow prisoners are being forced by torture to meet with and tell them lies about our treatment, can there be any question why U.S. citizens visiting North Vietnam was the highest stress producing situation in this category (propaganda).

Commander Vohden also noted that:

Propaganda efforts ranging from lengthy radio programs and personal indoctrination by enemy officers to visits in Communist Vietnam by well known U.S. citizens sympathetic to the enemies cause created conditions for the prisoners that have not been experienced by an American fighting man heretofore.

In many ways the above mentioned stresses were not completely unlike the stresses experienced by prisoners in Korea. However, when the length of imprisonment and the controversial nature of the war are considered, many of the stress situations take on a new dimension.

I also have the results of another survey conducted by Col. William Merritt, also a former POW. Colonel Merritt's survey of 175 former POW's indicates that Americans visiting in North Vietnam had a "major negative effect" on morale and well-being.

Of 171 men responding to the question, 50.29 percent said that Americans visiting in North Vietnam had a major negative effect on their morale. On another question, 83.1 percent said that propaganda from U.S. sources was demoralizing.

I also have a letter from Com. Robert B. Doremus, also a former POW, in which he asserts,

It's really amazing that someone can travel to the capital of the enemy's camp with impunity and can now conduct seminars in our public buildings with ease and facility. If there's something that can be done about that frustrating state of affairs—I'm all for it.

That is why I asked for this special order, to do something about that "frustrating state of affairs." I think the best thing that can be done is to make the public and the Congress aware of what Fonda and others did, what they are doing, who has suffered from their efforts, and who is paying the bill for their current escapade.

An eight-man factfinding team, which included Congressman PHIL CRANE, went to South Vietnam in January of this year. Their "Vietnam Report: 'Not in Vain'" disproves Fonda and company's charges of hundreds of thousands of political prisoners and also points out that "South Vietnam today stands on the threshold of viability, of being able to 'go it alone.'" This report also discusses the latest actions of Fonda and her cohorts. Since Congressman CRANE will be submitting this report during the special order, I will not try to steal his thunder, but I would like to make my colleagues aware that a report does exist which makes liars out of Fonda and her accomplice.

I might be able to tolerate snakes but that does not mean I have to clasp an asp to my breast.

I would just as soon have a bust of Benedict Arnold in Statuary Hall as to have Jane Fonda teaching anti-Americanism in the complex of the U.S. Capitol.

It is an insult to the memory of over 300,000 Americans who fought for their country in Vietnam and especially the 50,000 U.S. servicemen who will never come home—except in a box.

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

Mr. DICKINSON. I will be glad to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from Alabama for yielding to me, and I appreciate my colleague's bringing this matter to our attention. It has received some comment in the news media; but I am sure, not enough. On the basis of the facts that we have now heard firsthand from our prisoners of war I do not believe there is any doubt about the kind of help and aid that the enemy received as a result of some of the spokesmen in this country such as Jane Fonda, and even Senators from the other body. They encouraged people to believe that the North Vietnamese were nothing more than just a civil group of people on a revolutionary bent, and that they were in no way controlled by either the Red Chinese or the Russians. Much of the propaganda that was promoted by Jane Fonda and some of our colleagues in the Senate actually caused these prisoners of war to be kept longer in some cases, and to be pressured into trying to make statements on behalf of the North Vietnamese Communists. These men suffered a more harrowing experience because of encouragement from this country. And that is too bad, and it is wrong.

But I think, as my colleague, the gentleman from Alabama has brought out here today, it becomes more unfortunate when the facilities of the House of Representatives are used for a "school" to continue a propaganda effort. I think this is a double standard. I believe, as the gentleman from Alabama has pointed out, that there would have been no question if it had been the Nazi Party or some other well-known tyrannical group.

We should not allow supporters of communism to use the facilities of the U.S. Congress as a forum for the dissemination of their propaganda.

Additionally, I believe that it is unfortunate that the daughter of a well-known actor and movie star who has benefited very greatly from freedom in this country—a daughter who in her own right is considered a good actress—should attempt to overemphasize the so-called assets of Communist dictatorship in North Vietnam and at the same time downgrade and demean the prisoners of war from our country by asking that they desert or not obey their commanding officers.

It is wrong for Members of our House of Representatives to make it possible for this kind of spokesman to utilize our facilities in the House to continue to promote their theme especially when the Leader of the House himself has stated that he thinks it was incorrect and unwise use of facilities.

It is also my understanding that the facilities were lent to those who asked for them without an awareness as to exactly how they would be used. So there was even a form of deceit exhibited when the facilities were requested because it was not really understood for what purpose they were to be used.

Mr. DICKINSON. If the gentleman will permit me to interject at that point, I think that one additional thing should be brought out, and that is that they should not have been given to these people without full knowledge of their purpose.

Mr. ROUSSELOT. I am not talking about the Committee on the Judiciary, who had the basic responsibility for the space that was used. The chairman of that committee assures us that he was not aware how the facilities would be used, and I have to believe that the gentleman is giving us his understanding of the story.

But my point is that I think, as the gentleman from Alabama has made so clear, that for these facilities in this this forum to be used without the full understanding of the Committee on the Judiciary as to how they were to be used, is, in fact not a denial of freedom of speech, as the gentleman has indicated, but it is a denial of the right of taxpaying citizens to rest assured that Federal facilities will not be used to conduct subversive activities.

Secondly, even more tragic, when we now have so many of these men back who went through and suffered these tremendous indignities under a tyranny, is that we are allowing our facilities to again be used to propagandize and so-call train other people to think the way the North Vietnamese do.

I thank the gentleman for his willingness to provide this time.

Mr. DICKINSON. Mr. Speaker, I yield now to the gentleman from Indiana.

Mr. ZION. I thank the gentleman for yielding.

Mr. Speaker, I wish to associate myself with the sentiments expressed by my distinguished colleagues and add my own outrage at the reception accorded Jane Fonda and others of her ilk by some Members of Congress. I do not question the right of any American to lobby in behalf of a cause, but I believe that we, as representatives of the people, should know the truth about the people who are doing the lobbying.

In this case, we have been subjected to the oratory of a woman who is, according to her own statements, a believer in communism and an unregenerate partisan of the North Vietnamese Communist cause. Fonda and her claque of followers were advocating an enemy victory in Vietnam, while Americans—real Americans, not bogus "Americans" like Jane Fonda—were fighting and dying to help defend South Vietnam from Communist aggression. While the American fighting man was honoring our commitments to our allies in Southeast Asia, Jane Fonda, Ramsey Clark, and others, including some elected Representatives in Congress, were dishonoring our country by giving an incalculable morale boost to the Communist enemy.

Fonda even went so far as to have herself photographed sitting on a Communist antiaircraft gun as if she were shooting down an American plane. And she was proud of it.

Of course, Fonda does not profess pacifism. The current issue of Playboy magazine has an interview with Fonda and her husband, Tom Hayden, during which Fonda stated clearly that she is not a pacifist and that she fully supports the Communist resort to arms in Vietnam against American forces.

I cannot help but wonder what would have been the reaction of some of our colleagues who are now treating Jane Fonda with such deference had she been photographed sitting on a Nazi anticraft weapon during World War II. But, of course, we were fighting Nazis and Fascists then; it is an entirely different matter when the totalitarianism you are fighting is Communist. People like Jane Fonda harp ceaselessly on how the American people have been dulled by propaganda. If true, it is not the sort of propaganda she is talking about.

Jane Fonda's partisanship for the Communist cause in Southeast Asia, is demonstrated at pages 7581 to 7602 of the September 1972 hearings on "Restraints on Travel to Hostile Areas" held by the House Committee on Internal Security, on which I am proud to serve as a member. These pages contain excellent analyses of Jane Fonda's radio broadcasts for the North Vietnamese from the psychological warfare standpoint. These analyses leave no doubt that Jane Fonda was trying to bring about mass mutiny within the American military forces in Vietnam. Her broadcasts were full of outright Communist propaganda, coupled with obvious appeals for American soldiers to disobey their officers; the texts of these broadcasts are contained in the hearings.

Former American POW's who had undergone the horrors of captivity in Vietnamese Communist prisoner of war camps testified before our committee in 1973 that they had been tortured by the Communists to "play ball" and perform as ordered for visiting delegations of alleged Americans, and their descriptions of the means employed by the Communists are a vivid witness to the savagery of communism in practice, a savagery that seems to have offended the likes of Jane Fonda not at all.

I asked a former POW whether "the Communists issued specific invitations" to those Americans "that would have a more adverse effect on American morale and would have a better effect on Communist morale?" The witnesses indicated general agreement with this proposition, whereupon I proceeded to ask about Ramsey Clark, a former Attorney General of the United States.

Commander Edwin Shuman perhaps summed it up best in his statement that:

> Probably * * * his (Clark's) visit gave them more ammunition than anybody else, because he was so important.

Clark had participated in an International Commission of Inquiry into U.S. Crimes in Indochina that had traveled to North Vietnam in July 1972, according to an official document of the Stockholm Conference on Vietnam an international Communist "Peace" front, that was placed in the hearing record. During his testimony, however, Clark denied this, which seems somewhat disingenuous when one is confronted with the primary documentary evidence. My fellow committee member, Mr. BURKE of Florida, was even moved to castigate the former Attorney General for allowing himself

and his prestige to be used by Communist propagandists, which is an assessment I heartily share.

A good example of Clark's disingenuousness was provided when I asked him about a picture of him standing beside a 2,000-pound bomb some 200 yards from a North Vietnamese hospital. This was an obvious propaganda ploy by the Communists to make it look at though Americans had dropped this bomb on a defenseless hospital. When I asked Clark whether such a huge bomb could have fallen on the ground without penetrating it, he replied:

I have no reason to believe that would be very likely nor did I have any reason to believe that the bomb was laying where it fell.

And yet this picture was widely circulated and was of obvious propaganda value to the Communists.

Mr. Speaker, we must inform ourselves as to the nature of those who lobby for an end to American aid to South Vietnam. The record clearly shows that many of these people are at best ill-informed, like Ramsey Clark, and at worst conscious propagandists for the Communist cause, like Jane Fonda.

Mr. DICKINSON. I thank the gentleman from Indiana (Mr. ZION) for his very comprehensive statement.

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

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

Mr. SIKES. Mr. Speaker, I commend my distinguished friend, the gentleman from Alabama, for the statements he has made today and for his action in scheduling this special order.

The good people that I represent were appalled by the spectacle of Jane Fonda and her group of anti-American radicals using a committee room of the Congress to conduct a so-called seminar against American imperialism. Such use of any of the facilities of the Nation's Capitol is an affront to all Americans and an insult to the hallowed and historic halls of the Capitol of the United States. In particular, it is an affront to the men and women in uniform in Southeast Asia; to those who were held prisoners by the Communists, and to those who are still missing in action in Vietnam.

This woman consorted with the enemy in time of war. Possibly this made it more difficult for our Nation to obtain peace in the Far East and made life harder for those who were prisoners. What she did encouraged the Communists to continue their aggression. Undoubtedly this delayed the release and return of those who were prisoners of war and it may have delayed an accounting of those who are still missing in action. What Jane Fonda did was traitorous. There was a time in this country when we knew better how to deal with the traitors than we seem to know today.

I am sure the Members of the House recall with considerable concern the fact that it was more than a year after the end of hostilities when the Communists returned the bodies of 23 American dead, men who died while they were prisoners, but whose bodies were held all of these months while anxious families and their countrymen wondered when, if ever, they would be returned.

We do not know that there are not MIA's alive today in Communist hands that they have not bothered to tell us about. We do know that they have denied access to much of the territory where MIA's disappeared. The Communist rulers, cold, callous, and inhuman, are the type of people whose wares Jane Fonda would peddle to the American people.

Mr. DICKINSON. In fact, they have shot down investigatory teams, as I recall.

Mr. SIKES. That is correct. This is a situation which is shocking to the American people. That any American would see fit to deal with an enemy of our country and act in a traitorous way in doing so is serious indictment; but that these people would be allowed to use the Capitol, the center of the Nation, the heart of the Nation, to carry on their activities against our own country is almost beyond comprehension. In whatever way it was allowed to happen, there should be steps taken to insure that it never happen again.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for his very deliberate statement and a very comprehensive statement.

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

Mr. DICKINSON. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I commend the gentleman from Alabama for scheduling this special order, and I wish to add my remarks to the concern and indignation which has been expressed over the giving, the making available, rooms in this Capitol for the use of Jane Fonda.

Mr. Speaker, I hope that this special order may lead to the establishment of procedures that will prevent such an event occurring again. I would say to the gentleman from Alabama that the House Committee on Internal Security made an analysis of the broadcast of Jane Fonda in its hearings concerning illegal travel to North Vietnam during the time that we were engaged in the war in North Vietnam.

What Jane Fonda did during the time of our engagement in Vietnam; what she said in her radio broadcasts in Vietnam, were lost in the great unpopularity of the war, of our participation in the war in Vietnam. Now that we are disengaged, I think this is an appropriate time to focus public attention upon what Jane Fonda did and said.

In these broadcasts that she made in Hanoi, the thrust of her statements gave every appearance of being designed to cause American troops to disobey orders and to desert. She definitely added to the suffering of American POW's. Her statements were very cleverly worded, but a study of the tapes has led me to believe that she not only had the counsel and advice of North Vietnamese propaganda experts, she in all probability was operating under the instructions of North Vietnamese propaganda experts.

Again, Mr. Speaker, I commend the gentleman from Alabama for scheduling this special order.

Mr. DICKINSON. Mr. Speaker, I thank the distinguished chairman of the Internal Security Committee for his comments.

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

Mr. DICKINSON. Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I thank my colleague from Alabama for yielding to me. I am sincere when I say that to bring this matter to the floor today, he is doing this country a service. The matters concerning Jane Fonda's nefarious operations have too long been buried back on page so-and-so with the obituaries, where it has not been official to us.

Mr. Speaker, I took the liberty during the time when Jane Fonda was here to try to check a litle bit about her activities and where she was living and what was going on. The closest I could find out about that was an article that appeared in one of our pieces of local news media written by a sob sister deploring the fact that Miss Fonda had to take up quarters in a seamy rooming house near the Capitol in Washington, D.C.

Mr. Speaker, I sent a letter to the person who wrote the article and simply said, in effect:

Insofar as your article is concerned, concerning the habitat of Miss Fonda in Washington, be advised that water seeks its own level.

I checked around a little bit further, and I tried to find out who gave permission for Miss Fonda to use this room. It was a sort of explanation that "I didn't do it, John, but maybe someone else did."

I spoke to my colleague, Mr. DIGGS, the gentleman from out in Detroit, Mich. He said he did not know who gave permission to use this room.

Mr. DICKINSON. Mr. Speaker, which room is the gentleman talking about now? Is this a room of the Committee on the District of Columbia?

Mr. HUNT. Yes, a room of the Committee on the District of Columbia.

I checked around a little bit further, and finally I wrote a letter to the Speaker of the House, the Honorable CARL ALBERT, asking him who gave the permission. I have his answer here, and I will read it as follows:

WASHINGTON, D.C.,
March 14, 1974.

Hon. JOHN E. HUNT,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE HUNT: Thank you for your letter expressing your concern over the meetings which Jane Fonda and Tom Hayden held with Congressional employees in a committee room of the House of Representatives. Space under my control, either in the Capitol or in the House Office Buildings, is never assigned by me for such purposes. I have had the matter investigated and find that no space under the jurisdiction of the Speaker was used by these people. The rooms of Members of Congress are under the control of the individual Members and Committee rooms are under the control of Committees and their Chairmen.

I certainly did not authorize or have anything to do with or any knowledge of the use of any space in the House Office Buildings for the purposes and persons about whom you have complained.

I appreciated hearing from you about this matter.

Sincerely,

CARL ALBERT,
The Speaker.

So I will say to the gentleman from Alabama that I believe the Speaker. However, somewhere along the line someone is not telling us who assigned those rooms.

I think it behooves every Member of this body to find out as we go along who assigned the rooms or the room to Jane Fonda so that she might continue her poisonous utterances, not just to those people by radio overseas, but to employees of the U.S. Government who are working for Members of the House of Representatives and the Senate.

These things, Mr. Speaker, in my mind, are truly un-American. The activities of Jane Fonda during the Vietnam conflict gave me some very severe qualms. I have had the shingles for 150 days, but I had worse pains than that by just gazing upon the countenance of Jane Fonda and reading about some of the things she was doing.

The picture of Jane Fonda perched on an antiaircraft gun alongside a dike nauseated me. In fact, everything she does nauseates me.

I cannot imagine anybody bringing her to this House of Representatives for the purpose of trying to brainwash people in un-American attitudes. It is about time that we found out just exactly who assigned those rooms and have them explain to us why they did so.

Mr. Speaker, I want to commend the gentleman from Alabama (Mr. DICKINSON) once more for bringing this matter to the floor and giving us an opportunity to speak out. I am sorry that I could not be with the gentleman earlier today, because I have a very fine gentleman from my district, Col. John Dramesi, who was a prisoner of war for a number of years. He was the gentleman who made the American flag and presented it to our President. A finer man never lived, a more dedicated man never lived.

If we really want to find out what somebody thinks about Jane Fonda, we can just ask what Colonel Dramesi thinks of Jane Fonda. He will tell us, and he will tell us in no uncertain terms.

Mr. Speaker, I thank the gentleman for the opportunity of speaking.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for his remarks.

As to who did what, I think, as a result of this special order today, we might find out something.

I understand there was one newspaper reporter who had a microphone installed, and he had a press conference. He seemed very knowledgeable about the number of people who attended seminars, and so forth, and he made the statement that it was the gentleman from California (Mr. DELLUMS) who made the room available to her. I have no way of knowing that to this point.

Mr. Speaker, I am very pleased to yield now to the very distinguished gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

I want to add my compliments to those the gentleman has already received for the leadership he has exerted in bringing this matter before the Congress today and earlier in the day for the luncheon program that he had with Members of Congress and some of those great Americans who have been returned to us as former prisoners of war.

I know the gentleman would very much like to have noted, if the rules did not prohibit, the fact that these men are in the gallery today observing this special order. Obviously, since the rules do not permit, he was not able to mention their presence.

Mr. Speaker, during the luncheon discussion we held, Mr. DICKINSON will recall that one of the questions asked of our distinguished guests when they told of the very difficult times they had because of visits to Hanoi from delegations from the United States and other countries. The question was raised, "Do you have any documentation?" Well, as far as I am concerned, the best documentations are the words from the mouths of those men who spent so many years in Communist prison camps.

I pointed out, as you will recall—and I would like to call the attention of the Members to this—that there is more documentation. The Foreign Broadcast Information Service, on a daily basis, presented, to those who wanted to read it, copies of transcripts of radio broadcasts that took place in all of Southeast Asia during this very difficult period. Time after time not only the person we are talking about here today but others spoke out against the United States.

The only regret I have about this special order is that that person has been given so many references in the CONGRESSIONAL RECORD today.

But she is not the only one that we are speaking about. Some of our own colleagues in the U.S. Congress have been quoted and used by the propaganda machines of the North Vietnamese from time to time.

On numerous occasions in recent years I have called instances to the attention of the House and read quotations from some of these transcripts. I show you today a few of the many transcripts that are available to us. Let me read just one of the many statements available to us just to give you an idea. This is one of the many radio broadcasts of the lady in question today.

I am Jane Fonda speaking to you in Hanoi. I have had the honor of visiting your country. I strongly condemn the crimes that the United States Government representing the American people is committing in Vietnam.

In the same broadcast she says:

We also support the Vietnamese people's struggle. We understand you and we have a common enemy, U.S. imperialism.

She says further in the same broadcast:

The United States society is not an answer to those who seek happiness.

I could read for the next several hours, Mr. Speaker, from these transcripts of statements made by this particular person, and others like her, that were used in the brainwashing attempts and the attemps to demoralize Americans held in captivity by the Communists, but I will not take up the time of the House to do that. When considering whether or not this person has a right to use a facility provided by the people of the United States of America, I suggest that we review very closely some of the things she has said and some of the things she did which were used very, very dramatically in an attempt to undermine and destroy the ability of these young Americans, who were held in captivity by the Communists, to survive their long and tortuous imprisonment.

Again I compliment the gentleman from Alabama for the leadership he has shown in this regard and hope that at least, if we can only call the attention of the American people to this abuse of public facilities, we might also call the attention of some of those in Congress who might have authority to act in future designations of public facilities rooms for similar purposes.

Mr. DICKINSON. If I may interject there, not only who have authority but who will make sure that it is not abused so that there will be some oversight of this so that people will not have House space made available to them for the purpose of abusing our Government or misrepresenting it.

Let me now yield to the gentleman from Florida (Mr. BAFALIS).

Mr. BAFALIS. Mr. Speaker, I rise to speak today for one reason and one reason only—to make it clear that I am adamant in my opposition to allowing Jane Fonda and Tom Hayden the use of congressional facilities to spread their anti-American propaganda.

I was appalled when I first learned of the decision to allow the Haydens use of a congressional hearing room. But my dismay was nothing compared to that of people I represent.

And yet my anger and the anger of my constituents pales when compared with that shown—and rightly so—by the men most affected by Miss Fonda and others of her ilk.

Mr. Speaker, I have just participated in a meeting attended by eight former POW's—men whose total time in bamboo prisons approximates 60 years.

And they are angry—angry that the actress who did so much to prolong their suffering should be allowed the use of facilities of the U.S. Congress. As one of the POW's—Army Lt. Col. James Thompson, who spent nearly 9 years in a bamboo prison—put it:

She and the others like here were traitors and I see no reason why they shouldn't be hung for it.

Drastic punishment? Not really. The statements Miss Fonda and others issued so willingly to condemn our involvement in Southeast Asia were the tools the Communists used to pry so-called confessions from the POW's. And when the lies spread by Miss Fonda wouldn't break their spirit, they turned to torture.

Now Miss Fonda denies that American POW's were ever tortured. As a matter of fact, she called the POW's liars when they returned home with tales of the horrible deprivation they had suffered.

Well, we still haven't heard the real horror. Some of the tortures these men were made to suffer are so grim that even now, after a year of freedom, they cannot bring themselves to speak of them.

So, Colonel Thompson has every justification for calling Miss Fonda a traitor. If she can call the Vietcong "the conscience of the world" and proclaim they are "driven by the same spirit that drove Washington and Jefferson," then Colonel Thompson can call her a traitor.

Now, I know there will be some—both here in Congress and in the press—who will condemn us for our opposition to allowing Miss Fonda the use of congressional hearing rooms.

Yet, at the very meeting where the POW's blasted Miss Fonda earlier this afternoon, a group called the Indochina Peace Campaign peacefully passed out leaflets condemning the entire Vietnam war effort. Now, to me, that shows definitely that none of us are attempting to block anyone's right to free speech.

What I do object to—and object to vehemently—is any action which implies Miss Fonda's anti-American garbage is being spread with the sanction of the Congress.

That is the impression left by allowing her use of a congressional hearing room. And that is what I object to.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman from Florida.

Mr. DICKINSON. Mr. Speaker, I have inadvertently, as is so often the case, been guilty of omitting from the list of the prisoners of war I gave at the beginning of my remarks, that of the name of Army Lt. Col. James Thompson, who spent many long years as a prisoner of war, and I apologize for that oversight, but I am sure the completed record will reflect his presence.

Mr. Speaker, I now yield to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Alabama (Mr. DICKINSON) and those of the other speakers who have preceded me. It is my understanding that the lady that we have been discussing here today recently completed a movie that dealt with some of the more commercial and seamier aspects of some of the personal activities that are carried on in our American society by a few of our citizens, but never did any of us believe that she could "prostitute" the seat of government in the same way. I certainly believe her activities are highly questionable and inappropriate, and cannot be condoned by patriotic Americans, particularly when they are conducted in the Halls of Congress and at the expense of and in facilities supported by the taxpayers of this Nation.

We do not have to stretch our imagi-

If the Members might excuse a somewhat personal reference just for a moment, let me suggest that I also enjoyed the opportunity to chat very briefly with some of the gentlemen, our former POW's, who were in attendance today at the luncheon that was arranged by the gentleman from Alabama (Mr. DICKINSON).

Because of the nature of the Vietnam situation, many of these gentlemen were pilots. They found themselves as a result of that activity and those duties in the hands of the enemy.

I found somewhat to my surprise, very frankly, that several of these gentlemen were stationed at the same place and at the same time during the Korean conflict that I was and that we were flying the same equipment and in more than one instance, a part of the same outfit.

Although I sometimes feel like I am considerably older than these gentlemen, many of them were my contemporaries. On May 12, 1952, I was shot down in the Korean situation. I had the good fortune to crash into what was then an existing truce zone. I missed being a POW in the Korean war by just a couple of miles. For those of us who have been ordered into armed combat in defense of our country, if I might be so presumptuous as to speak for these gentlemen as well as for myself, that we suffered from many individual fears, one of which was certainly the fear for personal safety.

If anyone shows me a man who says that he is not concerned when he is being shot at, I will show him a liar or a damned fool, or both.

Of equal concern, however, Mr. Speaker, is the concern of ending up as a prisoner of war. I can say that certainly from personal reference, and I believe it is true of every other honest individual that I have talked to in those kinds of circumstances, the treatment that one knows is coming, that is inevitable as a criminal, even if a military criminal, is probably one of the deepest fears of all. These gentlemen certainly have suffered indescribable hardships and indignities, to which the gentlemen from California has previously referred. But I suggest, Mr. Speaker, that the former POW's who are here today, and other gentlemen in similar categories, are some of the finest examples of American manhood that we have in this Nation today.

I know that I speak for the rest of my congressional colleagues when I suggest that we salute their courage, we are very grateful for their belief and their dedication to the history, the heritage, and the principles of this Nation which they defended with such honor. We are delighted that they have been returned home and that they are safe, and we are extremely proud of them.

I thank the gentleman for yielding time.

Mr. DICKINSON. I thank the gentleman for his very gracious statement.

I now yield to the gentleman from California (Mr. DEL CLAWSON).

Mr. DEL CLAWSON. Mr. Speaker, I thank the gentleman for yielding.

This has been a service to the House and to the Nation on behalf of all of us who are speaking under this special order. The little editorial comment that has been in the district that I represent in California has evoked mail and certainly some rather adamant and vehement feelings on the part of people who have written to me suggesting that their consciences certainly have been disturbed as a result of the use of the facilities here. It was with disbelief that they wrote to us.

I find the same problem in writing to them and answering the mail that this was allowed to happen here in the seat of government of our country.

Mr. Speaker, it is not surprising that so little credence has been awarded by the American public to a small misguided army which is apparently still determined to wage running warfare on the United States—its theater of war appropriately the "theater of the absurd."

We can only speculate regarding the mental processes which finally produce a turn of mind which places every misdeed in a protracted conflict at the doorstep of the United States while simultaneously adopting what can only be termed "tunnel vision" with relation to aggressive acts of other combatants. How is it possible to exude sympathy for some prisoners while exempting our own men mouldering in captivity from those tender sentiments? We can only guess. Inability to follow this tortured reasoning may explain the lack of a ready audience for the deluded Americans who have aptly been described as the North Vietnam lobby. Nevertheless, it is surprising that such bizarre illogic should have commanded any audience at all on Capitol Hill, no matter how small the turnout in relation to the work force. Surprising too that there was so little recognition of the absurdity of the Government contribution to the farce—provision of the actual office space for frontal attacks on the governmental structure. No matter how puerile the attack this is a policy which makes no sense at all.

Obviously the American people were able to identify the twisted nature of the thinking underlying the attacks on U.S. maneuvers in defense of our own and allied forces. But how does a U.S. serviceman incarcerated for interminable years in a jungle prison under the cruelest physical, mental, and emotional hardships, under strain which can only be imagined, never fully, by those who have not experienced it—how does he react when he hears an American voice quoting the enemy propaganda line? And how did U.S. service personnel performing their duty under conditions of battle both confusing and arduous, react to broadcasts from enemy territory beamed at them in their jungle stations by Americans whose zeal in behalf of an enemy cause can have few parallels in our history?

nations very far. In fact, we have the testimony of the men themselves that the broadcasts lowered their morale, increased their deprivation and mistreatment and buoyed the confidence of the enemy. We have actual stories of the physical humiliation, the inhuman torture visited upon the prisoners before the publicized meetings with the American apologists for North Vietnam. The stories are graphic. They should not be forgotten.

I would hope that the comments of my colleagues in this Chamber today will serve to reassure the people at home that the balance of sanity has been restored in this ideological extension of a blessedly concluded war. I would hope, too, that there will be no repetition of the error of permitting the grievous misuse of Government facilities to which we have called attention.

Mr. DICKINSON. I now yield to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the remarks of the gentleman in the well. I want to commend him for his leadership in bringing this special order to the floor and for pinpointing this outrage to the American people.

Today I had the opportunity to lunch with a number of our returned prisoners of war who briefed me any my colleagues on the effect of Jane Fonda's antiwar activities on their treatment while in captivity. It was a moving experience, Mr. Speaker, and one that prompts me to stop and ponder the role of dissent in our society and the limits that can reasonably be applied to its exercise.

The activities of the past are still fresh in our minds as we are confronted with a new event that has stirred the concerns of many of my constituents and, I am sure, the concerns of many of the constituents of most of my colleagues. The apparent sanction of the House of Representatives for a course in "American imperialism" taught by Miss Fonda and Mr. Hayden for employees of this Congress is more than I can accept.

I know that no sanction was granted officially by this House but the use of the facilities of this body has given that impression to thousands of Americans. They are upset at the apparent sanction and at the use of their tax moneys to support such an activity—as well they should be.

I do not speak today of any American's right to express his or her dissent in a hired hall, on a street corner or on private property. But I am appalled, Mr. Speaker, at the use of facilities supported by the taxes levied on the American public for such an event.

The time has come, and this special order is the forum, for the Members of the House to publicly disassociate themselves with this outrage.

I thank the gentleman for yielding.

Mr. DICKINSON. I thank the gentleman for his very fine statement.

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

Mr. DICKINSON. I am pleased to yield to another distinguished gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Speaker, I thank the gentleman from Alabama for yielding.

I certainly want to make known my desire to associate myself with the remarks that every individual, Democrat and Republican, has made on this floor in this regard today.

It was my privilege and honor to have lunch with those prisoners of war who are today visiting the House in our gallery. I apologize to them and I apologize to the American people that the House is not full of people today to listen to this discussion, and I apologize to them and I apologize to the American people that the galleries we see above us are not full.

There is really no point in my becoming redundant as to my outrage as to what transpired or the stories that we read passed out by this woman. But the truth is here in this room and the answers are here in this room. I ask the American public to ask the men who were there for the answers. I believe them and I believe the public will, too.

Mr. DICKINSON. I thank the gentleman from California very much.

I promised to yield to the gentleman from Texas (Mr. PRICE) and I yield to him now.

Mr. PRICE of Texas. Mr. Speaker, I thank the gentleman from Alabama for yielding.

I thank the distinguished gentleman from Alabama (Mr. DICKINSON) and I congratulate him for bringing this hour of discussion before the Congress. It is too bad there are not more Members of Congress to take part in this even though I am sure a great many of them have been concerned over this for the past several years.

I congratulate the gentleman from Alabama (Mr. DICKINSON) also for having this luncheon today for the returned American prisoners of war. I am sure they appreciated it very much and I am sorry I was unable to be there because of previous commitments.

With regard to this problem I, too, fought in the Korean war and many of these men who were American prisoners were friends of mine. In fact five of them who were in North Vietnam were close friends of mine, so consequently I have been and I am always concerned about their situation.

In fact I made two trips to Paris during the conflict to try to talk to the North Vietnamese to find out how the prisoners were doing and to see if we could give them some assistance, get some assistance to them, but it was to no avail.

When I returned on several different occasions I asked the Department of Justice to bring treason charges against Jane Fonda and the others who had participated in her propaganda efforts in North Vietnam. However, the Justice Department did not see fit to bring treason charges against these people at that time. I felt their explanation was rather weak and that we need to instill into the law of our country what are treasonable offenses so that this does not happen in the future.

So here comes Jane Fonda recently arriving in the midst of fanfare and trumpeted by the Washington news media and cast in the role of a romantic folk hero and people's lobbyist. Recently actress Jane Fonda and her accomplice arrived in town.

Thanks to the generosity of an accommodating faction of the membership of the House, Miss Fonda and company took up residence in a Judiciary subcommittee room, courtesy of the U.S. taxpayers, where congressional staff personnel were allegedly educated in the facts of life about American involvement in Vietnam. To the surprise of no one, Miss Fonda and company told the story of mass murders, atrocities, of crimes against humanity and other sordid details to which the U.S. Government, including our President, the Congress of the United States, our servicemen, and ultimately the American people have been a party. As a model citizen who, according to the Washington Star, has become dedicated to working for the cause within the system, Miss Fonda and company, they say, will tell the tale of repression and brutality by the "Thieu clique."

But should we not rightfully ask—just where is Miss Fonda and company's cause? Just what is Miss Fonda and company's cause? Is Miss Fonda's cause made in America, or perhaps is it made in Hanoi? Perhaps we should ask American prisoners of war incarcerated in a hole known as "The Hanoi Hilton" how much they appreciated the extra suffering to which they were subjected while she bantered about in North Vietnam rice patties and basked in the spotlight of Communist propaganda platforms.

Or, perhaps, we should simply go to a source other than the Washington news media for an answer to this question. Let me quote from an authoritative source about Miss Fonda's recent activities:

> Since late September, Jane Fonda, carrying her newly born first son Troi (after South Vietnam hero Nguyen Van Troi) has been on a one-month march through 25 cities of the United States to arouse public opinion into action for the release of the political prisoners in South Viet Nam by the U.S. and the Saigon administration and their strict implementation of the Paris Agreement, and the cut-off of aid to the Saigon regime by the Congress. Also with her were her husband Tom Hayden, a social activist, the well-known Congressman Holy Nillard, P. Debris, a French jailed and tortured by the Thieu clique for many years, and Bob Snowet, an ex-Viet Nam POW. The march will be followed by the Fall National Convention of the U.S. Anti-War Organizations."

The source of the above information is South Vietnam in Struggle, the magazine of October 29, 1973, that is printed in Hanoi, North Vietnam. Here is a copy.

Yes, Miss Fonda and company have

come to lobby the Congress, but lobby for whom?

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

Mr. DICKINSON. Mr. Speaker, I thank the gentleman from Texas for his very fine statement.

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

Mr. DICKINSON. Mr. Speaker, I will be very pleased to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Alabama for yielding to me.

Mr. Speaker, I am very pleased that the 46-member class of the 93d Club, which is the GOP freshman class, has been able to participate and cosponsor this event today with the distinguished gentleman from Alabama. We are pleased that we have been able to play a role in focusing on the near-treasonous activities of Jane Fonda.

There have been those today who tried to cloud the issue, particularly at our luncheon and press conference. I would like to emphasize what the issue is not. The issue today is not whether there are political prisoners in South Vietnam, and if so, whether that is right or wrong. The issue, indeed, is not the rightness or the wrongness of the war in Vietnam; and indeed the issue is not that of free speech in America, because I believe most of us, or all of us, defend Miss Fonda's right to dissent here in America.

The issue, Mr. Speaker, is, should an American who gave aid and comfort to an enemy against American POW's in time of war have the use of taxpayers' facilities in our Nation's Capitol to continue her near-treasonous treacheries? I say, the answer to this question is no.

The answer is no. No, unless it is the will of this House that such facilities be made available.

Mr. Speaker, there is not one shred of evidence, there is not one scintilla of evidence that such is the will of this House.

Mr. Speaker, hell shall freeze over before it will be the will of this Congressman.

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

Mr. DICKINSON. I will be very pleased to yield to the gentleman from California.

Mr. MOORHEAD of California. Mr. Speaker, I wish to commend the gentleman in the well, the gentleman from Alabama (Mr. DICKINSON) for taking this special order today and calling attention to what has been taken by many of the people in my district to be an outrage against the American taxpayer.

I do not think that the facilities of this House or of this Government should be used by any lobbying group. When those facilities are turned over to individuals whose activities work against the best interest of this country, it is certainly something that should be looked into and stopped.

I know that very few people throughout the country would support the political positions that have been taken by Miss Fonda and her action of going into North Vietnam and speaking against the best interests of our country and actively asking for the death and the defeat of our troops in action. When we give our taxpayers' facilities for that purpose, we are denying the American people the kind of responsibility that they should be able to look for from Members of Congress.

Mr. Speaker, I certainly wish to join all of those Members who oppose this kind of action, and I ask the leadership of this House in the future to use better judgment in determining who can use the facilities and the quarters available on Capitol Hill.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for his remarks.

Let me just say to the Members in the waning moments before time runs out that there has been a special order taken on this subject by the gentleman from Arizona (Mr. CONLAN) so that we will have more time available in the event we should run out of time now. In the event we run out of time, we will thereby give the Members further opportunity to speak.

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

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

Mr. LAGOMARSINO. Mr. Speaker, I thank the distinguished gentleman for yielding to me.

Mr. Speaker, I wish to associate myself with the remarks which my colleagues have made here this afternoon, particularly those remarks of Members from California, many of whom have been my colleagues before I came here.

I think the remarks that were made were well put in laying the issue before this House and before the American people. It is difficult to follow all of these remarks and to say something that has not already been said before.

Mr. Speaker, I want to endorse what has been said. The Chambers are not full, and the galleries are not full, but I will say to the Members that I know the American people, or at least the vast majority of the American people, stand behind us and stand behind the purpose of this special order.

I would only say that I think it does behoove us to be more careful in the future to see that this House and its facilities are not used for the purposes for which they were used in this instance.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for his remarks. Mr. Speaker, I just wish to conclude with these thoughts:

Let me say this: that some would have us believe that this is a matter of free speech. This has nothing to do with free speech. Anybody has a right to get out on a public street and say what they please. This has to do with the right of a person to abuse the facilities of the U.S. Congress.

Mr. Speaker, I think that perhaps everything God made has a place in the world. I might be able to tolerate snakes, Mr. Speaker, but that does not mean I have to grasp an asp to my bosom.

I would just as soon have a bust of Benedict Arnold in Statuary Hall out here as I would to see the Congress afford Jane Fonda a place to work and carry on her nefarious activities against the Constitution and the Government of these United States. It is an insult to the memory of more than 300,000 servicemen who fought for the United States in Vietnam, 50,000 of whom will never come back except in a box.

It is a degradation to their memories; it is an insult to the American people; and I would certainly urge the leadership of this House to take whatever steps are necessary to see to it that neither this nor anything like it can ever happen again.

I thank the gentleman for yielding to me.

Mr. SPENCE. Mr. Speaker, first of all I want to commend my good friend, BILL DICKINSON, for arranging this special order, as well as the press conference held earlier today. By presenting testimony from individuals who have experienced both mental and physical suffering as a direct result of shameful acts perpetrated by certain Americans during the Vietnam war, Congressman DICKINSON has unequivocally proved what most of us knew must have been the case all along. That is, a person enjoying the public limelight for whatever reason, who travels to the home of the enemy and parrots the official enemy line under circumstances which are fully orchestrated by the enemy, is bound to adversely affect the interests of his or her own countrymen as a result. Since commonsense would command that this be so, one can only conclude that the performances of Jane Fonda, Ramsey Clark, and other of their ilk, were taken with malicious disregard of these inevitable consequences.

Today, former prisoners of war testified that tape-recorded statements of these individuals, and others, were played for them regularly while in captivity, thus creating "anger, frustration, and disgust" among the prisoners. Undoubtedly, it was not these reactions that the Communists and their American parrots had hoped for. No doubt, they expected the men to be persuaded by their countrymen that capitulation is the answer, and that further resistance was not only hopeless, but morally reprehensible. To their everlasting credit, our men are made of much sterner stuff!

Thus, I do not suggest here that the Fondas and Clarks were at all successful in their attempts to brainwash American fighting men. Rather, the contemptible indictment upon their acts is that they caused direct physical and mental harassment against fellow human beings, who were also Americans, and that they did this with full knowledge that this was the inevitable result.

The returning prisoners of war have been virtually unanimous in their judgment that Americans who willingly became political tools for the North Vietnamese acutely prolonged the war in Southeast Asia. They point out that, in a Communist society those who make public statements must necessarily be following the official government line, since otherwise no one would dare speak out. It was therefore believed in that part of the world that people such as Fonda

represented the feelings of most Americans. Since North Vietnam realized that they had absolutely no hope of defeating the United States on the battlefield, the struggle for men's minds became all-important. They knew that they had to use the world's media to advance their version of the war. Obviously, they could not have asked for better cooperation in this effort than that presented by Jane Fonda and Ramsey Clark.

POW's have testified that they were tortured if they refused to meet with visiting American activists. They were tortured later if they said the wrong thing during a "showing" or if they neglected to say the right things, in the eyes of their Communist captors. They have testified that their morale was never so low as when they were made to hear the words of these visiting agitators. I have had the honor of meeting a number of former POW's, and I am proud to know a few personally. In my mind, there is no question at all of their sincerity, or the truth of their accounts. These are very articulate men on the whole, who have obviously given the issues surrounding their experiences a great deal of thought. There is no one in the world in a better position to assess the effects of Fonda-type activities on their own treatment than the POW's themselves.

All citizens of Communist nations throughout the world covet the right of Americans to dissent, and certainly we all agree that this is an important privilege which is central to the freedom we enjoy. But perhaps we have learned a very important lesson, albeit at a terrible price exacted from our prisoners of war. That is the right to dissent from official government policy carries along with it the responsibility to choose a proper forum for the expression of that dissent. If so, the outrages committed by Jane Fonda and others in the name of dissent—actions which so shocked the conscience of the American people—will have a beneficial effect in the end.

Mr. WALSH. Mr. Speaker, in early February, Representative JOHN CONYERS obtained the use of a subcommittee meeting room of the Judiciary Committee for one of his colleagues, Representative RONALD DELLUMS, of California.

In truth, the room was not for DELLUMS' use, but for the use of well-known activists Jane Fonda and Tom Hayden for the purpose of lobbying for the interests of North Vietnam.

While everyone is guaranteed free speech by the Constitution, some people use that guarantee to abuse the very privilege they claim they are defending.

In my opinion, the use of taxpayer-supported facilities to promote the interests of a nation with which the United States was so recently at war, is such an abuse.

Fortunately, the Judiciary Committee found out what the room was being used for and canceled permission for Mr. Hayden and Ms. Fonda to operate their lobbying effort from the room.

The fact that the subcommittee area was even used for one night is an insult to every veteran who fought in Vietnam. The fact that permission to use the room was withdrawn is at least an expiation of that insult.

I applaud the Judiciary Committee's action and urge more stringent screening of applications for Federal office space on Capitol Hill. The word of a Member of Congress should not be all that is necessary to secure a meeting room. The Member should have to state the purpose for the request and then the meeting room should be checked to insure that the stated purpose is, indeed, the purpose for which the room is being used.

VIETNAMESE PRISONERS OF WAR

The SPEAKER pro tempore under a previous order of the House, the gentleman from Arizona (Mr. CONLAN) is recognized for 60 minutes.

Mr. CONLAN. Mr. Speaker, one of the tragic ironies of the Vietnam war is that the anti-U.S. posturing of Jane Fonda, Ramsey Clark, and other leftists who traveled to Communist Hanoi during the war actually helped prolong the fighting that unnecessarily took the lives of additional thousands of Americans and South Vietnamese.

That is the view of Air Force Col. George E. "Bud" Day, an Arizona POW held captive in North Vietnam for almost 6 years, and many others intimately familiar with the effect of Fonda's anti-U.S. campaign on North Vietnamese morale and war policy.

Colonel Day, a squadron commander in all nine North Vietnamese prison camps at one time or another during his long captivity, told me just this past weekend:

> It is positively my absolute belief that the enemy was strengthened and the war prolonged by Jane Fonda's cooperative efforts in Hanoi against the United States.

Fonda's trip to war-wearied North Vietnam in August 1972 came at a time when the Communists were on the brink of serious peace initiatives. U.S. bombing had taken a heavy toll, and North Vietnamese morale and strength had been almost totally destroyed by the ceaseless punishing American air raids north of the Red River.

Hanoi officials saw Fonda as an American idol and cult heroine. They wrongly interpreted her visit, during which she made propaganda films and radio broadcasts for the Communists, as representing overwhelming popular opposition in our own country to U.S. war efforts.

North Vietnamese strategists, deceived by her propaganda line that this was "Johnson's war" and "Nixon's war" opposed by almost all the American people, thought our country was on the verge of revolution against the government responsible for U.S. military efforts in Southeast Asia. They believed that if North Vietnam could just hold out long enough and carry on the Communist war effort until that revolution materialized in the United States Hanoi could defeat South Vietnam and take over all Indochina.

Mr. Speaker, while it is tempting to believe that the major effect of Jane Fonda's trip to North Vietnam was to demoralize American POWs, it is clear from what POWs themselves have told us that Fonda and Clark never actually had personal contact with any of the more than 500 strongly pro-American prisoners. This was at the direction of the Communists themselves.

They instead met with no more than eight to 10 broken prisoners at The Zoo, the easy-treatment camp for cooperating Americans known as the "Peace Committee" 8 miles southwest of Hanoi, where anti-war petitions were signed and statements filmed for propaganda purposes.

Most of these prisoners were dismissed from the service shortly after they were repatriated to the United States.

Even Fonda's films and obscene anti-American radio shows from Hanoi, which prisoners were forced to watch and hear, failed to have the desired demoralizing effect on captive Americans, according to Colonel Day, who told me:

> Her treasonous actions strengthened us, while the morale of the North Vietnamese was in turn lifted because they thought overwhelming American opposition to the war at home was about to bring down the government and end American involvement.

Mr. Speaker, I know of no better testimony to the guilt of Jane Fonda. Her actions and her cunning propaganda against U.S. military efforts in Southeast Asia bolstered and helped prolong Communist aggression against South Vietnam, making her an effective instrument of war in behalf of Hanoi and against her own countrymen. Therefore, the blood of thousands of victims of the Vietnam war following her visit to Hanoi must be on her conscience.

Thanks only to the fact that the United States was not then in a formally declared state of war against North Vietnam, Jane Fonda and her followers are not legally guilty of treason. But it is only in that technical sense that her actions differ at all from those of William Joyce, Britain's "Lord Haw-Haw," who was executed as a traitor for his pro-Nazi propaganda activities following World War II.

It is for this reason that I strongly resent the action by some of our colleagues to provide Miss Fonda the use of congressional committee rooms to stage further propaganda efforts against our Government.

It demeans the sacrifice of our dedicated military men and women and insults the dignity of this body that Fonda's propaganda forum has been moved by a faction of our own number from Hanoi and the left-wing lecture circuit to the Halls of Congress itself. I am happy to join in this effort to protest that arrangement at taxpayer expense.

Mr. Speaker, I now yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I am pleased to join the gentleman from Alabama and the gentleman from Arizona in this special order involving our POW's and MIA's.

Earlier today, I had the honor to meet with eight of our former POW's, men who returned to our Nation just about a

year ago, some of whom were held prisoner in Vietnam for as long as 8 years, most of whom tell vivid stories of their deprivation and hardships during their incarceration, all of whom attest to the harsh effects upon them of Jane Fonda's visits to Hanoi during their imprisonment.

Recently I had the opportunity to debate with Ms. Fonda in a TV forum about prisoners of war in Southeast Asia.

In Ms. Fonda's expression of concern for North Vietnam, it is obvious that Ms. Fonda's assessment of our involvement in Southeast Asia is myopic and completely one-sided.

During our January recess I visited Laos in an effort to glean information and to seek help concerning more than 1,100 U.S. servicemen who are still listed as missing in action. While in Southeast Asia, I was able to view, first hand, some of the results of the years of fighting in that part of the world. Our involvement in Vietnam has been questioned by many, but the fact remains that we have now terminated our direct military operations over there. And there still lingers one loose thread—our MIA's.

If any of our servicemen are still lingering in prison camps in Southeast Asia, it would be naive to be overly optimistic about their safe return. However, it is certainly not naive to expect the North Vietnamese Government to allow the searching of known crash and grave sites, permitting our joint casualty resolution teams to fully investigate and to report their findings to the families of those 1,100 men whose destiny is still so questionable. The provisions of the Paris Peace Treaty and the joint communique clearly detail the course to be followed in providing for seeking and exchanging prisoner information. But the provisions of those agreements are not being followed.

Accordingly, I suggest to Ms. Fonda and to her followers, rather than continually attacking our Nation, to take a closer look at the total Southeast Asian picture, to look at the blatant refusal by the North Vietnamese, to uphold even the humanitarian aspects of the peace agreements having to do with cooperation in investigating and searching for POW's and MIA's. I urge their interest in an area of great concern to our country, the issue of our missing American servicemen.

I suggest to Ms. Fonda and her cohorts to use their influences upon Hanoi to bring to light the failure of the North Vietnamese to abide by the provisions of the Paris Peace Treaty concerning exchange of prisoner and MIA information so that we might, once and for all, resolve the dubious fate of the more than 1,100 men whose lives remain unaccounted for in Southeast Asia.

The Jane Fondas and the Vietnam critics would do more constructive good in joining our Nation's efforts—an exhaustive effort to resolve the lingering uncertainty for our MIA families. We can do no less for those who have given so much.

Mr. CONLAN. I thank the gentleman from New York for his very thought-provoking remarks in bringing to our remembrance the status of those missing in action.

Mr. ICHORD. Mr. Speaker, I want to add my voice to the concern and indignation which has been expressed over the granting of taxpayers-financed space in the Rayburn House Office Building to dissidents, Jane Fonda and her husband, Tom Hayden. Making use of a committee hearing room, Fonda and Hayden during an eight-session seminar were able to preach to impressionable young congressional aides on the need to support one of Hanoi's primary objectives, namely, the cutting off of all U.S. aid to South Vietnam. If the many letters of protest reaching me from my constituents are only a partial assessment of the public outrage, the judgment of my colleague who permitted them to use House office space must indeed be viewed as grossly irresponsible.

Jane Fonda, better known as "Hanoi Jane," and Tom Hayden, the founder of the revolutionary Students for a Democratic Society, are not just a couple of insignificant political malcontents. No, indeed, they have a well-established reputation for consorting with the Communist regime in Hanoi, and for grossly distorting and misinforming the American public concerning U.S. involvement in Southeast Asia. As a matter of fact, I am of the personal opinion that there is a strong probability that Fonda's and Hayden's lobbying seminar was carried out by them at the direction of the Hanoi government. My opinion in this regard was considerably strengthened by a recent article in the St. Louis Globe-Democrat which reported that the "official Vietcong Communist organ printed in Hanoi" had boasted that Fonda and Hayden were touring 25 American cities to arouse public opinion for a cut-off of U.S. aid to the Saigon regime.

The Committee on Internal Security, which I chair, held hearings last year on legislation relating to "restraint on travel." These hearings revealed that Miss Fonda made a trip to North Vietnam in July 1972, at the invitation of the Vietnam Committee for Solidarity With the American People. This trip was made at a time when our Armed Forces were engaged in hostilities with the North Vietnamese Government. While in Hanoi, Miss Fonda made many broadcasts to American troops which were monitored and transcribed by the U.S. Foreign Broadcast Information Service. The thrust of her statements over Radio Hanoi gave every appearance of being designed to cause American troops to disobey orders and to desert. They were very clearly worded. Clearly, she was giving aid and comfort to the enemy. A study of the tapes led me to conclude that she at least had the counsel and advice, if not the instruction, of North Vietnamese propaganda experts.

When our heroic prisoners of war returned home, Miss Fonda egregiously insulted them by labeling as "liars and hypocrites" those who reported that they had been tortured by their North Vietnamese captors. At the same time, Miss Fonda, who Radio Moscow once characterized as a "true patriot," termed "laughable" reports by some of the prisoners of war that her visit to North Vietnam had actually prolonged the war.

This is the same Jane Fonda, who in 1971 took time out from her busy antiwar activities to visit militant Communist Party member Angela Davis, while Davis was incarcerated in the Marin County jail in California awaiting trial on charges of having furnished the guns used in a 1970 court shoot-out and kidnapping, which resulted in the death of four persons. Following her visit, Miss Fonda labeled Davis, who was subsequently acquitted, as a "political prisoner." Later that same year, Fonda told some 2,000 students at Michigan State University in East Lansing, Mich.:

> I would think that if you understood what communism was, you would hope, you would pray on your knees, that we could some day become communist.

Mr. Speaker, if there is one thing that is of vital concern to all of us, it is what is done with the people's money—the money they appropriate through us. The taxpayers of the United States, whose incomes are depleted each year by a multibillion dollar defense budget to insure the security of our Nation against the repressive forces of communism, are being tapped to provide a forum in a House office building to individuals whose past conduct demonstrates deep and abiding hostility to our democratic form of government.

I certainly deplore this misuse of House office space, and although I strongly question the judgment of my colleague who permitted Fonda and Hayden to use the space, I do not offer these comments today merely to chastise my colleague. My disappointment is more deepseated than that. I believe this action, in addition to being an affront to every loyal American citizen, has tended to undermine the confidence of the American people in their government and its goals at a time when the Watergate matter has shaken the very foundation of our democratic system. I can only hope that this denunciation of the granting of House office space to Fonda and Hayden will be instrumental in preventing a repetition of this shameful action.

Mr. MONTGOMERY. Mr. Speaker, I commend the gentleman from Alabama (Mr. DICKENSON) for securing this time today in order that we might fully discuss the recent activities of Jane Fonda and others of her kind that gave encouragement to the enemy during the Vietnam conflict. Like a majority of my colleagues, I have been appalled by the fact that Ms. Fonda has been allowed to conduct her classes on so-called American imperialism in the Halls of Congress at the expense of the U.S. taxpayers. No one can deny the right to freedom of speech, but I feel very strongly that we must draw the line when such speech is espousing a philosophy calling for the overthrow of the American Government and aiding and abetting the enemy. In

my opinion, this is exactly what the Fonda classes have been doing.

Mr. Speaker, we have testimony from returned prisoners of war that the visit of Fonda and other misguided souls led to increased torture of the POW's by the North Vietnamese. These trips to and statements from Hanoi only served to prolong the imprisonment of our American servicemen. I, for one, cannot forget this inhumane act on the part of Jane Fonda.

Miss Fonda has taken great delight in belaboring the so-called atrocities and mass murders by the United States and South Vietnamese Governments. Because our liberal press appears to enjoy these types of stories, she has gained wide publicity without any factual data that will stand the test of cross-examination. She makes a statement and it is immediately accepted as gospel even though she has no proof other than what was told her by a Communist government in a controlled and dictatorial country. She has never questioned these so-called facts presented her by the Communists. Rather she has accepted them hook, line, and sinker and tried to sell them to the American people. In my opinion, Miss Fonda is no different than an American who went to Nazi Germany in the Second World War and started spouting the Hitler line to the detriment of our fighting men. She is just another Berlin Bessie or Tokyo Tessie of the 1940's who has once again reared their ugly head in the 1970's.

Mr. Speaker, I have heard time and time again about the wrong actions of America in Southeast Asia. But never once have I heard the alleged humanitarian Fonda utter the least bit of sympathy for our tortured prisoners of war. Quite the reverse, she appears to enjoy the fact that her actions may have led to their increased torture and then dismisses the plight of the prisoners by referring to them as liars. Just how sick can a person be.

I made eight trips to South Vietnam. During these visits I saw firsthand the homes and even entire villages of the South Vietnamese people that had been destroyed by the North Vietnamese and Vietcong. I saw the graves of former village chiefs and members of their families who were tortured and then brutally murdered by the Vietcong because they chose to support a free and democratic government for their country rather than paying allegiance to the Communist invaders. I saw South Vietnamese people missing hands, arms, legs, and ears as a result of the brutal treatment of the Vietcong and North Vietnamese. These parts of their bodies were severed by the Communists when the South Vietnamese refused to share their already meager rice crops or fish catches with the Communists or refused to give comfort to their country's enemy.

Mr. Speaker, I point out this firsthand information and easily verified facts to make note that never once have I heard the Fonda group condemn these atrocities. I do not want to appear to be making snap judgments as she has evidently done, but I cannot help but believe that Ms. Fonda's so-called humanitarianism extends only to the Communists.

Mr. Speaker, in the past the Congress has always shown a great deal of interest in truth. We have been involved in legislation calling for truth in advertising, truth in lending, and truth in labeling. I think it is time that we applied the same standards to those who abuse the right of free speech by preaching a philosophy detrimental to our American Government, the American people, the American servicemen and the American allies. It is high time that we had a little truth in speech involving those who appear to be more closely alined with our enemies than they are with their fellow Americans.

Mr. LOTT. Mr. Speaker, in a weekly newspaper report to my constituents in south Mississippi 3 weeks ago, I wondered out loud how America would take the fact that Jane Fonda, that romantic folk heroine and people's lobbyist, had settled in Washington to "work within the system." If the mail from my district is any indication, Americans are not taking it lightly. In fact, they are outraged to say the least.

South Mississippians remember Jane Fonda as the antiwar activist who took her radical beliefs all the way to Hanoi, where she announced to the world that the Americans were the villains in that Southeast Asian conflict—not the North Vietnamese or the Vietcong. She caught our attention again when our American POW's returned home only to hear her charge that they were lying about conditions in those prison camps.

I personally have wondered not only about the way the American public would take this latest outrage but also about the way our POW's reacted to the news that she was conducting political seminars right here on Capitol Hill. If the POW's here today are any indication, I think it is safe to say that they too are offended, outraged, and frustrated.

Mr. Speaker, I want to emphasize once again—in the strongest of terms—that I am very much opposed to such seminars conducted by the likes of Jane Fonda in the House office buildings. And I want to commend the POW's here today for their courage in once again standing up and being heard.

Mr. BAUMAN. Mr. Speaker, I want to add my praise to those of my many colleagues who have expressed their support for the patriotic efforts of the gentleman from Alabama (Mr. DICKINSON) in bringing to the attention of the House today the sordid facts concerning the use of the facilities of the House of Representatives by Mr. and Mrs. Tom Hayden, she better known as Jane Fonda. The gentleman has done a real service.

I and many of my colleagues were greatly impressed at the luncheon today when we heard the remarks made by the distinguished men who served years in North Vietnamese prisons and who never wavered in their support for their country. I fully concur with one of these returned heroes who said that Miss Fonda's past actions constitute treason against the United States.

By her past actions she has given aid and comfort to the enemies of the United States of America and that by any definition is treason. I find it hard to understand how a person of this ilk could possibly be permitted to use the House and its offices as a forum for her anti-American propaganda.

While I can tolerate, as most Americans can, dissent, I do not think we can tolerate disloyalty and the gentleman is to be commended for leading the initiative in exposing this totally un-American activity.

Mr. ASHBROOK. Mr. Speaker, I am pleased to associate myself with the thoughts of my colleagues on the activities of Jane Fonda and other Communist sympathizers who have been trying to lobby for an end to American aid to our Southeast Asian allies. I, too, am concerned over the extent to which people of Fonda's stripe are taken seriously, as if they were representative of the thoughts of true Americans; for the bald fact is that she is an open advocate of the North Vietnamese Communist cause who has given aid and comfort to an enemy of the United States during a time of armed hostilities.

She was quoted in November 1969, as stating during a speech at Michigan State University that—

> I would think that if you understood what communism was, you would hope, you would pray on your knees that we would someday become Communist.

In December 1970, she stated at Duke University that she believes we must strive for "a socialist society—all the way to communism."

In this striving, Jane Fonda has traveled to Communist North Vietnam, has had herself photographed sitting on a Communist antiaircraft gun, and has made propaganda broadcasts over Radio Hanoi that were obviously designed to encourage mutiny and desertion in our Armed Forces in South Vietnam. Such is Jane Fonda's sense of Americanism—just like the Americanism of Tokyo Rose.

It is the same sort of Americanism that prompted pro-Communist "peace" activist Dagmar Wilson, of Women Strike for Peace, to declare angrily that the sight of American planes flying over North Vietnam made her almost want to shoot them down.

And what is the communism that Fonda thinks we should strive for? The reality of communism was seen by American POWs who had to endure the degradation and tortures of Communist prison camps in Vietnam. Several of these brave men appeared before the Committee on Internal Security in 1973 and testified in stark detail about their experiences, both with the Communist Vietnamese and with some of the alleged Americans who had visited North Vietnam during their imprisonment and who had been used by the Communists to spread lies about our men in Vietnam.

One of these men, Air Force Capt. Larry Carriagan, testified that—

These people (meaning people like Jane Fonda and Ramsey Clark) * * * gave aid and comfort to the Vietnamese. * * * It prolonged the war. * * * The Communists in North Vietnam wanted the American people there during the war. They knew they couldn't beat us in the battlefield. But they hoped to beat us back in Washington.

And Comdr. Edwin Shuman, of the U.S. Navy, testified that—

Our morale was definitely lowered by Americans coming over there and saying the things that they did. It is my opinion that the only people they let into that country were either Communists or Communist sympathizers. And they almost without exception played ball with the Communists in the things they said.

The men described various beatings and other tortures to which they were subjected in efforts to make them meet with American "peace" delegations. One of the worst examples was described by Navy Lt. Comdr. David Hoffman as the "rope treatment." He stated:

I happened to be in * * * a body cast, from the waist up with my arm out in front of me * * *. I was placed on a table and then on a chair, which was on top of the table. And there was a hook in the ceiling.

I think the height of the ceiling was probably 20 feet or so. The rope was strung around my arm, up around the armpit. Then I was placed upon the chair on top of the table. And the table was kicked out from under me. I dropped the length of this rope, so that I would come to a couple of inches off the floor.

They would put the table and chair back under me and stick me up there again and drop me again, until I eventually came very close to passing out. * * *

Such is the practice of communism as seen at first hand by American fighting men who served long and thanklessly in Vietnam. This is what the Jane Fondas of this country support in Southeast Asia and would have us support.

Mrs. HOLT. Mr. Speaker, I would like to commend my colleague from Alabama (Mr. DICKINSON) for taking the time to hold this special order. It will serve to focus attention on the deep distress held by some Members of Congress by the fact that Jane Fonda and her entourage have been provided with office space, financed ultimately by the American taxpayer, for the purpose of "educating" congressional staff members on supposed American "imperialism" in Southeast Asia.

The constitutional guarantees of free speech permit Miss Fonda to engage in this activity, but does it mandate that we provide her with a forum to vent her condemnation of our Government, our institutions, our policies, and those who have served in our Armed Forces? Let us not forget that the Jane Fonda, who is currently basking in the spotlight in Washington, is the same woman who enjoyed the propaganda spotlight in Hanoi while our POW's were being subjected to the worst form of atrocities in North Vietnamese prisons.

Mr. Speaker, Miss Fonda has every right to express her views; I have an equal right, which I am currently exercising, to vigorously reject her opinions and question the desirability of using public supported facilities to assist her in her misguided efforts.

Mr. WAGGONNER. Mr. Speaker, I would like to join with my other colleagues today in the discussion regarding the "American Imperialism" seminars conducted by Jane Fonda and Tom Hayden in a committee room of one of the House buildings.

I cannot speak for anyone but myself and the people I represent, but I can tell you one thing—we are sick and tired of anti-Americans using the freedoms they possess as Americans to downgrade their country at every opportunity. We are categorically opposed to providing a forum in a public building maintained by American tax dollars for two Communist sympathizers to engage in diatribes against the United States. To show the blatant hypocrisy of the so-called free-speech advocates like Fonda and Hayden, the seminars were on an invitation-only basis, which, of course, means that anyone with a different point of view was not allowed to participate. That is about par for the course.

What makes Jane Fonda and Tom Hayden think that they are qualified to give a seminar on Vietnam? What education or practical experience do either of them have which would make them think that they are even informed on the subject?

It is one thing for Americans to criticize or question their country's foreign policy. It is quite understandable that U.S. foreign policy in Vietnam and Southeast Asia be questioned as much misinformation surrounding it and as controversial as it has been. It is another thing, however, when public facilities are used as forums to downgrade the United States by a closed panel of anti-American experts.

Having talked with Maj. Nick Rowe and having read his book, "Five Years to Freedom," about his experiences as a POW of the Communists, I cannot buy the line that all is good with the North Vietnamese regime, that their efforts are only those of a peace-loving country, and that everything is bad when it comes to the efforts of the South Vietnamese Government.

I would like to ask Ms. Fonda and Mr. Hayden when was the last time they visited South Vietnam on a factfinding mission? The truth is they have never visited South Vietnam. Why is it that these people who are supposedly so interested in finding the facts about Vietnam only travel to the North? Are they afraid of what they might find in the South that would destroy the Communist propaganda line which they are only too willing to support? Are they afraid that they will not find a police state in South Vietnam and that they might not find 200,000 "political prisoners" squeezed together in tiny cages? Are they afraid to the contrary that they might find that the entire South Vietnam prison system has a capacity of no more than 52,000 and a prison occupancy at present of not more than 44,000 of civilian prisoners of all types?

How many South Vietnamese troops are there in North Vietnam? Surely, with the time Ms. Fonda spent in North Vietnam, she knows the answer to that one; there are none. If Ms. Fonda and Mr. Hayden want to do something worthwhile, why do they not ask their "peace-loving" friends in the North Vietnam Government to help us locate those American servicemen who are still listed as missing in action, or, at least, to provide an adequate accounting of them. Why do they not ask the North Vietnamese Government to withdraw all of its troops from South Vietnam, Cambodia, and Laos and to put an end to the useless bloodshed in those countries? I have not heard Ms. Fonda or Mr. Hayden crying out in the name of humanity for the innocent women and children being shelled in Phom Penh, Cambodia, and in other cities in South Vietnam and Laos.

The truth is the Haydens and the Fondas will not be satisfied until the Communists control all of Southeast Asia.

Mr. WYMAN. Mr. Speaker, on April 2, 1973, in a speech on the floor of this body I said:

What on Earth is the matter with Jane Fonda? It was bad enough for her to go to Hanoi while the war was on and give aid and comfort to the enemy engaged in shooting and capturing Americans even while she spoke. Now back home, Miss Fonda claims our prisoner of war accounts of torture while in captivity are false and that our POW's are liars.

There is little question, but that such activity was provocatively misrepresentful in the extreme. It was also bitterly resented by men of indomitable spirit who were prisoners throughout her journeys to Hanoi and throughout her unfounded, unwarranted, and inaccurate recounting of their sufferings.

While all Americans, Miss Fonda included, enjoy the right of free speech there is a correlative duty on all U.S. citizens to exercise restraint especially when U.S. Armed Forces are fighting in honor of an American commitment. This is true whether one agrees with the commitment or not, for certainly along with the right of free speech goes the responsibility not to abuse it.

We have laws that enjoin private citizens from attempting to influence the conduct of foreign governments engaged in a dispute with the United States and when Miss Fonda traveled to North Vietnam and encouraged that nation in its hostilities against American forces, she at the very least grossly abused freedom of speech. Totally aside from the question of whether such conduct furnished "aid and comfort to an enemy," the effects of her words and conduct was to create additional human suffering for Americans.

The following excerpts from testimony by foreign American prisoners of war is relevant to an understanding of the gravity of her actions. Much of the recounted suffering could have been avoided if those who disagreed with U.S. policy in Southeast Asia had confined their opposition to the numerous chan-

nels available to those who cherish and accord with democratic traditions:

ADDED DETAIL OF TESTIMONY DURING MAY 9, 1973, HEARING BY HOUSE COMMITTEE ON INTERNAL SECURITY

The testimony of the eight witnesses was on behalf of H.R. 1594 by the Internal Security Committee Chairman, Richard H. Ichord (D–Mo.). Several identical bills have been submitted by some two dozen other Members of Congress.

Ichord opened the hearing by noting that the frequent visits of American antiwar delegations to Hanoi, the resulting propaganda broadcasts and statements, and the aid and comfort thus given the North Vietnamese showed that "present passport regulations are totally inadequate."

Ichord also stressed the fact that the hearings were not designed to determine the thresholds of pain and suffering endured by American POWs in North Vietnam but simply to receive their views about the effects antiwar visitors to the enemy camp had on the morale of U.S. servicemen both in the field and in prison camps.

Captain James Mulligan of Virginia Beach, Va., who became a POW after being shot down in 1966 testified that many prisoners were "heavily pressured, heavily threatened and some were tortured to force our appearance before visiting delegations. The North Vietnamese felt the war would be won in Washington and not on the battlefield and they thought the antiwar movement was truly representative of American thought."

Commander Edwin Shuman III, also of Virginia Beach, said the Vietnamese captors "wanted us to work for the camp and made it clear that one way we could do so was to agree to meet visiting delegations."

He said the North Vietnamese warned POWs repeatedly that they would be severely punished by the American people when they went home. "The got this idea from the antiwar delegations who convinced Hanoi that the American people were ready to overthrow their government because of the war."

Lt. Cmdr. Thomas Hall, Jr., presently assigned to the Balboa Naval hospital in San Diego, California, declared that American visitors "had a demoralizing effect on POWs" and that he lived with "many prisoners who were pressured and tortured to meet delegations. What bothered us most was not just what they (the delegations) had to say but the fact that Americans were walking around free in Hanoi while we were in prison."

Lt. Cmdr. Dave Hoffman said he was personally tortured after refusing to meet a delegation from the United States. "We were not at liberty to say what we wanted to these visitors. All of our statements were carefully programmed. Any deviation from the script led to punishment." He added that "it certainly did not help morale for a POW to see a picture of an American with a helmet on sitting on an antiaircraft battery as if shooting down a plane." He also said he was convinced that the antiwar delegations contributed to lengthening the war by giving encouragement to the Hanoi government.

Captain Larry Carrigan, USAF, who presently lives in Scottsdale, Arizona, said that during his nearly five years imprisonment he and his colleagues felt "we had a responsibility to the United States as POWs as well as fighting men to support our government's position on the war. Dissent is all right in its place but not when carried to the capital of the country with which we are fighting."

He added that in September of 1967 he met three women from the Women Strike for Peace organization and he asked them if they were communists and if they had the approval of the American government in coming to Hanoi. To both questions they answered 'no'."

He said he disputed the women's claim that American planes purposely attacked civilian targets by telling them of an experience he had had when his squadron had taken films to show that no bombs were dropped in the vicinity of a hospital. "This upset the North Vietnamese very much though the women visitors seemed to cheer our having taken such care to avoid a civilian target.

"Later the North Vietnamese came and asked me what was meant by the statement made by one of the women that I was 'a wayward individual'. When I finally was able to explain its meaning to them, they moved me to another camp and really pounded on me."

He said that hundreds of visitors came to Hanoi—many of them from communist bloc countries and many from the United States and that none of the American delegations did anything to help. "All they did was hurt us."

Hall told the Committee that he knew one POW who was given solitary confinement for a year and a half because he refused to meet an American antiwar delegation. He added that the broadcasts made over North Vietnam radio by visiting Americans "were quite subversive".

Mulligan said his refusal to meet a delegation not only led to three days of continual torture, a broken shoulder and cracked ribs but "some woman visitor from the U.S. told the North Vietnamese it would be a good idea for POWs to see the Hanoi war museum so six of us were dragged and beaten out of our cells, forcibly put on a bus and taken downtown to the museum, then dragged and beaten some more through the museum and finally returned to our prison."

Mulligan was also critical of American newsmen who came to Hanoi to write stories sympathetic to North Vietnam. "When Harrison Salisbury of the New York Times was writing his articles, he was just a few blocks away from a prison where Americans were being tortured and some of them killed."

The wives testified that they not only favored the proposed limitation on travel in the event of future conflicts in which America may become engaged but also a prohibition against organizations like the Committee of Liaison (an antiwar group) being selected by Hanoi to control all mail exchanged by POWs and their wives. They said the Committee of Liaison sent communist and antiwar propaganda long with every letter from a POW.

Mrs. Shuman said "I can never forget the hardship the Committee of Liaison caused."

Mulligan asserted that "the reason I am home today is because of our wives who fought a losing battle for a long time but finally went out in the open and forced the politicians to do something about the POWs and MIAs (Missing in Action). If our fate had been left in the hands of the antiwar politicians we would still be in prison."

Shuman said the activity of the wives and patriotic Americans who gave support to the cause of getting the POWs released greatly boosted morale of the American prisoners and hurt North Vietnam's image in world public opinion.

Mr. CARTER. Mr. Speaker, I want to take this opportunity to express my deep appreciation to our former prisoners of war for the high standards of patriotism that they maintained during the tragic conflict in Southeast Asia.

Many factors contribute to the underlying strength of a great nation, and I submit that the courage of these men has reflected and enhanced the strength of the United States. We owe them a large debt for their desire to uphold the spirit of America and for their deep conviction that our Nation and our people will continue to grow and prosper.

Service to one's country often entails unexpected and difficult sacrifices. Lincoln said:

If we do not make common cause to save the good old ship of the Union on this voyage, nobody will have a chance to pilot her on another voyage.

I believe that these words are as meaningful today as they were during the crisis of Lincoln's time, and it is clear that our former prisoners of war and those still missing in action have made painful sacrifices in the course of our Nation's long voyage.

Mr. Speaker, we must never forget the patriotic spirit of our former prisoners of war, and we must have a full accounting of all Americans missing in action. Further, we must always work together for an even greater Nation in the years to come.

Mr. CRANE. Mr. Speaker, in recent days the American people have been subjected to a campaign on the part of Jane Fonda, Tom Hayden, and a variety of activist political organizations calling for a cessation of U.S. aid to the Government of South Vietnam.

A number of reasons are given for urging an end to U.S. aid. First, expressed by Tom Hayden in an interview with Playboy magazine, is that South Vietnam is in violation of the Paris peace accords. He stated that—

The U.S. Government and its client Thieu are opposed to the agreement's political provisions, which call for democratic liberties and a free election in the south. . . . Our organization, the Indochina Peace Campaign, is demanding that the peace agreement be honored.

The Government of South Vietnam is, in addition, charged with imprisoning "202,000 political prisoners" and with being a "police state."

These are, of course, serious charges. If they were true, the position advocated by Miss Fonda, Mr. Hayden, and others would bear careful consideration. The fact is, however, that they are clearly untrue and represent only a carefully calculated propaganda campaign to discredit a government which, in the face of great difficulties, has made important strides toward a representative political system and which has adhered to the provisions of the Paris agreements.

What the apologists for the Hanoi regime overlook is the fact that the North Vietnamese Government, not the Government of South Vietnam, is in almost complete violation of the Paris accords.

Since the cease-fire went into effect, Communist terrorist acts are estimated at 8,785 incidents as of November 1, 1973, an average of 973 cases per month or 32 cases a day. Their attacks are totally indiscriminate. The chief of the New York Times' Saigon bureau, James Markham, notes that—

Viet Cong units have almost regularly been dropping mortars on several district capitals, occasionally opening fire on farmers and other civilians in government held areas, and lately attacking village and hamlet offices.

Article 7 of the Paris agreement forbids the "introduction of troops, military advisers, and military personnel, including technical military personnel—into South Vietnam." Since the day the cease-fire went into effect, the Communists have brought at least 100,000 additional North Vietnamese troops into the South, in addition to the 300,000 they had there already—adding up to more troops than they had for their 1972 offensive.

In addition to the troops, the Communists have brought in 600 tanks and 600 artillery pieces of all types and doubled their antiaircraft capabilities. They have also constructed and improved 12 airfields inside South Vietnam, have extended oil pipelines from Communist China to the northern sector of the Demilitarized Zone, and opened up a network of strategic roads coming from Cambodia and Laos.

Article 18(c) of the Paris agreement provides that the South Vietnamese Government and the Vietcong will facilitate the operation of the International Control Commission teams. Between February 28 and March 9, 1973, a total of 10 helicopters making runs for the ICCS were fired on by Communist gunners. One shooting resulted in the deaths of nine passengers and crew including four ICCS workers and, ironically, two Vietcong officials. Shellings by the Communists have caused the evacuation of an ICCS headquarters in Tri Ton, Chau Duc Province. The Communists have also prevented the ICCS from operating in four of the five Vietcong-controlled areas stipulated by the Paris Accords.

Discussing the Vietnam peace Dieter Cycon, writing in the West German newspaper, Die Welt, declared that—

> Over the past year, some 60,000 people have been killed on both sides of the cease-fire lines. This is not much less than in times of open warfare, and little better was to be expected . . . Not for a moment did the Communists consider withdrawing their troops from the supply-line regions of Cambodia and Laos as required by the terms of the treaty.

Recently, I was a member of an eight-man factfinding mission to Vietnam. This mission was headed by Ambassador John M. Allison, retired, former Assistant Secretary of State for Far Eastern Affairs, and was carried out in cooperation with the American Security Council and the Vietnamese Council on Foreign Relations. It had the full and complete cooperation of both the United States and South Vietnamese Governments.

Among the questions we dealt with was the now familiar charge that there are 202,000 political prisoners in South Vietnam.

Following the charge that the Thieu government was holding this large number of political opponents in prisons, the U.S. Embassy in Saigon undertook what it described as "an exhaustive and painstaking analysis" utilizing all available sources, including the personal knowledge of U.S. police advisers who had been on the scene until early 1973. The results of this survey was that "the total prisoner detention population in South Vietnam in the July–August 1973, period—when the check was conducted—was 35,193. This figure comprises civilian prisoners of all types, not just 'political prisoners,' however defined."

In fact, the U.S. Embassy placed the total capacity of South Vietnam's prison and detention system at 51,941 as of December 31, 1972. The total prison occupancy on that date was 43,717.

We found that the allegation that the Saigon government harbored 202,000 political prisoners was found to have originated with a well-known government opponent, Father Chan Tin, a Paris-educated priest. He heads an organization called Committee To Investigate Mistreatment of Political Prisoners—which he defines, very broadly, to include arrested Communist cadre. In his most recent statement, Father Tin lists prisons that allegedly contain many thousands more prisoners than could possibly be physically accommodated.

Concerning the equally invalid contention that South Vietnam is a "police state" we discovered that South Vietnam's 122,000-man national police force has the function of preserving law and order in both the cities and the countryside. It is a vital element in the government's efforts to provide greater safety and security against terrorist attack, kidnaping, assassination, and sabotage. We learned that leftist propaganda attacks against the police within South Vietnam tended to increase in almost direct proportion to the improvement of police efficiency and effectiveness.

Our group, which included Ambassador Elbridge Dubrow, retired, Richard W. Smith, Charles A. Stewart, Prof. Anthony Kubek, and Philip C. Clarke, concluded that—

> The struggle for South Vietnam ultimately may be decided not on the battlefield but by the false facts and wrong impressions given to Congress and the American people by anti-Vietnam propagandists.

The charges upon which those who call for a cessation of U.S. aid to South Vietnam base their appeal are false. Since the charges are not true, the policy called for by such individuals and groups is hardly consistent with the best interests of our country, of the people of South Vietnam, or peace and stability in Southeast Asia.

Why Jane Fonda and the others find nothing to object to in the brutal campaign of terror conducted against the people of South Vietnam by the Vietcong for so many years is difficult to understand. Why they have no word of criticism for the North Vietnamese who cruelly refuse to live up to the Paris agreements and release word about the Americans who are listed as missing in action is equally puzzling.

Miss Fonda, Mr. Hayden, and the others claim that they have come to Washington to lobby for a cessation of U.S. aid to South Vietnam. Those who lobby usually do so on behalf of some interest. If the interest they are representing is that of the Government of North Vietnam, they should tell us this so that we can place their statements and charges in a proper perspective. As things stand today, their irresponsible charges can only serve the purpose of North Vietnam and if this is not their intention they must face the fact that they are being gratuitously used for this end.

Mr. LANDGREBE. Mr. Speaker, more than a year after the signing of the cease-fire in Paris, we are again faced with the continuing lobbying of the so-called peace faction in the United States which feels the goals of the Communists are more significant than the goals of the United States. What upsets me the most about this continuing effort is that it quite deliberately clouds one of the most important and urgent issues of our times—the accounting of the still missing prisoners of war and missing in action in Southeast Asia. It is quite evident that the United States has more than its share of "problem makers," but there seem few who are willing to stand firm for those who valiantly fought for their country and have not been accounted for.

Any and all discussions of amnesty for draft dodgers and deserters are premature until there is a resolution of the MIA problem. It is only just that those who chose not to serve their country should remain "missing" from the American scene until the men who are still missing in Southeast Asia have been returned from their limbo.

An estimated 1,100 to 1,300 men remain prisoner of war or missing in action—among them more than 100 military and civilian prisoners of war who have not been released or accounted for. Yet, Jane Fonda and Tom Hayden are not willing to even discuss this problem. We have many men who are easily accountable and some of their stories are in chilling detail. For example, Lt. Comdr. Ronald Wayne Dodge, who was captured in North Vietnam on May 17, 1967, appeared on the cover of the Paris Match. He had a head wound and was being guarded by the North Vietnamese. A Dutch free-lance photographer identified the photo as part of a movie taken in Hanoi. Yet, Hanoi did not release Ron Dodge nor is he listed as having died in captivity. In fact, no returnee has any information on Lieutenant Commander Dodge. Yet, this picture proves beyond a shadow of a doubt that Hanoi knows what happened to him. Since Jane Fonda and Tom Hayden have such excellent contacts with Hanoi, maybe they can find out what happened to him.

S. Sgt. Donald Lee Sparks, U.S. Army, was captured by the Vietcong June 17, 1969. On April 11, 1970 Don wrote his family saying that he had not seen another American in nearly 10 months and that he was longing for a letter from his family. This letter was found on the body of a Vietcong officer, cleared by the Department of Defense as being authentic, and sent to his mother. Yet, Staff Sergeant Sparks remains unaccounted for and unreleased. Is Don still a prisoner?

Lt. Col. David Louis Hrdlicka was captured in Laos on May 18, 1965. Several months after his capture, Moscow's Pravda released a photo showing David being captured and at the same time Red China confirmed capture through a prop-

aganda broadcast. On May 22, 1966, the Pathet Lao released a tape of a letter David had written on April 24, 1966. When the POW releases took place in 1973, David Hrdlicka was not among the nine men "released by the Pathet Lao." The show in turning over these men masked the fact that all nine men had been immediately transported to Hanoi after their capture and knew nothing of Laos or the Pathet Lao. The show also masked a Pathet Lao propaganda broadcast in November 1969, stating that they held more than 158 Americans, and broadcasts heard by American POW's that more than 100 Americans were held in Laos. A brag on the part of the Pathet Lao? No way. But most likely the numbers were deliberately understated, so we would not have the complete truth. But, there is no fiction about Lieutenant Colonel Hrdlicka and many others captured in Laos. They were captured, the United States and the Pathet Laos know they were, and so do Jane Fonda, Tom Hayden, and their cohorts. Where is their lobbying effort aimed at the Southeast Asian Communists on behalf of these brave Americans?

Terry Lee Reynolds is typical of the journalists and military men captured in Cambodia. Terry's capture on April 26, 1972, was witnessed by a CBS broadcast crew not caught in the roadblock and Terry, his Australian photographer, and Cambodian driver were again seen, in August 1972, as prisoners of war and in good health. In February 1973, released ARVN POW's held by the Vietcong 75 miles north of Saigon reported that the foreign journalists were held in their camp, and in June of 1973, new information indicated Terry was still a prisoner. Walter Cronkite reported, in January 1974, that the journalists were seen again and Terry's family has had information to indicate that a release may be possible in the late spring. Yet, the "peace" faction in the United States has refused to acknowledge that more POW's are in Cambodia and also refuse to acknowledge that their comrades have deliberately held these men after the "peace."

New reports of Americans still held as prisoners continue to come in, including recent reports of men in Cambodia and small groups of Americans in North and South Vietnam. Congressman Benjamin Gilman was told that Americans were still held in San Neus, Laos; Walter Cronkite has reported on the journalists in January; released ARVN POW's told recently of two Americans they were held with in the Central Highlands. Some of these reports are more valid than others and some simply cannot be conclusively checked out. Yet, these reports and rumors will continue until the accounting is completed and there is much to make me believe that more Americans are being held in Southeast Asia.

Because Jane Fonda and Tom Hayden are citizens of this great country, they enjoy the privilege of dissent and free speech. These are privileges no longer enjoyed by 26 of my constituents in Indiana including Lt. Col. Glendon Lee Ammon, who ejected from his F-105 22 nautical miles northeast of Hanoi. Glendon was seen to have ejected and a beeper was heard from Glendon. However, because the territory was heavily entrenched with North Vietnamese, there was no search made. The family of Lieutenant Colonel Ammon and the families of the other still missing men are on "hold" waiting for a response from Southeast Asia. The draft evaders and the deserters must also be on "hold" until the fates of these fine men have been determined.

Mr. BAKER. Mr. Speaker, little more than a year ago when this country was rejoicing in the return of some of our prisoners of war from long months in North Vietnamese prison camps, Miss Jane Fonda was nominated for the worst performance of the year on the floor of the House of Representatives by one of my fellow Members. In my judgment, this recognition was richly deserved by her dogmatic insistence that they were all lying about the treatment which they received at the hands of their captors.

More recently, Miss Fonda, along with her anti-American activist husband, Tom Hayden, has devoted her time to visiting college campuses, appearing on TV shows, and other lobbying efforts. Now, Miss Fonda is entitled to her opinion in this free country. However, she apparently does not want to be confused by the facts.

On Friday, February 1, 1974, the couple had their appearance on WTTG canceled by the program director, because they refused to appear with knowledgeable persons who they feared might "challenge them." According to program director, Jane Henry Caper:

> I couldn't even consider letting them on the air with those demands. Nobody uses my show for a private forum, and nobody tyrannizes the format.

In another incident, the ABC network canceled a showing of the Dick Cavett show which featured Tom Hayden—along with three others of the Chicago Seven, for the same reason.

This poses a question for the Members of this body in connection with the use of a committee room by Jane Fonda and Tom Hayden, for the purposes of holding seminars on Vietnam and U.S. involvement there.

Many of us have often felt the networks often exhibited a bias which only presented one side of a question. Are we not guilty of the same kind of bias, at taxpayers' expense, if committee rooms are used as "a private forum" for the views of Jane Fonda and Tom Hayden? We are certainly laying ourselves open to such a charge.

If this is a worthwhile effort, perhaps we should invite someone to present another viewpoint. Perhaps it would prove of interest to listen to the comments of some of our returned prisoners. For example, Lt. Comdr. David W. Hoffman said he had been coerced into meeting with Miss Fonda and former Attorney General Ramsey Clark on the occasion of their visit to Vietnam. Miss Fonda and Clark determined on that visit that the POW's appeared to have been treated humanely and were in good health. In the words of Commander Hoffman:

> I had a broken arm. It was in a cast. I was hung by that broken arm several times and allowed to drop at the end of a rope from a table which was kicked out from under me. I reject everything I said in the conference—with Fonda and Clark.

Or we could invite Army Capt. Mark Smith who said in Los Angeles:

> What did you mean (addressing Miss Fonda) when you said "I'm speaking to the men who load the bombs. I'm speaking to the pilots. I'm speaking to all you people on the aircraft carriers. "Were you advocating that they commit acts of sabotage or just mutiny?
>
> I think that anyone who goes to a foreign country where we are involved in a conflict, and aids and abets the enemy is a traitor.

Or, in the words of Air Force Col. Quincy Collins, Jr., spoken recently in Chattanooga, Tenn.:

> The war didn't split this country. People did. People like Jane Fonda and Ramsey Clark. It is frightening to realize that such a small group of individuals was able to reach such prominence in America at the peak of the anti-war movement.

I do not believe the Congress of the United States should knowingly give a forum to such persons without challenging their statements.

Mr. McSPADDEN. Mr. Speaker, we were delighted to learn that Jane Fonda and her staff are no longer housed in the Longworth House Office Building. Ms. Fonda, in her zeal against the unpopular war in the Far East, was conducting "classes" on "American Imperialism" assisted by some persons, in a House office building complex. Testimony and documents revealed today by former prisoners of war have fully indicated that Ms. Fonda's statements in North Vietnam had a demoralizing effect on them. I dislike her actions and the reactions on the POW's.

Since July of 1973, I, as cochairman of the Congressional Rural Caucus, and my 21 colleagues of the Rural Caucus, have been trying to find office space for the staff of CRC. The CRC represents 16 States and 10 million people and is concerned basically with the orderly growth of rural America, not "American Imperialism."

The logic of assigning a room to a group teaching the evils of "American Imperialism" while a group of dedicated Congressmen concerned with the orderly growth and development of America goes begging completely loses me.

Not to detract from the seriousness of the above, but in desperation I have even attempted to get a fourth floor men's room in the Longworth Building for CRC space.

Mr. DERWINSKI. Mr. Speaker, at the onset, may I commend my colleague, BILL DICKINSON, for taking a special order this afternoon to discuss the radical propaganda escapades of Jane Fonda and Tom Hayden.

There is no doubt that her propaganda activities during the Vietnam conflict, especially when she performed for Communist propaganda purposes in North Vietnam, had a demoralizing effect on U.S. prisoners of war.

At a time when we must still be concerned with those missing in action, a number of whom are possibly held cap-

tive in North Vietnam, the performance of these two spokesmen for the North Vietnamese Communist Government is most unfortunate.

Mr. and Mrs. Hayden have been associated with so many anti-American causes over the years that the public is no longer outraged at their radical affiliations.

We should not forget their direct support for enemy propaganda throughout the period when the North Vietnamese were abusing U.S. POW's and parading them for visiting delegations.

We should continue to demand the necessary cooperation from the North Vietnamese so that there is a complete accounting for the MIA's and release of those that may still be held by the Communists.

The Haydens would perform a positive task for our country if they would use their influence with the North Vietnamese Communist regime to permit our special teams to check all leads which would permit accounting of our MIA's rather than continue their abuse of freedom of speech as they peddle propaganda on college campuses and through media outlets.

Mr. KEMP. Mr. Speaker, I oppose the use of congressional meeting rooms—built and maintained by the tax dollars of our people—for use as a forum for the espousal of views as essentially un-American as those espoused by Jane Fonda and her couterie.

I do not question Jane Fonda's right to proclaim her views. That is a right guaranteed under our Constitution and Bill of Rights to every American, irrespective of persuasion. But, I do question—and I condemn—the use of taxpayers' facilities to provide her a public platform to proclaim those views.

There is a right way and a wrong way to do anything. I think it was an indiscretion that the use of a committee meeting room was chosen by Jane Fonda and those who support her and her causes.

The intensity of my feelings is, however, mitigated by one sure fact: America and its institutions will long survive Jane Fonda and her causes. On that I have no question.

Mr. RARICK. Mr. Speaker, I compliment the gentleman from Alabama (Mr. DICKINSON) for reserving this time so that we may direct public attention to this latest mockery of American people.

I am certain that the other Members were as shocked as I was to learn that the American taxpayers have been subsidizing the activities of the North Vietnam lobby on Capitol Hill.

The recent 3-week "seminar" to instruct congressional staff personnel in "American imperialism" in Vietnam was conducted at taxpayers' expense. I am sure that the total expense to heat, light, and maintain the subcommittee room used for these seminars in the totalitarian benefits of North Vietnam brand Communism was not great when compared to the millions of dollars wasted every day by the Federal Government. However, as a symbolic gesture, this misuse of Government funds and facilities is a slap in the face of every American.

Oddly enough, there was a virtual news blackout of the event. Of 12 daily newspapers I checked, only one, the Washington Evening Star, carried the story, and then as an "Opinion Column." This benign neglect by the news media may account for the lack of general public outrage at this affront.

On February 8, I inserted the newspaper account of the Fonda-Hayden lobby duo's use of Government property to further the aims of Communist North Vietnam into the CONGRESSIONAL RECORD—page 2886—because I felt that it deserved much more attention than it had been given. The American taxpayers have the right to know how their money is being used.

The American people have indicated time and again that they do not want their tax money being used to provide aid to North Vietnam. The response I received from those brief remarks in the CONGRESSIONAL RECORD indicates to me that our people still do not wish to kiss and make up with the Communist government of North Vietnam, which continues to wage war against our South Vietnamese allies.

Veterans groups in several States have been quite vocal in their opposition to rolling out the red carpet to Mr. Hayden and Ms. Fonda. Several prestigious newspapers have editorialized against this "gross misuse" of taxes. I insert the related editorial from the Los Angeles Herald-Examiner, March 7, following my remarks. Correspondence from concerned citizens expressing their outrage at this being allowed to happen continues to come into my office daily.

Hayden was quoted in the Star story as saying:

> The situation has changed. It calls for new tactics. Now a majority of the people are on our side about Vietnam.

I question who the "majority of the people" he refers to are. They are certainly not the American people.

The editorial follows:

GROSS MISUSE

Rep. John R. Rarick (D-La.) discloses that U.S. taxpayers have been subsidizing the activities of a North Vietnam lobby on Capitol Hill.

For three weeks, says Rarick, a subcommittee room was turned into a meeting place for a "seminar" conducted by the self-appointed North Vietnam lobby.

Tom Hayden, a founder of Students for a Democratic Society (SDS), who gained national notoriety as a member of the "Chicago Seven," instructed 60 salaried congressional staff personnel in the "totalitarian benefits of North Vietnam brand communism," charges Congressman Rarick. Accompanying Hayden in his teach-in and lobbying rounds of congressional offices was his wife, Jane Fonda, whose sympathies for North Vietnamese Communists are well known.

The purpose of the seminar was to instruct House staff members in the facts of life about American involvement in Vietnam. Assuredly, these "facts" came from Miss Fonda's first-hand knowledge of the situation, gathered during her much publicized trip to Hanoi as a guest of the North Vietnamese government.

Arrangement for the subcommittee room for the Haydens was made by Rep. ———. Use of a taxpayer-owned facility, which is heated, lighted and maintained with tax money, to propagandize congressional personnel—whose salaries are paid for with tax money—is outrageous. It is an insult to every veteran who fought in the rice paddies of Vietnam, and to every taxpayer who doesn't want his money used to aid North Vietnam.

Protesting this misuse of government facilities for lobbying purposes, the Louisiana congressman says, "It is a blatant affront to the American people, who have indicated time and again that they do not want their money used to aid and comfort the country which just one year ago, was killing American soldiers and continues to murder our South Vietnamese allies, in spite of 'peace with honor.'"

We agree.

WHAT IS EATING AMERICANS—AND WHY

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

Mr. HEINZ. Mr. Speaker, certain recent national polls revealed that the public's level of confidence in Congress has sunk to an all-time low. While I would argue that such figures really represent a vague, hard-to-define Government rather than Congress in particular in most peoples' minds, I think such information should give all of us in the Congress ample reason to reflect on just what is eating the American people these days and why.

Several things leap to mind almost immediately:

A wage and price control policy that keeps wages locked in to 5.5 percent but allows prices and the cost of living to soar twice and three times that figure;

The price of bread at nearly 60 cents a loaf on one hand while on the other are Russian wheat deals and the Agriculture Department telling us not to worry, a bumper crop is due despite admissions of a fertilizer shortage;

A seeming shortage of oil but certainly no shortage of profits for the oil companies;

A minimum wage so low that people on welfare make more than the man who works for his pay;

A law we passed more than a year ago which made a promise to keep our senior citizens on social security at least even with the cost of living and that we have failed to deliver on;

The impossibility of the middle-income worker to save enough money to give his children a decent education yet facing a Government loan program that he fails to qualify for because he earns "too much";

A President, allegedly dedicated to tax reform, who then pays less than the guy who works hard for his $10,000 to $12,000 a year, and a Congress which simply will not act on the matter.

These absurdities and contradictions have been with us a long, long time, but only lately have they touched off recognition among people that even though things have supposedly never been better, their standard of living has gone down and they want to know why. People

do not like it. They should not and I do not blame them for being frustrated, disillusioned, and disgusted.

Americans see ever-increasing food prices take away those few dollars that might have been used for the dentist. The 60 cents a gallon they have to pay for gas could well make the difference between another mending job on their child's pants rather than a new pair he needs. And a vacation this summer for the family? Well, what with the threat of no gas the realism of no money, forget it.

In case any of my colleagues doubt it is possible to be poor on $12,000 a year these days, and the anxieties and discontent such a situation can cause, I would like to insert the following letter received from a constituent of mine. It says it all, in a way probably none of us ever could say it, and I have it reprinted in its entirety:

DEAR JOHN: I've decided to call you John because I'm about to reveal some rather personal things about me and my family. It seems to be the best way to make you understand how I feel.

First of all, I've never written to a public official before. As a matter of fact, I probably wouldn't be writing this, except that I'm getting desperate. To tell you the truth, I really don't have much faith in politicians—I don't believe in the tooth fairy, either. Come to think of it, I don't believe in much, outside of God, myself, and my family. I see your main redeeming feature in the fact that you'd probably be making ketchup rather than political decisions if money was your main objective, so here goes.

This letter was conceived in the A & P Store last Saturday when the cashier gave me the bad news—$71.83 for two weeks of food. That doesn't include bread, milk and lunchmeat which probably works out to at least another $15. The $71.83 consists entirely of absolute necessities—no pop, cookies, or snacks of any kind. Okay, I admit it—my big splurge was a steak which cost $3.46.

My husband, Gary, and I are 28. We have two daughters—Susie, five years, and Sondy, five months. We've been married eight years. Gar's a radar technician on a Nike site and I'm a housewife, and up until the past year or so, we've gotten along very nicely financially. Gary gets raises pretty regularly, but all of a sudden we seem to be living beyond our means. Our monthly income is $662. Our bills are as follows: mortgage, $146; carpet, payment, $24; electricity, $14; combined garbage, sewage and water, $12; gas, $20; combined insurance, $36; telephone, $14; food, $170; gasoline, $36, and bus transportation for my daughter to go to public kindergarten, $15. That gives us a grand total of $494.

In addition, we still owe Sears $140 from Christmas. Gary gets $50 a month for his personal expenses. And our big extravagance is a bowling league we belong to which costs $14 every other Saturday or $28 a month. If we pay Sears $30 a month and the pediatrician $20 (we owe him $65) that's another $128. That brings our total to $622. That includes no clothing allowance. We're long overdue for a check-up at the dentist, we need four new tires, our new license for the car, and we owe the crummy township $30 from last year's wage tax.

Please don't think I'm crying in my beer. I guarantee you we'll get to the dentist, we'll buy our new tires, and we'll pay the township. But it hit me like a ton of bricks when I realized that we're the average family—look how many people are in worse shape all of a sudden. Why?

We had an income of $11,894.71 last year. We paid $1,087.24 in income tax to the Federal government. When I turn on the news and hear some of the tricks Nixon's pulling, it boggles my mind. How can we let it happen? I resent paying 53-cents for a loaf of bread when we were so generous with the Russian wheat deal.

Look, I didn't mean this to be another average letter from another average housewife complaining about the average American problems. But it's hard to avoid. Tell me why us good old Americans can't take care of our own first. Tell me how to get a bill passed so that Americans pay a flat 7 or 8 per cent income tax with no deductions. Tell me why the rich keep getting richer. I'm really disgusted. I used to feel a good deal of pride in being American. I'm now fed up with having every nation in the world use me.

Getting back to my personal problems, as you know, the Nike sites in the Pittsburgh area are closing down. As I'm sure you can imagine, six years experience as a radar technician isn't exactly applicable to anything else. The government will offer Gary another job with the National Guard somewhere else, but how could he buy another house with a $146 mortgage payment? So, if we did move, we'll be worse off. So, Gary's big dream is to get a job in the new Bulk Mail Center in Wexford. If you can tell me how he might be able to manage that, please let me know. But, like I said, John, I don't believe in the tooth fairy.

Of course, I can go to work. But you see, we're very methodical people. I was a secretary when we got married. I worked for three years to save for a down payment on this house. We had our first child and didn't have our second intentionally for five years so that we won't have two kids in college at the same time. And we had two kids because we truly wanted two kids, to raise and love and educate to the best of our ability. We won't have any more because we can't afford anymore and we feel our kids deserve as much of our individual attention as possible.

Believe me, I'd very much enjoy working. Being a housewife just don't fill the bill when it comes to improving the mind. And I'll be very eager to go back to work when my baby is in first grade. But these next five years of my life belong to her. And if I must leave her with some 65-year-old babysitter and go to work, who am I going to blame? By the way, I have every confidence that my husband will find some kind of a job, probably making as much as he does now. So if I have to go to work, it's the cost of living that's responsible. And who can I resent but the government?

Oh, another thing I'd like to mention. I have a very close friend working for the County. Are you aware of how much money he's forced to "contribute" every year to keep his job? But, he feels it's part of the job and you just dish it out when they tell you how much. I feel it's blackmail. Just one more segment of good old American democracy.

Well, John, that pretty well sums up how I feel. I hope you at least read my letter. (Gary tells me some secretary will dispose of it for you.) I really don't expect you to do anything to change the world, and I'm certainly not blaming you for any of this. So don't write back telling me about pending legislation or that Nixon's really a good guy—he belongs in jail. But, I realize worldwide repercussions could result if he were impeached, so, once again, grin and bear it.

There's one very important thing you can do for me. You can tell me how to have faith in this vast and awe-inspiring nation. I need something to believe in. I'd love to feel that twinge of pride again when I think about being American. How do I get it, John?

Sincerely,

CONNIE WATENPOOL.

ENERGY ANALYSIS—DIMENSIONS OF THE PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, the energy problem is the single most important issue in America today. Before this decade has passed, our energy deployment capabilities—or the lack of them—will supersede all other political, economic, and environmental issues.

Recent trends indicate that we could have an energy gap of as much as 30 percent by the mid 1980's, and an energy catastrophe by the end of the century, if we do not act now to confront this problem.

What would America be like if power shortages of this magnitude developed without the option of alternate energy sources? The scenario is not pleasant to contemplate. At first, gas and oil prices would increase, causing inconvenience to many and hardship to some. Reductions in voltage to home and industrial users would be annoying at first, and drastic in the final stages. Use of luxury appliances such as air conditioners would be curtailed. Heating would also have to be dramatically cut back. After a while, our concern about convenience would be overcome by an overwhelming concern for essentials. Gas and oil would be rationed, mass public transportation and carpooling would be required, and pleasure driving would be a thing of the past. Lowered auto driving would force drastic cutbacks in the auto industry, and other industries would be severely affected. The domino effect of plant shutdowns and mass layoffs would come into play. Legislation would become necessary to restrict gasoline use to only the most essential activity. Even farm production would suffer, although protected initially by a priority fuel allocation system. Transportation of farm products to the market would be disrupted, and farmers would soon face difficulties in obtaining needed supplies, such as fertilizer. Costs would spiral, resulting in increased Government control of wages and prices. As the situation worsens, decisions would be made that would undercut our economic and social freedom. Gone would be our concern for the ideals of democracy. Survival would be the key issue. Controls and regulations would become inherent in our everyday life, leading to nothing short of industrial martial law.

In some respects, the Arab oil embargo has probably been a good thing for us. It produced a microcosm of the conditions I described above. We have had, and will continue to have, higher prices for gas and oil. We have narrowly averted gasoline rationing, for the time being. We have had mandatory fuel allocations to distribute available fuel supplies. We have had lines, layoffs, shortages, and violence. We have been able to get a glimpse of the future while there is still time to do something positive about it. If we fail to act now to lessen our dependence on petroleum products and to

develop viable energy alternatives, we will surely be the architects of our own national economic disaster.

If you doubt the validity of this projection, pause to reflect just for a moment on our individual and national dependence on energy. Can you think of any aspect of your life that does not depend on energy? Your body runs on power derived from food, the production of which is dependent upon energy—from every aspect from fertilizer production to processing foods. How do you heat your home in winter, or cool it in summer? How do you see at night? How do you keep perishable foods safe for consumption? How do you travel? What supports the agricultural and industrial systems of the United States? What, in fact, forms the basis of our standard of living? The answer is simple. Power.

The ability to produce this power in the United States depends on fuel resources that are dwindling at an alarming rate. At the same time, demand is growing every year.

The reality of our energy problem cannot be denied. You cannot deny the fact that exploration for oil has been decreasing since 1956. You cannot deny the fact that domestic refinery production capacity peaked in 1970. You cannot deny the fact that coal production has been depressed for years and is only now starting to make a comeback. You cannot deny the fact that we should have started a vigorous nuclear fusion and synthetic fuel program 20 years ago.

The following table prepared by the U.S. Department of the Interior illustrates the increase in U.S. consumption of energy resources:

TABLE 1.—U.S. CONSUMPTION OF ENERGY RESOURCES BY MAJOR SOURCES

Source	10^{15} Btu		
	1950	1960	1970
Petroleum	13.489	20.067	29.614
Natural gas	6.150	12.699	22.029
Coal	12.913	10.140	12.922
Hydro	1.440	1.657	2.650
Nuclear		.006	.229
Total primary energy	33.992	44.569	67.444

Source: U.S. Department of the Interior, "United States Energy Through the Year 2000," December 1972.

The Interior Department has also prepared a projection on our anticipated energy shortfall, which will have to be filled with increasingly costly foreign imports:

TABLE 2.—U.S. ENERGY SHORTFALL[1]

Domestic supply	10^{15} Btu				
	1971	1975	1980	1985	2000
Natural gas	21.810	22.640	22.960	22.510	22.850
Petroleum	22.569	22.130	23.770	23.600	21.220
Coal	12.560	13.825	16.140	21.470	31.360
Hydro	2.833	3.570	3.990	4.320	5.950
Nuclear	.391	4.560	6.720	11.750	49.230
Total	60.163	64.725	73.580	83.650	130.610
Domestic consumption	68.728	80.265	96.020	116.630	191.900
Shortfall to be satisfied by imports	8.656	15.540	22.44	32.980	61.290

[1] Source: U.S. Department of the Interior, "United States Energy Through the Year 2000" December 1972.

Some people discount the reality of the crisis. They say that any "crisis" that developed so rapidly would have to have been contrived. The fact is that the crisis has been building for many years. Scientists from the Government and industry have been warning of impending fuel shortages for years. It seems we had the knowledge of the inevitable power default. but not the sense of urgency required to avert it.

Rather than recognize the role that each of us, as individuals, have contributed to this state of affairs, some have chosen instead to pursue scapegoats on which to pin the blame for the Nation's energy problems.

The oil companies have been blamed for conspiring together to create the crisis by some, and blamed for not conspiring enough to avert the crisis by others. The Government is castigated for its role in placing restrictions on the importation of foreign oil, and then alternately condemned for premitting "cheap' foreign imports to fill our energy gap. Let us look at this problem a little more closely. If we had not had oil import quotas, we would now be importing more than we do presently, and would be in a far more vulnerable position in the international strategy of oil brinksmanship. If we had instituted a 100 percent restriction against imported oil, we would now be further along than 50 percent in the depletion of our oil reserves, and we would undoubtedly be paying a higher price for gasoline. In this case, it seems we really could not win either way.

The Federal Power Commission has come under fire for depressing the price of natural gas in interstate sales. It is maintained that these low prices have caused utilities to switch to gas from coal because it was cheaper. The coal industry then declined, but the gas industry did not earn enough profits to explore extensively for new gas fields. If the prices had not been set, would our consumption patterns have been altered that significantly? Economic analysis maintain that the price elasticity factor for energy is .2—which means that the price would have to increase by 10 percent to decrease demand by 2 percent. Would this decrease in consumption have been enough to offset demand for natural gas? Back in the 1940's our gas consumption was rising at a rate of 6 percent per year and at that time, we had consumed less than 10 percent of nature's gas legacy. Today, our consumption is rising at a rate of over 7 percent per year, and we use three times as much gas as 20 years ago. The impending gas gap is due partially to the Federal Power Commission's pricing structures, partially to upgraded air quality standards which increased reliance on this cheap and clean fuel source, but mostly to increasing millions of Americans who double their energy consumption every 10 years.

The utilities have come under fire for promoting power consumption and luring the public into a false sense of complacency about our energy reserves. Did they do this? Or did they simply respond to the public's demand for greater goods and services? When they responded to this demand, they stimulated the growth of new industries and their related employment opportunities. The consumer has to recognize his role in this particular energy equation because energy deployment and economic growth are two sides of the same coin.

A lot of people are blaming the environmentalists for our energy problems, charging that the Federal Government capitulated to a short-sighted segment of the environmental movement in permitting the delay of the Alaska pipeline, atomic powerplants, refineries and pipelines, and so forth. I do not believe the Government capitulated to anyone. It simply recognized the fact that environmental degradation was a cost that had to be counted into the prospectus of our energy industry, instead of being blithely ignored. These costs are too large to be ignored or discounted. The current cost of air pollution related sickness and premature death is about $6 billion a year, which includes only medical costs and loss of work. Damage of crops and materials amounts to another $5 billion per year, and depression of property values as a result of pollution adds another $5 billion annually. Current estimates indicate $15 billion will have to be spent over the next 5 years to halt pollution. This represents a benefit-to-cost ratio of at least 5 to 1. Reflect for a moment, too, on the fact that the cost of air pollution surpasses our annual budget outlays for fusion research by at least 200 to 1.

One cannot blame the environmentalists for wanting to halt this tragic waste of money, resources and life. One might conceivably blame them for their sense of timing, and I fear that many worthwhile ecological goals might fall victim to energy expediency if our fuel shortages become protracted or intensified.

I am convinced that we can successfully coordinate environmental objectives and energy development. Concessions will have to be made on both sides, and a lot of effort and good will is required. If we could develop an effective standardization program for nuclear powerplants, we could allay the fears of many of our citizens who view the construction of such a facility in their communities as a nuclear threat. This standardization program could also facilitate our siting and licensing procedure to avoid costly delays. At the present time, we literally invent the wheel over and over again every time we require the same type of nuclear powerplant to go through the same exhaustive siting and licensing review procedure. The delays resulting from this present program have literally put us behind the power curve in nuclear energy. In the field of other energy resources, preplanning of reclamation, restoration and pollution control will dispel fears about desecration of the land and fouling of the air and water. This preplanning pays dividends to industry in time savings, by avoiding delays through court challenges over environmental impact, and in the long run, saves money, too.

As we analyze the energy crisis, it is clear that what we actually are con-

fronting is a "petrocrisis." In this sense, our energy gap began the day the first barrel of oil was produced. This is because we then began to draw down on nature's inventory of fossil fuel. Once the supply is gone, it is gone forever.

Why can't we create fossil fuels?

Approximately 300 million years ago the geological processes that resulted in oil, gas, and coal formations were at their height. Nature still forms the fossil fuels, but at a formation rate 1 million times slower than man's consumption rate. This imperceptably slow formation rate classifies fossil fuels as nonrenewable.

We consume in a year what it took nature over a million years to create. In the time it takes to read this sentence, we have consumed what nature took the better part of a year to create.

Nuclear fuels are also finite—the present reserves are our finite energy bank. The success of our nuclear fusion program could expand the potential of these reserves into a billion year energy supply.

There are, of course, eternal power sources: sunshine, wind, tides, and flowing water. These sources, if tapped, would yield their energy as electricity. The most powerful but most unobtainable of the eternal energy sources is sunshine; the one most easily harnessed is flowing water—hydroelectric power. Theoretically, every energy need in the United States could be met by electrical power. This would require 2 trillion watts of power generation. Hydroelectric power potential is only about 5 percent of this figure. Thus, we have expanded in numbers and living standard far beyond the capacity of our most accessible and renewable energy source to sustain us even in the present.

What is the probable lifespan of our U.S. energy resources? Gas could last 40 years at the 1970 consumption rate, and less than 30 years at present rates. Oil could last 20 years at the 1970 consumption rate, and less than 15 years at the present rate. Coal could last 200 to 300 years if used to synthesize oil and gas at the present growth rates. Uranium could last 100 to 1,000 years after the breeder reactor is on-stream by the year 2000 or 2020 for a 6 trillion watt economy. Deuterium could last over a billion years if we could develop controlled thermonuclear fusion reactors. These figures, however, cannot fully take into account the rate of acquisition and deployment of energy from these and other sources. The employment of energy by U.S. industry is growing faster than the population. This is an index of our rising standard of living. In 1970, our growth rate was 1.1 percent while energy rate of growth was 7 percent.

To maintain this 7-percent growth rate will require a doubling of energy output in about 10 years. With a doubling time of 10 years, by 2000 we would be using 8 times as much energy as in 1970.

This compound rate cannot be maintained indefinitely. The future portends a trade-off—a massive power default or a massive population reduction or both. This trade-off can only be averted by the successful development of alternate energy sources, the most promising of which are coal for medium term needs, and thermonuclear fusion for long-term energy needs.

If we do not meet the energy challenge by developing a massive research and development effort, guided by farsighted Government and industry planning, we will not be able to close the energy gap in time to avert a shutdown of American industry, and with that, a collapse of our way of life and loss of our national independence.

JANE FONDA "AMERICAN IMPERIALISM" COURSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARCHER) is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, I totally share my colleagues' outrage at the gross misuse of congressional facilities in recent weeks by Jane Fonda and her husband Tom Hayden.

The right of dissent is one of the most sacred of American ideals, and I most certainly would not take that right from any American, regardless of whether or not I share his views. What I protest most strongly is the use of facilities paid for by the taxpayers of this country as a forum for lobbying activity by extremists.

A number of those taxpayers, residents of my district, have written to me in disbelief, astounded that the Congress of the United States would allow this to happen.

We have all read the accounts by former prisoners of war concerning the harmful effects of Ms. Fonda's work on their own captivity. And what of those still missing in action for whom there has been no total accounting? The Communist leaders in Hanoi must be laughing out loud at the propaganda fodder that this Congress has given them by allowing its facilities to be used for a course on "American imperialism."

While we cannot go back and undo what has been done, we can and must guarantee the taxpayers of this country that the seat of their Government will not be the target of abuse for those who would tear it down.

I can promise this House of Representatives that if any member of my staff had been among the 60 congressional aides allegedly registered for that course he would not be a member of my staff today.

AMENDMENTS TO H.R. 69

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 5 minutes.

Mr. SYMMS. Mr. Speaker the following amendments to H.R. 69 will be offered by myself and other Members:

AMENDMENT TO H.R. 69, AS REPORTED

Page 82, strike out line 1 through line 13, and insert in lieu thereof the following:

(b) The second sentence of section 301 (b) of the Act is amended by inserting immediately after "succeeding fiscal years" the following: 'ending prior to July 1, 1974".

AMENDMENT TO H.R. 69, AS REPORTED

Page 131, immediately after line 15, insert the following new section:

LIMITATION ON AVAILABILITY OF CERTAIN FUNDS

SEC. 906. Section 303 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Funds appropriated pursuant to section 301 shall be available only for the support of programs or projects designed to assist in the cognitive development of students, as opposed to their social development or behaviorial modification.".

AMENDMENT TO H.R. 69, AS REPORTED

Page 131, immediately after line 15, insert the following new section:

AMENDMENT OF TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 906. Title X of the Act, as redesignated by section 201(a) of this Act, is amended by adding at the end thereof the following new section:

"PROTECTION OF PUPIL RIGHTS

"SEC. 1010. Nothing in this Act, or in title I of the Elementary and Secondary Education Act of 1965, shall be construed or applied in such a manner as to infringe upon or usurp the moral or legal rights or responsibilities of parents or guardians with respect to the moral, emotional, or physical development of their children.".

AMENDMENT TO H.R. 69, AS REPORTED

Page 131, immediately after line 15, insert the following new section:

AMENDMENT OF TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 906. Title X of the Act, as redesignated by section 201(a) of this Act, is amended by adding at the end thereof the following new section:

"PROTECTION OF PUPIL RIGHTS

"SEC. 1010. Nothing in this Act, or in title I of the Elementary and Secondary Education Act of 1965, shall be construed or applied in such a way as to authorize the participation or use of any child in any research or experimentation program or project, or in any pilot project, without the prior, informed, written consent of the parents or legal guardians of such child. All instructional material, including teachers' manuals, films, tapes, or other supplementary instructional materials which will be used in connection with any such program or project shall be available for review by the parents or guardians upon verified request prior to a child's being enrolled or participating in such program or project. As used in this section, 'research or experimentation program or project, or pilot project' means any program or project designed to explore or develop new or unproven teaching methods or techniques.".

AMENDMENT TO H.R. 69, AS REPORTED

Page 131, immediately after line 15, insert the following new section:

AMENDMENT OF TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 906. Title X of the Act, as redesignated by section 201(a) of this Act, is amended by adding at the end thereof the following new section:

"PROTECTION OF PUPIL RIGHTS

"SEC. 1010. No program shall be assisted under this Act, or under title I of the Elementary and Secondary Education Act of 1965, under which teachers or other school employees, or other persons brought into the school, use psychotherapy techniques such as group therapy or sensitivity training. As

used in this section, group therapy and sensitivity training mean group processes where the student's intimate and personal feelings, emotions, values, or beliefs are openly exposed to the group or where emotions, feelings, or attitudes are directed by one or more members of the group toward another member of the group or where roles are assigned to pupils for the purpose of classifying, controlling, or predicting behavior.".

I move that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

REPEAL OF BYRD AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, in regard to the repeal of the infamous Byrd amendment under which the United States is violating its international legal obligations, namely United Nations sanctions against the illegal Smith regime in Southern Rhodesia, I would like to insert for the thoughtful attention of my colleagues the list of the U.S. firms which are lobbying against the repeal of the Byrd amendment. The list follows:

Andrews Sales Company, Saginaw, Michigan.
Applied Engineering Company, Inc., Orangeburg, S.C.
Associated Steel Company of Houston, Houston, Texas.
John A. Biewer Co., Inc., St. Clair, Michigan.
Brown Manufacturing Company, Oklahoma City, Oklahoma.
Buckeye Steel Castings, Columbus, Ohio.
The Feldspar Corporation, Spruce Pine, N.C.
Inca Metal Products Corporation, Carrollton, Texas.
Long Foods, Inc., Newmarket, Virginia.
McJunkin Corporation, Charleston, West Virginia.
Nordlie, Inc., Detroit, Michigan.
Schilling Trane Air Conditioning Company, Indianapolis, Ind.
Silvey Companies, Columbia, Missouri.
Socar, Inc., Florence, S.C.
South Florida Growers Association, Inc., Goulds, Florida.
Southern Alloy Corporation, Sylacauga, Alabama.
Werber Insurance Agency, Bethesda, Maryland.
Central Wood Preserving, Inc., formerly: The Central Creosoting Company, Inc., Slaughter, Louisiana.
Electro-Coatings, Inc., Moraga, California.
Quality Wood Preservers Society, Inc., College Park, Georgia.

LABOR—FAIR WEATHER FRIEND—XI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, last week I spent some time wondering about how an old acquaintance like Paul Montemayor could stand idly by while I was being unfairly attacked by an organization in which he is a board member. I have thought about this a great deal, because Paul is an old friend of mine.

When the Labor Council for Latin American Advancement attacked me, it did not have a meeting for that purpose. Probably only two or three members of the board even knew what was going on. I do not know what role Paul had, or if he was even aware of the attack. But despite the fact that most of the LCLAA board members undoubtedly had no idea of what had happened, or much less approved it, the attack was given credence and legitimacy by the AFL–CIO's house organ, which did not care whether the charges made against me were true or false—all they cared was reporting what had happened, or what they thought had happened.

But my old friend Paul has never lifted a finger to correct that attack, even though he knows it is false. He has never called me, written me, or anything else in an effort to learn what the facts are. Yet he knows what happened and knows that he has an obligation to defend the truth.

And the truth is that I am a friend of labor.

Paul Montemayor remembers well how, after I was elected to Congress, it was hard to find an elected official who was willing to identify with organized labor. He asked me to come down to his hometown of Corpus Christi to address a meeting of his local, and I did so gladly. It was not in my district, but I was willing to go, because it seemed important to Paul to have an elected official there. I went out of my way to help then, as I did many other times.

Paul Montemayor has always been privately friendly toward me. He has always, up until now, come around to assure me that he is my friend—always privately.

But I have noticed that Paul is a member of a number of organizations that have not been friendly toward me. That is his affair. He knows my feelings about these organizations. Yet, it has always been striking to me that Paul has been willing to be a private friend, while doing little or nothing to defend me against those antagonists with whom he associates in public.

Maybe that is the key to this situation. I do not expect, after all these years, for Paul Montemayor to defend me against those enemies that I do have in the Labor Council for Latin American Advancement. There is no sign that he has done this in any other organization, so there is no reason for him to start doing so now.

I do not really expect Paul to be my defender. I have not asked him to do that. And it certainly is not his style. Being a defender of mine might endanger Paul's personal ambitions, whatever they may be. His actions in my behalf might get him hard looks, or adverse actions by his friends on one board or another. And that is his business. If he wants to be a private friend, that is all right with me.

But friend or foe, I expect Paul and those associated with him to speak the truth. The Labor Council for Latin American Advancement has lied about me and mistreated me and allowed its name to be used falsely and probably illegally. Those fellows might not care about me, but they ought to care about the abuse of their organization, and do something about it.

Paul is a man who tells me privately that he stands for what is good and right and honest. This business is a fair test of his sincerity. If his organization has issued a lie, and he believes in telling the truth, I think he ought to actively seek to expunge the lie and establish the truth, and assure that such abuses do not happen again.

Paul has always told me that I am a friend of labor, and if he really meant that, it surely seems that he would be saying so now.

But unhappily I do not see Paul anywhere today, and I do not hear from him either. There is some truth that needs to be spoken, and he is one to speak it. But, Paul, "no te oigo—" I do not hear you.

NATIONAL EMPLOYMENT PRIORITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

Mr. FORD. Mr. Speaker, today I am introducing the National Employment Priorities Act, a bill to provide assistance to workers, businesses, and communities adversely affected by the arbitrary and unnecessary closings or relocations of industrial plants and other business and agricultural concerns.

This legislation is based on the premise that such closings and transfers may cause irreparable harm—both economic and social—to workers, to communities, and to the Nation.

During the past two decades, we have had firsthand experience with the kinds of problems created by plant closings within my own State of Michigan, which has lost at least 75 plants, and the problem seems to be getting worse. We lost nine plants in 1972 alone.

In most cases, when the plants close down and move away, they leave hundreds of unemployed workers in their wake. This not only creates a tremendous amount of human suffering, but it also has a severe economic impact on the community. One recent example is the city of Wayne in my own congressional district which became a victim in 1972. In that year the Gar Wood plant, with very little advance notice, moved away and left behind 600 unemployed workers.

There have been several other occurrences in and around my district. The city of Lincoln Park, which adjoins my district, had a similar experience with the Wolverine Tube Co.

In 1971, the Federal Mogul Co. in Detroit signed a contract with the United Auto Workers, and 6 months later announced that it was moving to Alabama—"not because we are not making in Detroit, but because we can make more money in Alabama." Recently the Huck Co. moved its operations to Texas, and a few years earlier, the Detroit Macoid Co. moved away leaving 200 unemployed workers behind.

Mr. Speaker, these are just some examples in my State. The General Subcommittee on Labor, in the course of its field hearings on welfare and pension

plan legislation, heard similar stories from all over the country.

The Subcommittee on Agricultural Labor, which I chair, observed very recently a near catastrophic problem presently confronting the State of Hawaii because of the runaway pineapple industry. Hawaii is now faced with a shutdown of almost its entire pineapple industry because big corporate giants, such as Dole and Del Monte, have decided that it would be more profitable to grow and process pineapples elsewhere, such as Taiwan and the Philippines. The number of workers expected to lose their jobs by these moves have been estimated as high as 15,000—thousands more people are expected to be affected indirectly. The runaway pineapple industry problem in Hawaii will virtually paralyze one island—Molokai—whose economy is wholly dependent upon the pineapple industry.

Mr. Speaker, again, these are mere illustrations of the kinds of problems which can be found in nearly every State in the country.

The National Employment Priorities Act is designed both to prevent these problems and to aid the victims when the problem cannot be avoided.

Briefly, the bill would establish a National Employment Relocation Administration—NERA—to investigate and report on the economic justification for a plant closing or the transfer of an agricultural or business enterprise upon request of 10 percent of the employees or a collective bargaining representative. Based upon the recommendations of the NERA, the bill would authorize adjustment assistance to employees affected by relocations; assistance through grants and loans to communities that suffer substantial unemployment as the result of plant closings or relocations; or technical and financial assistance to business and agricultural concerns in order to prevent their closing or relocation. It would also authorize the denial of certain Federal tax benefits to businesses which relocate contrary to the will of the NERA.

The legislation I am proposing today is intended to be a starting point—a proposal for discussion and further consideration.

Those of us who are supporting it are not completely wedded to any specific approach, but we are committed to the goal of providing some form of assistance to workers and communities forced to suffer because of the arbitrary closings and transfers of business and agricultural enterprises.

The Congress has recently acted very responsibly in passing legislation to provide pension protection for workers who have been left behind. Our next goal should be to provide for job protection for workers and economic protection for communities.

We can do so by enacting legislation such as the National Employment Priorities Act which I am introducing today.

Mr. Speaker, at this point, I would like to insert into the RECORD a summary of the provisions of this proposal.

SUMMARY OF PROVISIONS

The National Employment Priorities Act of 1974 would amend the Fair Labor Standards Act of 1938 by adding a new chapter containing the following provisions:

TITLE I—GENERAL PROVISIONS

Title I contains the general provisions including a declaration of policy and purpose and the definitions.

TITLE II—ESTABLISHMENT OF THE NATIONAL EMPLOYMENT RELOCATION ADMINISTRATION

Title II authorizes the establishment of the National Employment Relocation Administration within the Department of Labor. The Administration would be headed by an Administrator appointed by the President with the advice and consent of the Senate. Title II also provides for the establishment of a National Employment Relocation Advisory Council consisting of eighteen members, which would include the Secretaries of Labor and Commerce, the Administrator of the Environmental Protection Agency, four members representing the general public, three members representing organized labor and three members representing management or the business community. The Council would advise and assist the Secretary and Administrator with respect to the actiivties of the NERA.

TITLE III—NOTICE, INVESTIGATIONS, HEARINGS, AND REPORTS, IN CLOSING AN ESTABLISHMENT OR TRANSFERRING OPERATIONS

Title III contains provisions requiring notice by a business or agricultural concern of not less than two years of its intent to close down or transfer its operations. This Title also provides that, within thirty days after receipt of notice of intent to close an establishment, or whenever the Secretary of Labor determines that it would serve the purposes of the Act, the Secretary shall conduct a thorough investigation which would include public hearings.

Title III provides further that at the conclusion of the investigation the Secretary is directed to prepare and publish a report containing the findings with respect to (1) the economic necessity or justification for the proposed closing or transfer; (2) the potential economic and social loss to affected employees; (3) the potential economic, social and environmental loss to the affected community and (4) recommendations of actions to be taken.

TITLE IV—ASSISTANCE TO EMPLOYEES WHO SUFFER AN ELIGIBLE EMPLOYMENT LOSS

Title IV provides for assistance to employees who suffer employment loss due to the relocation or closing of a business or agricultural establishment. The adjustment assistance under Part A of this Title would include, but would not be limited to, income and maintenance payments; maintenance of pension and health benefits; job placement and retraining benefits; relocation allowances; early retirement benefits; emergency mortgage and rent payments; and food stamps and surplus commodities for persons suffering an employment loss who have incomes below the poverty level.

Part B of Title IV provides a program for job placement and retraining benefits for affected employees.

TITLE V—ASSISTANCE TO AFFECTED COMMUNITIES AND TO BUSINESSES LOCATED IN SUCH COMMUNITIES

Title V provides for assistance to affected communities and to businesses located in such communities. Eligible units of local government would be designated by the Secretary upon the determination made by the Secretary that the closing or transfer of operations of one or more business or agricultural concerns has contributed substantially to an unemployment rate within the jurisdiction which exceeds 8 per cent.

Part B of Title V provides that a unit of general local government meeting the unemployment requirements would be eligible for direct grants not to exceed 85 per cent of the revenue loss which results from a closing or transfer.

Part C of Title V provides for assistance to business and agricultural concerns in dislocated communities. Assistance under Part C would be available to businesses which the Secretary determines (1) would have a capacity to expand and offer additional employment opportunities to persons residing within the jurisdiction or in the same labor market in which the general local government is located; (2) have the potential to continue to provide such employment opportunities over a substantial period of time and (3) that the assistance available is not readily available from other sources. The assistance would be in the form of direct or guaranteed loans.

TITLE VI—ASSISTANCE TO BUSINESSES THREATENED WITH DISLOCATION

Title VI provides for assistance to establishments planning to close or transfer operations. Agricultural and business concerns would be eligible for assistance under this Title if the Secretary finds that such a closing or transfer of operations would result in a substantial employment loss and is justifiable on economic grounds; that assistance is necessary in order to obviate the necessity for the proposed closing or transfer of operations and enable the establishment to operate on an improved economic basis within a reasonable period of time; and that the establishment will make all reasonable efforts to use its own resources, but that such resources are inadequate.

TITLE VII—WITHDRAWAL OF CERTAIN BENEFITS ON ACCOUNT OF UNJUSTIFIED RELOCATIONS, AND MISCELLANEOUS PROVISIONS

Title VII provides for the withdrawal of certain federal tax benefits because of unjustified relocations.

Under this Title, whenever the Secretary determines after an investigation that the closing or transfer of operations of an agricultural or business concern was not justified; or that if such closing or transfer of operations was justified, the transfer or closing could have been avoided if the business concern had accepted assistance under this Act; or that the employment loss resulting to the employees of the business concern could have been avoided except for its failure to file a notice of intent to close or transfer, as required under Title III; or because of some other unreasonable delay, bad faith or misrepresentation; or that the transfer of operations is to a new location outside the United States while other economically justifiable alternatives exist, then such agricultural or business concern shall be ineligible for several benefits, authorized by the Internal Revenue Code, for a period not to exceed ten years. Such benefits which could be denied include the investment credit, the accelerated depreciation range and the foreign tax credit, deferral of tax on income earned outside the United States, and deductions for ordinary and necessary expenses to the extent such expenses are related to the transfer of operations.

MRS. ELEANOR WILLIAMSON: HER DEDICATION TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, Congressman ROSTENKOWSKI, myself, and all of us in this Chamber have lost an able and faithful staff member and many of us a dear friend in the recent death of Eleanor Williamson of the House Finance Office.

Mrs. Williamson was born January 26, 1918, in an area of Kansas near Wichita, the daughter of Nels and Agnes Lofgren, who were of Swedish descent. She, her sister Agnes, and brothers Gene and Mel grew up there in a community of mostly Swedish residents, and were trained in the family tradition of music. An aunt was an instructor at the local music conservatory and Eleanor played the cello.

Momma Lofgren never learned to drive, but she put each of the children behind the wheel of the old family touring car and told them "how Poppa did it." One day she put Agnes behind the wheel, instructed her to the ice cream parlor, but then could not remember how to stop the car. So Agnes drove in circles while the other children hopped off the moving car, got the ice cream, and hopped back on again.

In the depression of the mid-1930's, Eleanor headed west for a job as waitress at a national park and from there on to California. After several years, New York beckoned, and there she met a young man from Aiken, S.C., Luke Williamson, who was clerking in a bank and singing with a name band of the day. World War II came along, Luke enlisted. They moved to Washington, and Eleanor worked for American Red Cross and the National Science Foundation. The war ended and in January of 1946 their only child, Karin Louise was born.

Since May of 1955, Eleanor's warmth, pleasant, soft voice and graciousness have served to ease the task of Members of this body. Congressman ROSTENKOWSKI, myself, and I know all of us join in extending deepest sympathy to Luke, daughter Karin and son-in-law Bob Pedrick, and the delight of Mrs. Williamson's life, granddaughter 4-year-old Ingrid Pedrick.

DECLARE THE OKEFENOKEE NATIONAL WILDLIFE REFUGEE AS A FEDERAL WILDERNESS AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 5 minutes.

Mr. STUCKEY. Mr. Speaker, today the House of Representatives will be voting on legislation to declare the Okefenokee National Wildlife Refugee as a Federal Wilderness area. I have introduced this legislation, which was cosponsored by Hon. Bo GINN, and strongly urge my colleagues to support this action, because it would preserve and protect this unique wilderness while allowing for its continued use as a superb recreational area.

The bill provides protection from any manmade action that would disturb the Okefenokee's unspoiled beauty. At the same time, it provides for the continued use of private boats of 10 horsepower or less in the swamp, and it requires at least 120 miles of trails to be maintained for the enjoyment of the public. These provisions insure the swamp's future value as an outstanding tourist attraction, thereby providing an economic asset to local communities.

The Okefenokee is certainly one of the greatest natural treasures left on our Earth. Enactment of this legislation would mark a giant step in guaranteeing that many thousands of Americans will continue to enjoy its primitive beauty. I urge my colleagues to join with me in taking this step.

PERSONAL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, for the most of the last 2 weeks I was unavoidably absent on official business. For the official record and the benefit of my constituents, I would like to announce my position on the votes taken in my absence.

Rollcall No. 57—To suspend rules and pass H.R. 11143; Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. I would have voted "yea."

Rollcall No. 59—To suspend rules and pass House Resolution 947, to accept Senate amendments to H.R. 8245 regarding transfer of Bureau of Customs officials. I would have voted "yea."

Rollcall No. 62—In Committee of Whole on amendment to give Federal Energy Administration only the functions transferred to it by section 6 and any additional functions that are assigned by existing law or future legislaistration. I would have voted "yea."

Rollcall No. 65—In Committee of Whole on amendment to Federal Energy Administration bill to require congressional approval before implementing rationing. I would have voted "nay."

Rollcall No. 66—In Committee of Whole on amendment to Federal Energy Administration bill to roll back crude oil prices with exception of companies producing 30,000 barrels or less a day. I would have voted "nay."

Rollcall No. 70—Separate vote demanded on amendment regarding crude oil price rollback. I would have voted "nay."

Rollcall No. 71—Vote on final passage of H.R. 11793, Federal Energy Administration. I would have voted "yea."

Rollcall No. 73—Passage of House Resolution 790, funds for Committee on Armed Services. I would have voted "yea."

Rollcall No. 75—Motion to read Journal. I would have voted "nay."

Rollcall No. 76—Vote on rule to H.R. 69. I would have voted "yea."

Rollcall No. 89—Final passage of H.R. 1247, Freedom of Information Act Amendments. I would have voted "yea."

Mr. Speaker, all other rollcalls not covered by the above were quorum calls.

SOME ADDITIONAL FACTS ON H.R. 69

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 10 minutes.

Mr. QUIE. Mr. Speaker, since we began debate last week on H.R. 69, a number of Members have raised questions which imply that big cities are not getting their fair share of the funds under the ESEA title I formula developed by the Education and Labor Committee.

I thought that one way to deal with this question would be to examine the 100 largest school districts in the Nation to see what has happened to enrollments in those districts in the past few years. Based on enrollment figures supplied by the Office of Education for 1965–66, the year ESEA was enacted, and 1971–72, the latest year for which OE has district-by-district enrollment figures, 35 of the 100 largest school districts have lost enrollment. In some cases those losses are rather large; in a few they are minimal. In any event, the figures do provide some answer to the question of why some major cities have not had substantial increases in title I. Even though the title I formula is based on the number of low-income children, I suspect that the characteristics of the population of the 35 cities listed below have not changed very much in the period between 1965 and 1971.

School district	1965 total enrollment	1971 total enrollment
Chicago City	548,100	537,441
Detroit City	294,800	266,231
Houston	228,200	221,960
Cleveland	152,700	145,166
District of Columbia	146,000	144,326
St. Louis City	116,200	110,536
Atlanta City	110,400	104,240
Indianapolis	105,000	100,286
Cincinnati	89,100	81,857
Seattle	88,400	79,790
Portland	79,000	72,160
Pittsburgh	75,600	71,804
Buffalo City	73,300	70,321
Mobile (City-County)	77,900	68,855
Kansas City	71,200	68,817
Long Beach Unified	73,300	68,437
Minneapolis Special	77,800	65,953
Oakland City Unified	66,200	62,653
Wichita	71,300	62,394
Birmingham City	70,300	60,790
Jefferson County	65,000	60,020
Charleston County	56,500	56,358
Akron	58,700	55,793
Dayton	60,400	54,799
Norfolk City	56,400	53,594
Caddo Parish	56,200	53,594
Kanawha County	59,400	51,759
Sacramento City Unified	52,300	50,178
Louisville City	50,200	48,730
Des Moines	44,879	44,613
Gary	43,800	43,370
Flint	48,500	42,776
Muscogee County	43,500	41,837
Chatham County	42,500	40,839
Richmond Unified	43,400	40,384

THE URBAN BIKEWAY TRANSPORTATION ACT OF 1974

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today, I am introducing with Representatives GLENN ANDERSON and JAMES HOWARD the Urban Bikeway Transportation Act of 1974. If enacted, this bill would provide $20 million for the construction of bicycle lanes, paths, parking and support facilities, and traffic control devices in urbanized areas—50,000 or more population. The money would be administered by the Secretary of Transportation to States and/or local municipalities on an 80-to-20 schedule if the bikeway project is in accordance with the section 134 planning process. This money would be available only for bicycle use and not for new highway construction and would be in addition to the option granted cities under Public Law 93–87 to use up to $40

million of their urban roads moneys for bicycle lane construction.

There are those of you who might ask, "Why more money for bicycles?" The answer is really quite apparent. First, the money now available, limited as it is, requires a diversion from highway usage, which some localities are reluctant to do. Second, as we all know, the country is faced with a severe energy shortage. It has been estimated by the Ford Foundation that 14 to 23 percent of the energy consumed in this country is by the automobile and that 50 percent of this travel is less than 5 miles. In fact, the Department of Transportation has estimated that if 5 percent of the motorists using cars between 2.5 and 3.5 miles would convert to bicycles, over 780 million gallons of gasoline would be saved each year. However, anyone who has ridden a bike on a crowded city street knows that the bicycle and the auto are not compatible road fellows. The need for separate lanes is apparent when one considers that in 1973 over 330,000 bike accidents occurred requiring some type of hospital emergency treatment. In addition, a 1967 survey estimated that 90 percent of bicycle deaths were the result of collisions with autos.

The money provided would also act as seed money for the States and municipalities which should take action on this vitally underused transportation alternative. If the Congress is truly concerned about the fuel shortage and the need for different transportation alternatives, the bicycle provides a clean, quiet, economical, and partial solution for both these problems.

Mr. Speaker, there are over 85 million people in this country who ride bicycles and would benefit from this legislation and modest expenditure. With the approximately 500 miles of bikeways that could be built if this bill were to be enacted, the Congress will have provided one refreshing alternative to the gas guzzling polluting auto which now all but strangles our cities and our pocketbooks.

The text of the bill follows:

H.R. 13549

A bill to authorize the Secretary of Transportation to make grants for the construction of bikeways in urbanized areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of this Act the term—

(1) "Secretary" means the Secretary of Transportation;

(2) "bikeway" means a bicycle lane or path, a bicycle traffic control device, a shelter or a parking or a support facility to serve bicycles and persons using bicycles;

(3) "urbanized area" means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census; and

(4) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico.

SEC. 2. (a) The Secretary is authorized to make grants to States and to municipalities wholly or partly within urbanized areas for projects for the construction of bikeways. Such bikeways shall be for commuting and for recreational purposes and shall be located in urbanized areas.

(b) The Federal share of any project for the construction of bikeways shall be 80 percent of the total cost of such project. The remaining 20 percent of such cost shall be paid by the grantee.

(c) No grant shall be made under authority of this Act unless such bikeway project is in accordance with a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in accordance with section 134 of title 23 of the United States Code.

(d) The Secretary shall establish by regulation, construction standards for bikeway projects for which grants are authorized by this Act, and shall establish by regulation such other requirements as may be necessary to carry out this Act.

SEC. 3. Grants made under this Act shall be in addition to, and not in lieu of, any sums available for bicycle projects under section 217 of title 23, United States Code.

SEC. 4. There is authorized to be appropriated to the Secretary to carry out this Act, $10,000,000 per fiscal year out of the Highway Trust Fund, and $10,000,000 per fiscal year out of any other money in the Treasury not otherwise appropriated.

SEC. 5. This Act may be cited as the "Urban Bikeway Transportation Act of 1974".

ON CONDITIONAL AMNESTY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, chaired by the gentleman from Wisconsin (Mr. KASTENMEIER), has just concluded hearings on the subject of amnesty for those who refused to serve in the Vietnam war.

I have introduced legislation—H.R. 674, H.R. 675, H.R. 2034—on this matter in this and the previous Congress, and I am particularly gratified that these hearings occurred and that I had the opportunity to testify.

Perhaps through the airing of many sides of the issue, we can bring all Americans home from the most tragic war in our history.

The dimensions of the problem are staggering. As early as December 1971, the New York Times estimated that 70,000 to 100,000 young people could face prosecution for violation of military law or the Selective Service Code. The number now is even greater.

Here is how the numbers break down:

From August 1964, the beginning of the Vietnam war as defined in the United States Code, through July 1973, over 19,000 young people have been prosecuted for violation of the Selective Service Code; that is, draft evasion. Of these, nearly 8,000 were convicted, and 5,300 went to jail, 3,900 were placed on probation. See tables.

This is only the surface of the number of draft resisters. There is an unexplained 4 percent difference between the live male births of 1953 and 1954 and the number of draft registrants in 1971 and 1972. Of course, everyone did not actually serve, but all 18-year-old men were required to register. The death rate would diminish the unaccounted-for difference slightly, and immigration would increase it. Yet as Mr. Samuel Shaw, Legislative Liaison for the Selective Service System, acknowledged in a recent telephone conversation with my office:

There may be a bunch of people that didn't register, but how do we know?

Therefore, apparently, there are thousands of fugitives from justice in or outside the United States. Every one of these young people is legally subject to 5 years in jail, a fine of $10 thousand, a felony charge, and loss of the right to vote.

Most of those who did not register will never be prosecuted, because the Selective Service System does not even know who they are.

This is far from an equitable system. Some are free while those who left this country or stood prosecution, some because of their beliefs, others perhaps for less valid reasons, are now separated from their family, friends, and Nation, and their family, friends, and Nation from them. As Time magazine noted, these are "The Men Who Cannot Come Home."

Or as a draft counseling organization described the exiles, they live in "limbo."

I traveled to Canada in 1969, spoke with draft exiles in Toronto, Montreal, and Ottawa, and found at that time that many wanted to return. I believe the number is even greater today.

They are now unable to do so without fear of jail sentences.

Those who left are fugitives. Those who remained are convicted or leading underground lives in our society.

Is this how to heal the wounds of the Nation after the most bitter internal ideological struggle we have had in over 100 years? Just think of what we have made—justifiably—of the fact that the Soviet Union exiled one brilliant dissident writer from their country. How does it look to the rest of the world that America has developed an entire class of political exiles?

The Vietnam war was the first time in American history that a majority of the American people eventually opposed our taking part in a war once we were in it. The war created literally millions of active political workers who successfully began the trend that brought the Congress to action. They lobbied for legislation which we finally passed. They held meetings and called them marches and sit-ins. They organized drives for petitions that we began to read. After all, as Daniel Webster asked during the War of 1812:

Where is it written in the Constitution that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war in which the folly or the wickedness of government may engage it?

But are we prosecuting the war protesters? No, of course not—at least not any more. But those who were young enough and unlucky enough to be drafted, who then protested—dissent from this group we will not tolerate. They cannot vote. They cannot have full citizenship. They cannot return to this country which they may have even tried to help before they felt they had to leave.

Congress is behind the times. As early as November 7, 1972, the Gallup poll conducted for Newsweek showed that 71 percent of the American people favored either unconditional or conditional amnesty, with 22 percent opposed and 7 percent who did not know. A Gallup poll of February 1973 shows 78 percent in

favor of either form of amnesty. As the war grows further and further from our minds, more people are willing to heal the wounds.

Since 1969, more and more American religious organizations have adopted official positions endorsing amnesty for persons who would not serve during the war. Here is a partial list: The American Baptists, the American Friends Service Committee, the Disciples of Christ, the Christian Reformed Church, the Church of the Brethren, Clergy and Laity Concerned, the House of the Bishops of the Episcopal Church, Fellowship of Reconciliation, the Interreligious Conference on Amnesty, the American Jewish Congress, the National Federation of Temple Sisterhoods, the Union of American Hebrew Congregations, the U.S. Lutheran Council, the Old Mennonite Church, the National Council of Churches of Christ, the National Conference of Catholic Bishops, the Southern Christian Leadership Conference, the United Church of Christ, the United Methodist Church, and the United Presbyterian Church in the U.S.A.

Both the President and the Congress have the power to grant amnesty. Article II, section 2 of the Constitution gives the President the "power to grant reprieves and pardons for offenses against the United States" and nowhere precludes congressional action. In ex parte Garland, 1886, the Supreme Court ruled that Presidential amnesty "extends to every offense known to the law, and may be exercised at any time either before legal proceedings are taken, or during their pendency, or after conviction." As for congressional amnesty, there are no grounds or precedent for a ruling as unconstitutional. In fact, the Congress has the power "To make rules for the Government and regulation of the land and naval forces—to provide for organizing, arming, and disciplining the militia—and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof"—article I, section 8.

Yet the problem of authority may be far less complicated. My proposed conditional amnesty legislation, as an act of Congress, would be signed by the President. Only in the event of the need for and success in overriding a veto might the question even arise.

There are those who say that granting amnesty would weaken our country's future military policy by serving as precedent for future violators. Yet George Washington, who demonstrated a clear sense of America's proper direction by refusing the offer of kingship, must not have feared precedent when he granted amnesty after the Whisky Rebellion in 1794. Nor did Andrew Johnson fear precedent when he granted amnesty to deserters and opponents after the Civil War, conditional upon signing an oath of allegiance to the United States. In Johnson's own words from his 1868 proclamation:

> A universal amnesty and pardon . . . will tend to secure permanent peace, order, and prosperity throughout the land and to renew and fully restore confidence . . . among the whole people, and their respect for and attachment to the national government.

Nor did Theodore Roosevelt, Woodrow Wilson, Calvin Coolidge, Franklin Roosevelt, or Harry Truman fear precedent when each of them granted amnesty in some form.

In fact, there have been 34 instances of amnesty in some form in American history, restoring citizenship and full rights to many thousands of Americans.

After World War II, France, Norway, Germany, Belgium, Japan, and the Netherlands granted amnesty to persons who had engaged in "compromising" wartime activity. After the way we appeared to most other nations by the end of the Vietnam war—let us face it—amnesty would be a signal to the world that we are again leaders, not followers.

In 1969 and each session of Congress thereafter, I introduced legislation (H.R. 2034) granting conscientious objector status retroactively to persons who refused induction, because of the special nature of the Vietnam war, but whose refusal would not extend to all wars. This legislation recognized the grave implications of our involvement in Southeast Asia. Unfortunately, the selective conscientious objector bills were not adopted. Had they been, we would not be in this mess today. I also believe as John Kennedy did when he said:

> War will exist until the distant day when the Conscientious Objector enjoys the same reputation and prestige as the warrior does today.

Let me now comment on my amnesty legislation which I hope you will consider carefully in order to report a bill to your full committee and to the floor of the House.

H.R. 674 restates the President's authority to grant amnesty and urges him to set up the mechanism to do so. This could be, but would not have to be, similar to the amnesty board which Harry Truman established after World War II and which granted amnesty on an individual basis to 1,500 men. However, I am hopeful that any such current board or tribunal, or the President himself, would be far more broadminded than the earlier board. Only one-tenth of those eligible were pardoned. Whereas World War II was more and more accepted by the American people as the facts became clear, precisely the opposite was true for Vietnam. The facts served only to mobilize people against this war.

H.R. 675 would grant amnesty, conditional upon 2 years of alternative service, to all persons who refused induction during the Vietnam war, whether they are currently imprisoned, released, or in foreign countries. Those who already served or are serving prison sentences can receive up to 1 year's credit toward this national service. He may serve either in the military, or in action, a Veterans' Administration or Public Health Service Hospital, or some similarly approved position. He would serve at the same pay scale as he would have as a conscientious objector.

If he carries out these provisions, he will receive amnesty with a restoration of all citizenship rights. Administration will be carried out by the Attorney General's office.

Former Secretary of the Army, Robert F. Froehlke, was quoted in the February 26 CONGRESSIONAL RECORD as favoring an amnesty plan which is "not vindictive," but in which those who left must perform some national service. Former Defense Secretary Melvin Laird has issued a similar statement. But in Froehlke's opinion, even 3 months of such service could be sufficient if worthwhile duties are accomplished in that amount of time—showing the change in attitude on the part of so many who formerly opposed amnesty in any form.

I am aware that it is unrealistic to project the Congress now passing legislation with a 3-month alternative service requirement, or no requirement, as has been proposed by some of my colleagues. If such a bill were to come to the floor I would vote for it. I offer this bill, with a 2-year requirement, as a proposal which takes into consideration the feelings of the country at this time, which is a desire to come together after a divisive episode in our history.

You are well aware of the diminishing esteem citizens have for the Presidency, the Congress, and the Government as a whole. The granting of amnesty would be a symbol of strength by a democratic government, indicating our ability to welcome all who want to take part in the post-Vietnam era.

Our national policy has been inconsistent at best. The President sent Secretary of State Henry Kissinger to North Vietnam to negotiate economic reconstruction aid. If we can consider assisting the very nation with which we engaged in combat, resulting in the death of 55,000 of our men, do we not have the compassion to forgive our own men who are still alive and desire to return to the United States?

We insisted in the Nuremberg war trials that it was an individual's obligation to reject immoral orders. The United States prides itself on its capacity for allowing dissent in our democratic form of government.

Are we not a humane, compassionate people? Especially after a war where many of our own preconditions concerning foreign policy changed, do we not have the ability to forgive?

I urge our colleagues to support H.R. 675 and to indicate support for the concept of conditional amnesty to the House Judiciary Subcommittee chaired by the gentleman from Wisconsin (Mr. KASTENMEIER).

APPENDIX: RECENT POLLS ON AMNESTY

In a Gallup poll of March 5, 1973, a total of 78% of the respondents wanted to allow draft resisters to return to the United States, either unconditionally or with certain prerequisites. The breakdown was as follows:

	Percent
Favor unconditional amnesty	29
Require military service	18
Require nonmilitary service	10
Require either military or nonmilitary service	18
Require payment of fine	3
Total that would allow draft resisters to return	78

In addition, 10% wanted to require a jail sentence, and another 10% of those polled had no opinion. Only 12% would not allow

draft resisters to return under any circumstances.

A recent (March 4, 1974) Harris poll confirmed these results. A plurality of respondents (45% to 43%, with 12% undecided) supported amnesty with a requirement of two years of alternative, non-military, national service upon the resister's return home. In a telephone conversation with my office, the Harris national organization acknowledged that if persons who wanted amnesty without any service requirement had been included in the number of those favoring amnesty (with the service requirement, such persons said they opposed the amnesty described), the percentage of respondents favoring amnesty would have been even greater.

PROSECUTIONS, ETC., FOR SELECTIVE SERVICE VIOLATIONS, 1945–73

Year	Prosecuted	Convicted	Not convicted	Imprisoned	Probation
1973	3,496	977	2,519	260	707
1972	4,906	1,642	3,264	458	1,178
1971	2,973	1,036	1,937	877	650
1970	2,833	1,027	1,806	450	572
1969	1,744	900	844	544	350
1968	1,192	784	408	580	202
1967	996	748	248	566	78
1966	516	371	145	301	64
1965	341	242	99	189	52
1964	276	206	70	149	59
Vietnam era, totals	19,273	7,933	11,340	4,371	3,912
1960	239	166	73	126	37
1950	449	175	274	109	65
1949	506	292	214	213	73
1948	833	304	529	212	84
1945	4,287	2,838	1,449	2,368	453

Source: Telephone Conversation Feb. 26, 1974, between office of Congressman Edward I. Koch and Mr. James McCafferty, Chief, Operations Branch, Division of Information Systems. Administrative Office, U.S. Court.

LIVE MALE BIRTHS AND DRAFT REGISTRANTS

	Live male births	Draft registrants	Difference
1953	2,034,000	1,990,234	43,766
1954	2,090,000	1,977,720	112,280

Sources: National Center for Health Statistics of the Department of Health, Education, and Welfare, and public records of the Selective Service System.

Complaints reported to U.S. attorneys by the Selective Service System

1967	19,774
1968	21,332
1969	27,389
1970	26,214
1971	26,417
1972	22,104
1973	16,575

Sources: Letter from Robert C. Maridan, Assistant Attorney General, to Congressman Edward I. Koch, January 31, 1972; also, 1973 U.S. attorneys' offices fiscal report, Department of Justice, page 3.

SOVIETS RENEGE ON WEST GERMAN OIL DEAL

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, as the Members of this House consider the pros and cons of the administration's efforts to develop Soviet oil and gas resources and thus make the United States potentially dependent for a share of its energy needs on the good will of the Kremlin, let us take note of the latest news from West Germany, as reported March 13, 1974, by the Wall Street Journal.

Last year the Soviet Union signed a contract with Veba AG, a West German state-controlled oil company, promising to deliver 68,000 barrels per day at a realistic price.

The chairman of the company's management board now reports that the Russians reneged on the deal, delivering belatedly only 57,200 barrels daily and jumping the price to as much as $16 a barrel which is just about twice the price of Middle East oil on the going market.

The result—Veba AG is canceling its arrangement with Moscow declaring it cannot put any further reliance on a Soviet contract. Furthermore, the West German company suggests that the Bonn Government should immediately reconsider all proposed industrial development contracts with the Soviets in the light of the oil experience, possibly shelving those which involve any dependence on Soviet natural resources.

Those among our own industrialists and Government officials who think so highly of the Soviets that they are asking the American taxpayer to guarantee hundreds of millions—possibly even billions—in loans to the Soviet Union for energy development will do well to examine closely the West German experience.

FBI'S ROLE IN INTERNAL SECURITY MATTERS

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, last October I had the pleasure of having an extensive discussion on internal security problems with FBI Director Clarence M. Kelley who is, incidentally, a fellow Missourian. The Committee on Internal Security, which I chair, has also begun oversight hearings concerning the domestic intelligence operations of the Department of Justice during which we will, of course, be dealing largely with problems facing the FBI. Accordingly the remarks of Director Kelley in the March 1974 issue of the FBI Law Enforcement Bulletin, in which he addresses himself to the need for greater public understanding of the FBI's role in internal security matters, are of particular interest to me and, I think, of sufficient importance to my colleagues that I am submitting Director Kelley's entire message for the RECORD. The article follows:

MESSAGE FROM THE DIRECTOR

The American public has recognized the role of the FBI in criminal investigations. Our performance concerning bank robberies, kidnapings, extortions, property thefts, and many other violations of Federal statutes has been widely publicized. Public support of this portion of the FBI's overall mission has been universally strong. This invaluable expression of confidence has not, however, always been evident in our equally important investigations relating to the internal security of our Nation. There exists some lack of understanding of what the FBI is doing and why.

I genuinely believe there should be greater understanding of our role in internal security matters. Mankind has always placed a high priority on its security. Nations, too, have an equally strong concern for their security. The concept has deep, historic roots in our Republic. It has toughened the Nation's will to withstand many serious challenges throughout its lifetime.

Two centuries ago, the American colonies, in an act of mutual security, joined together for the common goal of independence. Once freedom was gained through agonizing struggle, the duty of each citizen to defend and preserve America was all the more clear. Maintaining the Nation's independence and protecting its internal security are still honored traditions among our citizens.

While the FBI has many duties concerning the internal security of our country, it is not alone in this responsibility. The entire criminal justice system is involved. Observance of the law and the preservation of public order are the foundations for this country's domestic security. Without adequate and equitable enforcement of the law, whatever the source or circumstance of its violation, a democratic society cannot enjoy the stability it requires.

Among the investigative responsibilities of the FBI are those directly affecting the internal security of the United States. Part of our role is to enforce specific Federal laws involving espionage, sabotage, insurrection, sedition, the advocacy of overthrowing the Government, and other related matters which endanger national objectives. The authority to conduct these investigations firmly rests on duly enacted statutes.

Another investigative obligation of the FBI is intelligence gathering related to internal security matters. This, too, is based on specific statutes and directives. Unlike certain crimes against persons and property, the consequences of a violation concerned with the Nation's welfare are too grave to wait for the offense to occur before taking action. Obviously, the country cannot afford the theft of a vital national asset, the sabotage of an essential resource, the assassination of a President, or a full-blown insurrection before moving to determine who is responsible. While some of these most heinous crimes may occur with even the greatest vigilance, no nation is truly secure so long as the threat of them persists.

The major concern aroused by investigations regarding the internal security of the Nation is the protection of the rights of the individual. This is as it should be. It is a paramount consideration which under my direction of the FBI will always be given the highest priority in our investigations. The FBI is steadfastly committed to the principle that law enforcement must remain the servant of the people, never the oppressor. The cure for an illness of society should not be worse than the disease itself.

In fulfilling its internal security responsibilities, the FBI is strictly accountable for its actions—and we should be. The FBI answers to the President, the Attorney General, the Congress, the courts, the press, and the citizens of America. We serve many masters. We are determined to serve them well—with fairness, with justice, and with results.

It is an inescapable fact that this Nation houses persons who are militantly opposed to representative government, persons who seek to disrupt the orderly processes of the law, persons who would willingly use violence to achieve their goals, and still others who would foment anarchy. Indeed, there are those who would even subvert the country for profit or by misguided zeal. We are determined that they shall not succeed.

The FBI will continue to strive to protect the internal security of the Republic with not only the vigor this challenge commands but also the dignity our democratic heritage

demands. As with the experience of our founding colonies, however, it is everyone's responsibility to insure that America remains strong—and secure. America needs the support of an informed public, and so does the FBI.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BURKE of Florida (at the request of Mr. RHODES), for today and balance of week, on account of official business.

Mr. FRELINGHUYSEN (at the request of Mr. RHODES), for 1 week, on account of official business.

Mr. KYROS (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KOCH, for 60 minutes, March 26, immediately following the special order by Mr. GOLDWATER.

Mr. CONLAN, for 60 minutes, today, following the special order of Mr. DICKINSON.

(The following Members (at the request of Mr. ARMSTRONG) to revise and extend their remarks and include extraneous matter:)

Mr. HEINZ, for 15 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. COHEN, for 10 minutes, today.

Mr. GOLDWATER, for 60 minutes, on March 26.

Mr. HANSEN of Idaho, for 5 minutes, today.

Mr. ARCHER, for 5 minutes, today.

Mr. HOGAN, for 30 minutes, today.

Mr. ANDERSON of Illinois, for 60 minutes, today.

Mr. SYMMS, for 5 minutes, today.

Mr. ASHBROOK, for 5 minutes, today.

(The following Members (at the request of Mr. HILLIS) to revise and extend their remarks, and to include extraneous matter:)

Mr. MIZELL, for 5 minutes, today.

Mr. QUIE, for 10 minutes, today.

(The following Members (at the request of Mr. MURTHA) to revise and extend their remarks and include extraneous matter:)

Mr. DIGGS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. STUCKEY, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLAY, to extend his remarks before passage of H.R. 8660.

(The following Members (at the request of Mr. ARMSTRONG), and to include extraneous matter:)

Mrs. HECKLER of Massachusetts in 10 instances.

Mr. KEMP in three instances.

Mr. DICKINSON.

Mr. FRELINGHUYSEN.

Mr. TREEN in two instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. HANRAHAN in two instances.

Mr. DERWINSKI in two instances.

Mr. ZWACH in two instances.

Mr. HORTON in two instances.

Mr. RONCALLO of New York.

Mr. WYMAN in two instances.

Mr. RHODES.

Mr. YOUNG of Illinois.

Mr. ZION.

Mr. MILLER in six instances.

Mr. GILMAN.

Mr. PEYSER in five instances.

(The following Members (at the request of Mr. MURTHA), and to include extraneous material:)

Mr. GINN.

Mr. TEAGUE in 10 instances.

Mr. ROYBAL in 10 instances.

Mr. HARRINGTON in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. JONES of Alabama.

Mr. DINGELL in two instances.

Mr. DE LUGO in five instances.

Mr. REID.

Mr. FORD.

Mr. O'HARA.

Mr. MCKAY.

Mr. CORMAN.

Mr. JONES of Oklahoma.

Mr. NICHOLS in 10 instances.

Mr. HUNGATE.

Mr. MOORHEAD of Pennsylvania in 10 instances.

Mr. ROUSH in three instances.

Mr. ANDERSON of California in two instances.

Ms. ABZUG in five instances.

ADJOURNMENT

Mr. MURTHA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 19, 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:

2052. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1974 for foreign assistance under the category of funds appropriated to the President (H. Doc. No. 93-240); to the Committee on Appropriations and ordered to be printed.

2053. A letter from the Assistant Secretary of Agriculture, transmitting a report on national reforestation needs as of the end of fiscal year 1973, pursuant to section 3 of Public Law 92-421; to the Committee on Agriculture.

2054. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report covering fiscal year 1973 on independent research and development and bid and proposal costs, pursuant to 10 U.S.C. 2358, note; to the Committee on Armed Services.

2055. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting detailed data to accompany the report on independent research and development and bid and proposal costs for fiscal year 1973; to the Committee on Armed Services.

2056. A letter from the First Vice President, Export-Import Bank of the United States, transmitting a report on the export expansion facility program for the quarter ended December 31, 1973, pursuant to Public Law 90-390; to the Committee on Banking and Currency.

2057. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Federal Employees' Compensation Acts, as amended, title 5, United States Code, by adding a new section providing for work injury coverage of Federal petit and grand jurors in the performance of their duties; to the Committee on Education and Labor.

2058. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

2059. A letter from the First Vice President, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank to Yugoslavia, Romania, the U.S.S.R., and Poland during February 1974; to the Committee on Foreign Affairs.

2060. A letter from the Assistant Secretary of the Interior, transmitting the 17th annual report on the status of the Colorado River storage project and participating projects, covering fiscal year 1973, pursuant to 43 U.S.C. 620e; to the Committee on Interior and Insular Affairs.

2061. A letter from the Chairman, Federal Trade Commission, transmitting a report by the Commission's staff of its evaluation of the mandatory petroleum allocation program during the period January 15-February 28, 1974, pursuant to section 7(a) of Public Law 93-159; to the Committee on Interstate and Foreign Commerce.

2062. A letter from the Chief Justice of the United States, transmitting the rules and official forms governing proceedings under chapter XI of the Bankruptcy Act, together with an amendment to subdivision 14 of official bankruptcy form 7, and amendment to rule 41(a) and 50 of the Federal Rules of Criminal Procedure, pursuant to 28 U.S.C. 2075 and 18 U.S.C. 3771 (H. Doc. No. 93-241); to the Committee on the Judiciary and ordered to be printed.

2063. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to authorize two additional judgeships for the U.S. Court of Appeals for the Ninth Circuit; to the Committee on the Judiciary.

2064. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide an additional permanent district judgeship in Puerto Rico; to the Committee on the Judiciary.

2065. A letter from the Director, Administrative Office of the U.S. Court, transmitting a raft of proposed legislation to amend the Jury Selection and Service Act of 1968, as amended, by revising the section on fees of jurors; to the Committee on the Judiciary.

2066. A letter from the Administrator of General Services, transmitting a prospectus

proposing renewal of the leasehold interest at 1800 G Street, NW., Washington, D.C., pursuant to 40 U.S.C. 606; to the Committee on Public Works.

2067. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to modify the pension program for veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era, and their widows and children; to the Committee on Veteran's Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Omitted from the Record of Mar. 14, 1974*]

Mr. PERKINS: Committee on Education and Labor. H.R. 12435. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; with amendment (Rept. No. 93-913). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Mar. 18, 1974*]

Mr. PERKINS: Committee on Education and Labor. H.R. 11105. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; with amendment (Rept. No. 93-914). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAUMAN (for himself, Mr. CRONIN, Mr. HOGAN, and Mr. ROE):

H.R. 13535. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to initiate additional rail passenger service in the Northeast corridor to determine the feasibility of utilizing such service to alleviate transportation problems caused by the energy crisis; to the Committee on Interstate and Foreign Commerce.

By Mr. BAUMAN (for himself, Mr. BURGENER, Mr. DAN DANIEL, Mr. ESCH, Mr. HELSTOSKI, Mrs. HOLT, Mr. KEMP, Mr. MANN, Mr. PRITCHARD, Mr. RONCALLO of New York, Mr. SINES, Mr. J. WILLIAM STANTON, and Mr. STUDDS):

H.R. 13536. A bill to require the Secretary of the Army and the Chief of Engineers to act on certain applications within 90 days or explain his failure to do so; to the Committee on Public Works.

By Mr. COHEN:

H.R. 13537. A bill to establish a Health Education Administration within the Department of Health, Education, and Welfare, and to provide for the development and implementation of a national health education program; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself, Mr. ANDERSON of California, Mr. BELL, Mr. DON H. CLAUSEN, Mr. DANIELSON, Mr. HAWKINS, Mr. GOLDWATER, Mr. PETTIS, Mr. REES, and Mr. ROYBAL):

H.R. 13538. A bill to amend the customs brokers licensing provisions of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. DIGGS:

H.R. 13539. A bill to regulate campaigns for elections to public office in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DORN (for himself, Mr. TEAGUE, Mr. SATTERFIELD, Mr. ROBERTS, and Mr. HAMMERSCHMIDT):

H.R. 13540. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. FORD (for himself, Mrs. MINK, Mr. DENT, Mr. CLAY, Mr. THOMPSON of New Jersey, Mr. O'HARA, and Mr. MEEDS):

H.R. 13541. A bill to amend the Fair Labor Standards Act of 1938, to require prenotification to affected employees and communities of dislocation of business concerns, to provide assistance (including retraining) to employees who suffer employment loss through the dislocation of business concerns, to business concerns threatened with dislocation, and to affected communities, to prevent Federal support for unjustified dislocation, and for other purposes; to the Committee on Education and Labor.

By Mr. GOODLING (for himself, Mr. DINGELL, Mr. LEGGETT, Mr. FORSYTHE, Mr. BIAGGI, Mr. ANDERSON of California, Mr. KYROS, Mr. METCALFE, Mr. BREAUX, Mr. ROONEY of Pennsylvania, Mr. BOWEN, Mr. LOTT, and Mr. ROGERS):

H.R. 13542. A bill to abolish the position of Commissioner of Fish and Wildlife and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMMERSCHMIDT:

H.R. 13543. A bill to amend title 38, United States Code, to increase rates of disability compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAMMERSCHMIDT (for himself and Mr. DORN) (by request):

H.R. 13544. A bill to amend title 38, United States Code, to increase rates of disability compensation and dependency and indemnity compensation, and to provide for automatic adjustment thereof commensurate with future increases in the cost of living, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HANRAHAN:

H.R. 13545. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 13546. A bill to require each contract let without competitive bidding by the Federal Government to contain a notice of the right to revoke on the part of the United States, if the other party to the contract is convicted of any offense under section 201 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. HORTON (for himself and Mr. HASTINGS):

H.R. 13547. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 13548. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. ANDERSON of California, and Mr. HOWARD):

H.R. 13549. A bill to authorize the Secretary of Transportation to make grants for the construction of bikeways in urbanized areas; to the Committee on Public Works.

By Mr. MATHIAS of California (for himself and Mr. MITCHELL of Maryland):

H.R. 13550. A bill to amend the act which created U.S. Olympic Committee to require such committee to hold public proceedings before it may alter its constitution, to require arbitration of certain amateur athletic disputes, and for other purposes; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 13551. A bill to amend chapter 55 of title 10, United States *Code*, to require the Armed Forces to continue to provide certain special educational services to physically handicapped dependents of members serving on active duty; to the Committee on Armed Services.

By Mr. MOAKLEY:

H.R. 13552. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE of Illinois:

H.R. 13553. A bill to amend title 10, United States Code, to provide more efficient dental care for the personnel of the Army and Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. QUILLEN:

H.R. 13554. A bill to provide for the crediting of certain past employment by certain persons subject to the National Guard Technicians Act of 1968; to the Committee on Armed Services.

H.R. 13555. A bill relating the treatment of certain changes in wills and trusts instruments for purposes of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 13556. A bill to authorize grants to States for the establishment of vision screening programs for public school students; to the Committee on Education and Labor.

H.R. 13557. A bill to waive the requirements of section 136(a) of title 28 of the United States Code to permit the present Chief Judge of the U.S. District Court for the District of Columbia to continue to preside for the duration of all Watergate related cases and trials; to the Committee on the Judiciary.

By Mr. SKUBITZ:

H.R. 13558. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Interstate and Foreign Commerce.

H.R. 13559. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. STUDDS (for himself, Mr. FORSYTHE, Mr. ANDERSON of California, Mr. BREAUX, and Mr. PRITCHARD):

H.R. 13560. A bill to authorize certain Federal agencies to detail personnel and to loan equipment to the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN (for herself, Mr. CLARK, Mr. DINGELL, Mr. DOWNING, Mr. GROVER, and Mr. PRITCHARD):

H.R. 13561. A bill to amend the Intercoastal Shipping Act, 1933; to the Committee on Merchant Marine and Fisheries.

By Mr. TAYLOR of North Carolina (for himself, Mr. HALEY, Mr. HOS-

MER, Mr. JOHNSON of California, Mr. SKUBITZ, Mr. DON H. CLAUSEN, Mrs. MINK, Mr. UDALL, Mr. LUJAN, Mr. EVANS of Colorado, Mr. MATHIAS of California, Mr. PETTIS, Mr. VEYSEY, Mr. TALCOTT, Mr. GUBSER, Mr. KASTENMEIER, Mr. RUPPE, Mr. O'HARA, Mr. MEEDS, Mr. REGULA, Mr. KAZEN, Mr. MARTIN of North Carolina, Mr. STEPHENS, Mr. RONCALIO of Wyoming, and Mr. KETCHUM):

H.R. 13562. A bill to designate certain lands in the National Park System as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. TAYLOR of North Carolina (for himself, Mr. HALEY, Mr. HOSMER, Mr. JOHNSON of California, Mr. SKUBITZ, Mr. BINGHAM, Mr. CRONIN, Mr. SEIBERLING, Mr. WON PAT, Mr. OWENS, Mr. DE LUGO, Mr. STEELMAN, and Mr. BAUMAN):

H.R. 13563. A bill to designate certain lands in the National Park System as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 13564. A bill to designate certain public lands and waters in the State of Alaska for national conservation purposes to be administered as units of the National Park System, the National Wildlife Refuge System, National Wild and Scenic Rivers System, and the National Forest System; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. RUPPE, Mr. DELLENBACK, Mr. FOLEY, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. O'HARA, Mr. VIGORITO, Mr. MELCHER, Mr. RONCALIO of Wyoming, Mr. BINGHAM, Mr. SEIBERLING, Mrs. BURKE of California, Mr. OWENS, Mr. DE LUGO, Mr. SEBELIUS, Mr. STEELMAN, Mr. MARTIN of North Carolina, and Mr. CRONIN):

H.R. 13565. A bill to establish a national program for research and development in nonnuclear energy sources; to the Committee on Interior and Insular Affairs.

By Mr. ZABLOCKI:

H.R. 13566. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California (for himself, Mr. BLACKBURN, Mr. BUCHANAN, Mrs. BURKE of California, Mr. DEL CLAWSON, Mr. EDWARDS of California, Mrs. GREEN of Oregon, Mr. HANNA, Mr. HECHLER of West Virginia, Mr. HOWARD, Mr. MCKAY, Mr. MANN, Mr. MOAKLEY, Mr. MOORHEAD of California, Mr. MOSS, Mr. PREYER, Mr. QUIE, Mr. ROE, Mr. SMITH of Iowa, Mr. STARK, and Mr. WALDIE):

H.R. 13567. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. BOWEN:

H.J. Res. 940. Joint resolution to amend title 5 of the United States Code to provide for designation of the 11th day of November of each year as Veterans Day; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H. Con. Res. 447. Concurrent resolution to express the sense of the Congress that the President should evaluate the commodity requirements of the domestic economy to determine which commodities should be designated as in short supply for purposes of taxation of Domestic International Sales Corporations; to the Committee on Ways and Means.

By Mr. BLATNIK:

H. Res. 987. Resolution to provide additional funds for the expenses of the investigation and study authorized by House Resolution 228; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

381. By Mr. HANSEN of Idaho: Memorial of the Legislature of the State of Idaho, relative to the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

382. Also, memorial of the Legislature of the State of Idaho, urging the Secretary of Transportation and the National Rail Passenger Corporation to insure that the people of the State of Idaho shall have passenger service on an east-west basis; to the Committee on Interstate and Foreign Commerce.

383. By the SPEAKER: Memorial of the House of Representatives of the State of Oklahoma, relative to repeal of the National Occupational Safety and Health Act; to the Committee on Education and Labor.

384. Also, memorial of the Legislature of the State of Wisconsin, relative to continuation of the Lake Michigan ferry service between Manitowoc and Kewaunee, Wis., and Frankfort, Mich.; to the Committee on Interstate and Foreign Commerce.

385. Also, memorial of the Legislature of the Commonwealth of Massachusetts, requesting Congress to call a Constitutional Convention for the purpose of proposing an amendment to the Constitution of the United States relating to the use of public funds for secular education; to the Committee on the Judiciary.

386. Also, memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to the establishment of a bilingual part of the U.S. District Court for the District of Puerto Rico; to the Committee on the Judiciary.

387. Also, memorial of the Legislature of the State of Oklahoma, relative to lakeshore planning policies of the Army Corps of Engineers; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 13568. A bill to authorize the President to appoint Cmdr. Thurman Roddy Schnitz, U.S. Navy Reserves, retired, to the rank of captain on the Reserves list; to the Committee on Armed Services.

By Mrs. MINK:

H.R. 13569. A bill for the relief of Evelyn Fegi Matayoshi and Wilma Fegi Matayoshi; to the Committee on the Judiciary.

H.R. 13570. A bill for the relief of Phan Manh Quynh; to the Committee on the Judiciary.

H.R. 13571. A bill for the relief of Terrence Jarome Caguiat; to the Committee on the Judiciary.

H.R. 13572. A bill for the relief of William M. Raisner; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 13573. A bill for the relief of Resan Ocot; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

405. By the SPEAKER: Petition of the Legislature of Erie County, N.Y., relative to public transit operating assistance; to the Committee on Banking and Currency.

406. Also, petition of the Utah State Bar Association, Ogden, Utah, relative to the service of chief judges of U.S. district courts; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PATRIOTISM CAN BE REVIVED—EVEN NOW

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 1974

Mr. ZWACH. Mr. Speaker, I read an uncommonly good and very timely editorial in the Heron Lake News, which I insert in the CONGRESSIONAL RECORD so that all the Members of Congress may have the opportunity of reading it.

I particularly commend the closing paragraph:

Maybe a little more love of country and combined efforts to teach the youngsters what their country really means, may pave the road for the next generation somewhat. They need to know the cost of having Old Glory flying in the breeze.

PATRIOTISM CAN BE REVIVED—EVEN NOW

The United States hasn't been in such a spot for many a year. This would be an excellent time to reactivate the wonderful feeling of patriotism, particularly among the young children. Time was when no day was begun without the Pledge of Allegiance to the flag which schoolchildren knew from the time they entered the classroom.

To those who have lived through a few wars, the remembrance of the feeling of pride in being an American that was experienced as the flag passed in review was something great. The military parades, military funerals and Memorial Day services were something to remember. Every student could tell you all of the causes and effects of every war from the Revolutionary War on down to the present time by the time he graduated from the eighth grade. He could also tell you what countries were adjacent to each other, the products, exports and industries of most of the nations of the world. He could tell with pride about the struggles of the Pilgrims and other immigrants who braved the many dangers of the new world to find freedom from oppression. He could tell with gratitude about the efforts of early statesmen who worked very hard to make America proud and beautiful—an example to other countries.

Because of the abundance of materials and technology, we have been the class of people to help all others. However, in our charity for others and being a benign Santa Claus we have neglected to remember that charity begins at home. As a result, the people of the United States are faced with shortages which should never have occurred.

Because of the many scandals which have put doubts in the minds of many, thoughts of patriotism have moved to the background as people are more concerned about self-preservation. During World War II, it was an honor to sacrifice for your country. No