

April 24, 1974

*To be major general*

Brig. Gen. Willard W. Millikan, **xxx-xx-  
xxx-...** FG, Air National Guard.  
Brig. Gen. Valentine A. Siefermann, **xx-  
xxx-xx-...** FG, Air National Guard.

*To be brigadier general*

Col. Doyle C. Beers, **xxx-xx-xxxx** FG, Air National Guard.

Col. Robert G. Etter, **xxx-xx-xxxx** FG, Air National Guard.

Col. Eugene G. Gallant, **xxx-xx-xxxx** FG, Air National Guard.

Col. Joseph H. Johnson, **xxx-xx-xxxx** FG, Air National Guard.

Col. Lloyd W. Lamb, **xxx-xx-xx-...** FG, Air National Guard.

Col. Robert B. Maguire, **xxx-xx-xxxx** FG, Air National Guard.

Col. Donald E. Morris, **xxx-xx-xxxx** FG, Air National Guard.

Col. Stanley F. H. Newman, **xxx-xx-xxxx** FG, Air National Guard.

Col. Richard F. Petercheff, **xxx-xx-xxxx** FG, Air National Guard.

Col. Darrol G. Schroeder, **xxx-xx-xxxx** FG, Air National Guard.

Col. Harding R. Zumwalt, **xxx-xx-xxxx** FG, Air National Guard.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

*To be major general*

Brig. Gen. Arthur W. Clark, **xxx-xx-xxxx** FV, Air Force Reserve.

Brig. Gen. William Lyon, **xxx-xx-xxxx** FV, Air Force Reserve.

Brig. Gen. Oscar D. Olson, **xxx-xx-xxxx** FV, Air Force Reserve.

Brig. Gen. Alfred Verhulst, **xxx-xx-xxxx** FV, Air Force Reserve.

Brig. Gen. John S. Warner, **xxx-xx-xxxx** FV, Air Force Reserve.

*To be brigadier general*

Col. Bruce M. Davidson, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Edward Dillon, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. George M. Douglas, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Arthur A. Gentry, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Irving B. Holley, Jr., **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Harry J. Huff II, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Willard G. Hull, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. James D. Isaacks, Jr., **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Orrin W. Matthews, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Alvin J. Moser, Jr., **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Dalton S. Oliver, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Frank J. Parrish, **xxx-xx-xxxx** FV, Air Force Reserve.

Col. Barnett Zumoff, **xxx-xx-xxxx** FV, Air Force Reserve.

**IN THE ARMY**

The Army National Guard of the United States officers named herein for promotion as

Reserve Commissioned officers of the Army, under the provisions of title 10, United States Code, section 593(a) and 3892:

*To be major general*

Brig. Gen. Alfred Frederick Ahner, **xxx-  
xx-...**

Brig. Gen. Joseph Roland Chappell, Jr., **xxx-xx-xxxx**

*To be brigadier general*

Col. Bruce Ingle Staser, **xxx-xx-xxxx**

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3307:

*To be major general*

Lt. Gen. Elvy Benton Roberts, **xxx-xx-  
Army of the United States (brigadier general, U.S. Army).**

Lt. Gen. James George Kalergis, **xxx-  
xx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Vincent Henry Ellis, **xxx-xx-x-  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Theodore Antonelli, **xxx-xx-xxxx  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. William Eugene McLeod, **xxx-xx-  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Joseph Warren Pezdirtz, **xxx-x-  
xxx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Darrie Hewitt Richards, **xxx-xx-x-  
xx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Stewart Canfield Meyer, **xxx-xx-x-  
xxx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Ralph Julian Richards, Jr., **xxx-xx-xxxx  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. John Carpenter Raaen, Jr., **xxx-xx-xxxx  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Maurice Wesley Kendall, **xxx-  
xx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Harold Robert Parfitt, **xxx-xx-  
xxx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. George Gordon Cantlay, **xxx-xx-x-  
xxx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Robert Charles Hixon, **xxx-xx-  
xxx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Verne Lyle Bowers, **xxx-xx-xxxx  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. John Kirk Singlaub, **xxx-xx-xxxx  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Harold Robert Aaron, **xxx-xx-  
xxx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Jeffrey Greenwood Smith, **xxx-xx-xxxx  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Harold Arthur Kissinger, **xxx-xx-  
xxx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Richard Hulbert Groves, **xxxx-  
xxxx-... Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Thomas Edward Fitzpatrick, Jr., **xxx-xx-  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Harold Gregory Moore, **xxx-xx-  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Peter George Olenchuk, **xxx-xx-xxxx  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Dennis Philip McAuliffe, **xxx-xx-xxxx  
Army of the United States (brigadier general, U.S. Army).**

Maj. Gen. Robert Carter McAlister, **xxx-  
xxx-xx-... Army of the United States (brigadier general, U.S. Army).**

**IN THE NAVY**

Vice Admiral Frederick J. Harlfinger II, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefor as provided by law:

**LINE**

Robert N. Colwell **Norman A. Coleman**  
Earl Forgy, Jr. **Raymond B. Ackerman**  
Arthur M. Wilcox **Stephen T. Quigley**

**MEDICAL CORPS**

Victor P. Bond

**SUPPLY CORPS**

Robert G. James

**CIVIL ENGINEER CORPS**

Robert C. Esterbrooks

**DENTAL CORPS**

Albert G. Paulsen

**IN THE MARINE CORPS**

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Kenneth J. Houghton **James P. Jones**  
Robert C. Lang **Charles D. Mize**  
Robert D. Bohn **Norman W. Gourley**  
Edward J. Miller

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

Albert C. Pommerenke **William L. Smith**  
Herbert L. Wilkerson **Arthur J. Poillon**  
Manning T. Jannell **Kenneth McLennan**  
Ernest R. Reid, Jr. **Joseph Koler, Jr.**  
Clarence H. Schmid **George R. Brier**  
Edward A. Wilcox

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Robert E. Friedrich **Allan T. Wood**  
Paul E. Godfrey

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Victor A. Armstrong **William R. Quinn**  
Wilbur F. Smilik **Francis W. Vaught**  
William G. Joslyn **Robert L. Nichols**

**HOUSE OF REPRESENTATIVES—Wednesday, April 24, 1974**

The House met at 12 o'clock noon.  
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*O give thanks unto the Lord, for He is good; for His mercy endureth forever.—Psalms 107: 1.*

Eternal God, our Father, we thank Thee for the grandeur of another spring day, for the beauty about us, the glory

above us, the green mantle beneath us, and for the love which from our birth over and around us lies. Lord of all, to Thee we raise this our prayer of grateful praise.

As we set out upon the tasks of this day, help us to seek first Thy will for us and for our Nation. To this end, illumine our minds, strengthen our spirits, and give us the courage of creative convic-

tions that our thoughts, our words, and our actions may merit Thine approval.

Bless all who work under the dome of this glorious Capitol and all who work through our land. Help us—everyone—to continue to labor earnestly for the welfare of our country and the well-being of all mankind.

In Thy holy name we pray. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on April 22, 1974, the President approved and signed a bill of the House of the following title:

**H.R. 13542.** An act to abolish the position of Commissioner of Fish and Wildlife and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arlington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2770) entitled "An act to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2771) entitled "An act 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."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate with amendments to a bill of the House of the following title:

**H.R. 9492.** An act to amend the Wild and Scenic Rivers Act by designating the Chattooga River, North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3062) entitled the "Disaster Relief Act Amendments of 1974," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURDICK, Mr. CLARK, Mr. BIDEN, Mr. RANDOLPH, Mr. DOMENICI, Mr. BUCKLEY, and Mr. BAKER to be the conferees on the part of the Senate.

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

**S. 1486.** An act to regulate commerce by authorizing and establishing programs and activities to promote the export of American goods, products, and services and by increasing the recognition of international economic policy considerations in Federal decision-making and for other purposes;

**S. 1488.** An act to provide for a system of uniform commodity descriptions and codes and tariffs filed with the Federal Maritime Commission, and for other purposes; and

**S. 3231.** An act to provide compensation to poultry and egg producers, growers, and processors and their employees.

## PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 8193

**Mrs. SULLIVAN.** Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tonight to file a report on H.R. 8193, a bill to require that a certain percentage of petroleum and petroleum products imported into the United States be carried in U.S.-flag vessels.

**THE SPEAKER.** Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

## "NO" TO RENEWED FOREIGN AID GIVEAWAY PROGRAMS

(Mr. WYMAN asked and was given permission to address the House for 1 minute.)

**Mr. WYMAN.** Mr. Speaker, today's press reports the prospect of requests of this Congress for renewed foreign aid to Egypt, India, and other countries. I hope the Congress will not resume foreign aid giveaways as this country faces a \$500 billion national debt, much of which is due to excessive, wasteful, and largely nonproductive foreign aid giveaway programs.

If it be a fact that our national self-interest suggests the advisability of helping these or other countries, let us resolve firmly that if this is to be done, it should be on a hard-nosed, businesslike basis upon appropriately pledged collateral security.

In the case of India, action taken recently wrote off a multibillion-dollar debt that India owed to us derived from a previous huge foreign aid program over many years. There was no collateral and none was required in raw materials or possible mineral rights. The prospect of a repeat of such a debacle must be avoided at all costs. American taxpayers should not be required to bear the burden of renewed billions of foreign aid giveaway programs.

## WHITE ELEPHANT BULK MAIL SYSTEM HAS OVERRUN OF \$283 MILLION

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

**Mr. GROSS.** Mr. Speaker, 3 years ago the managers of the U.S. Postal Service unveiled their plan to build a national bulk mail system in an effort to recapture parcel post business which had been lost to private carriers.

The plan called for separate buildings to handle parcel post and a separate transportation system for the movement of parcels between bulk mail centers and transfer point offices.

The system looked so convincing on paper that it was decided not to do any experimenting but to go nationwide immediately, with 21 bulk mail centers and 12 auxiliary service facilities. These

33 centers were to handle all the parcel post in the United States.

The cost was estimated at \$950 million, a figure which the Postal Service has continually used over the past 3 years in spite of inflation, cost overruns, and increased costs of labor and materials.

The Secaucus, N.J., facility, for example, was originally estimated at \$62 million. This figure quickly rose to \$131 million according to a General Accounting Office report in 1971. More recent and equally reliable estimates place the cost of the Secaucus plant at \$192 million.

Post Office Committee staff studies show that the eventual cost of the bulk mail system will be close to \$1.2 billion, or an overrun of \$283 million.

Mr. Speaker, I cite these figures to alert the House that it is entirely possible that the Congress at some time in the future will be asked to subsidize this postal white elephant.

## FOREIGN AID IS AN INDISPENSABLE ELEMENT OF OUR FOREIGN POLICY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-293)

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 Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

For more than twenty five years, America has generously provided foreign assistance to other nations, helping them to develop their economies, to meet the humanitarian needs of their people and to provide for their own defense.

During this area foreign aid has become an indispensable element of our foreign policy. Without it, America would risk isolating herself from responsible involvement in an international community upon which the survival of our own economic, social and political institutions rests. With the continuation of a healthy foreign aid program, this Nation can continue to lead world progress toward building a lasting structure of peace.

Now that we have ended the longest war in our history and no American troops are serving in combat for the first time in more than a decade, there is a temptation to turn inward, abandoning our aid programs and the critical needs facing many of our friends in the process.

We must not succumb to that temptation. If we lay down the burden now, we will foreclose the peaceful development of many of the nations of the world and leave them at the mercy of powerful forces, both economic and political. Moreover, we will deny ourselves one of the most useful tools we have for helping to shape peaceful relationships in the most turbulent areas of the world.

Many of the nations which were once dependent upon our direct assistance for their survival are now managing their own economic and defense needs without our aid. Those nations which still need our aid will not need it indefinitely.

We expect those nations we help to help themselves. We have made it clear that we do not intend to be the world's policeman, that our aid is not a substitute for their self-reliance, and that we do not intend to do for others what they should be expected to do for themselves.

But as long as there are governments which seek to change the frontiers and institutions of other nations by force, the possibility of international conflict will continue to exist. And as long as millions of people lack food, housing, and jobs; starvation, social unrest, and economic turmoil will threaten our common future.

Our long-range goal is to create an international environment in which tolerance and negotiation can replace aggression and subversion as preferred methods of settling international disputes. While this goal is not as distant as it once was, present circumstances do not now permit reduction in foreign assistance. We must not only maintain our efforts, but also make special efforts in two critical areas of the world—the Middle East and Indochina.

In the Middle East, we have an opportunity to achieve a significant breakthrough for world peace. Increased foreign aid will be a vital complement to our diplomacy in maintaining the momentum toward a negotiated settlement which will serve the interests of both Israel and the Arab nations.

In Indochina our assistance is no less critical. South Vietnam, Cambodia, and Laos are trying to make the difficult transition from war to peace. Their ability to meet their defense needs while laying the foundations for self-sustaining social and economic progress requires continued and substantial amounts of American aid.

To meet these continuing and special needs, I am proposing to the Congress a total foreign aid budget of \$5.18 billion for fiscal year 1975. In my judgment, these amounts represent the minimum which the United States can prudently afford to invest if we are to maintain the present degree of international equilibrium and advance our efforts to construct a durable peace with prosperity.

#### TOWARD PEACE IN THE MIDDLE EAST

The hope for a lasting solution to the Arab-Israeli dispute is stronger today than at any time in the previous quarter century. American diplomatic initiatives have helped create the conditions necessary for an end to conflict and violence. While our diplomatic efforts must and will continue, there is already much that can be done to supplement and consolidate what has been achieved so far. I am therefore requesting a Special Assistance program for the Middle East, and have asked the Congress to provide the following:

—For Israel: \$50 million in security supporting assistance and \$300 million in military credit sales. Israel's continued ability to defend herself reduces the prospect of new conflict in the Middle East, and we must continue to assist her in maintaining that ability.

—For Egypt: \$250 million in supporting assistance. These funds would be used for the tasks which come with

peace: clearing the Suez Canal, repairing the damage in adjacent areas, and restoring Egyptian trade.

—For Jordan: \$100 million in military assistance grants, \$77.5 million in security supporting assistance, and \$30 million in military credit sales. Jordan has been a moderating force in the Arab world and these funds will enable her to maintain a position of moderation and independence which will be crucial to a permanent settlement in the area.

—For a Special Requirements Fund: \$100 million. This fund will be used for new needs that may arise as the outlines of a peaceful settlement take shape, including provision for peacekeeping forces, refugee aid or settlement, and development projects.

All of this aid will contribute to the confidence these nations must have in the United States and in their own security if they are to have the base from which to negotiate a lasting settlement. It will strengthen moderate forces in an area where only moderation can form the basis for a settlement acceptable to all.

#### TOWARD RECONSTRUCTION OF INDOCHINA

Another area of acute and continuing concern to this Government is Southeast Asia. Our aid in Indochina is no less crucial than our aid in the Middle East in achieving a peaceful outcome which protects our interests and reflects our past involvement in these two areas. I am asking the Congress to authorize the appropriation of \$939.8 million to assist South Vietnam, Cambodia and Laos in their efforts to shift their economies from war to peace and to accelerate the reconstitution of their societies.

We have already invested heavily in these countries. Progress has been significant, and we are nearing success in our efforts to assist them in becoming self-sufficient. Although our total request is higher than last year, the budget I am proposing is actually austere. We must recognize that a modest increase in economic assistance now will permit the development of viable, self-supporting economies with lower requirements for assistance within a few years.

The South Vietnamese face an unusually difficult task in reconstructing their economy and caring for their war-torn population even as the effort to end hostilities goes forward. Progress in reconstruction, economic development, and humanitarian programs, which offer the hope of a better life for the people there, should make it clear that a peaceful settlement of political disputes is in the interest of all.

This year and next the South Vietnamese face several related challenges which make increased U.S. economic assistance essential:

—They must resettle more than a million refugees and displaced persons.

—They must provide the investments needed to create productive jobs for the several hundred thousand who have lost jobs with the withdrawal of U.S. forces.

—They must meet the much higher

costs of such essential imports as fertilizer and other critical resources caused by worldwide inflation.

—They must provide for the orphans, the disabled, and for widows who can never recover their wartime losses.

—They must continue to support the military forces needed to preserve movement toward peace so long as hostile forces continue to be deployed within South Vietnam and supported from outside.

The South Vietnamese have made laudable efforts to solve their own problems. They have increased their taxes—a 40 percent increase in real terms in 1973. They have expanded their exports, which were virtually eliminated by the war—doubling exports in 1972 and again in 1973. They have sharply reduced the consumption of imported goods, including a notable reduction in petroleum. But after more than a decade of war, they cannot reconstruct their economy and their society alone. Increased U.S. assistance is needed now to support the increasing efforts of the Vietnamese to achieve peace and self-sufficiency as soon as possible.

In Laos, a peaceful political solution to the conflict is in motion and the people there can finally look forward to a secure and stable environment. The problems of resettling refugees and establishing a viable economy, however, will provide a major test of the Laotian government's ability to work in the interests of all. Our continued assistance is essential to permit this underdeveloped, land-locked country to reconstruct its economy after so many years of war.

Continued U.S. assistance is also essential to alleviate the hardships facing the Cambodian people, many of them refugees with little opportunity to support themselves until hostilities subside.

The investment I am now seeking—an investment to sustain the peace, to overcome the human suffering resulting from the war, and to give the people of Indochina a chance to stand on their own feet—is small in comparison with what we have committed over the years in Indochina. But the potential return on this investment is large in enhancing the prospect of peace both in Indochina and around the world.

#### DEVELOPMENT ASSISTANCE

U.S. assistance programs—both bilateral and multilateral—have made a very substantial contribution to the economic growth of the developing nations over the past decade.

In spite of encouraging progress, it is estimated that 40 percent of the total population in all the developing countries still remain trapped in conditions of poverty beyond the reach of the market economy. These people continue to exist below minimal levels of nutrition, literacy, and health.

It is clear that in the modern world, peace and poverty cannot easily endure side by side. In the long term, we must have peace without privation, or we may not have a durable peace at all. All that we have worked, and fought, and sacrificed to achieve will be in jeopardy as long as hunger, illiteracy, disease,

and poverty are the permanent condition of 40 percent of the populace in developing nations of the world. But the progress which we have been able to help bring about thus far demonstrates that this need not be a permanent condition. Our developmental assistance continues to be needed to maintain and expand this record of progress.

To provide this needed assistance I am asking the Congress to authorize for fiscal year 1975 the appropriation of \$255.3 million for functional development assistance programs in addition to the \$618 million already authorized by last year's Foreign Assistance Act.

These additional funds will permit the Agency for International Development to assist developing nations in increasing food production. The widespread hardship caused by recent pressures on world food supplies calls for greater efforts by all to raise agricultural productivity. Population growth combined with recent crop failures in many parts of the world have led to the lowest grain stock levels in many years as well as high prices. In some cases, famine is threatening entire populations, and the world shortage of food makes it difficult to provide the assistance needed to avert tragedy. But food aid alone does not provide a solution. Developing nations must increase their own agricultural productivity, and almost 60 percent of AID's development assistance programs will be aimed at achieving this goal.

We will continue to reorient our development assistance programs, as jointly endorsed by the Congress and the Administration, to concentrate more directly on acute human problems in poor countries. AID will thus focus on providing family planning and basic health services, strengthening education and other human resource programs, increasing food production, and improving nutrition.

A strong bilateral U.S. foreign aid program can be fully effective, however, only if it is complemented by continued, active multilateral assistance efforts. Pending before the Congress is legislation to authorize United States contributions of \$1.5 billion to the International Development Association (IDA). Appropriations for those contributions will be spread over a number of years beginning in 1976.

The International Development Association has a 14-year history of excellence in providing development loans to the poorest nations. We have negotiated a reduction in the United States' share of the total contributions to IDA from 40 percent to 33 percent, thereby shifting additional responsibility for international lending to other nations. It is inconceivable that the United States should abandon such a successful international activity, and I urge the House of Representatives to reconsider its recent vote denying the IDA authorization. Such a step would constitute a false economy in violation of the very principles toward which we would hope to move in providing foreign development assistance.

Also pending is legislation to authorize contributions of \$362 million for the ordinary capital and \$50 million for the special resources of the Asian Develop-

ment Bank (ADB). The performance of the IDA is being matched today by the newer Asian Development Bank. The African Development Fund of the African Development Bank has excellent prospects of playing an increasingly critical role in a continent whose need has been most recently highlighted by severe drought.

It is imperative that these authorizations as well as those for our bilateral programs be enacted. It is equally imperative that appropriations be enacted in the full amount necessary to fulfill our responsibilities in these institutions and in the Inter-American Development Bank, for which authorizing legislation has been enacted.

The United States is currently engaged in negotiations relating to international monetary and trade reform. It should be recognized that less developed nations will play an important role in the success of these important initiatives. These nations will look to the United States to continue our leadership in the development assistance field as well as in trade and monetary reform.

#### SECURITY ASSISTANCE

The security of our allies and of nations friendly to us is an essential consideration in the foreign and national security policies of the United States. Not all are capable of providing for their security, and our assistance enables those countries to assume primary responsibility for their own defense. It gives them the confidence to negotiate with potential adversaries from a position of strength and to resist subversion and intimidation. The effectiveness and wisdom of these policies is being proven today in the Middle East and Southeast Asia.

There can be no real peace in the world so long as some governments believe that they can successfully obtain by force or threat of force what they cannot obtain by peaceful competition or negotiation. Our security assistance programs reduce the likelihood that such calculations will be made and thereby increase the incentives to resolve international disputes by peaceful means.

Just as security assistance can ease the impact of large and unexpected defense burdens on the economies of friendly nations, it can also strengthen their economies and thereby allow a greater use of military sales credits as opposed to grants. We need a flexible military credit sales program to encourage and facilitate the self-reliance of friendly states and to help gradually reduce the cost to the United States of providing security assistance.

I am asking the Congress to authorize the appropriations for fiscal year 1975 of \$985 million for grant military assistance, \$555 million for foreign military sales credits to finance an \$872.5 million program, and \$385.5 million for security supporting assistance.

#### CONCLUSION

The United States has only recently emerged from more than a decade of direct involvement in a long, bitter, and costly war. It is not remarkable that we should see a strong sentiment in the land for giving up the difficult duties of world

leadership. But temporary sentiment must not obscure the long-range interest of our Nation.

The percentage of America's gross national product dedicated to foreign assistance is small. It is less, indeed, than that of some other nations. But it is a wise investment, undertaken with bipartisan support in the interest of our Nation, in the interests of our historical role as a generous and courageous defender of freedom and human rights, and in the interests of world peace.

With our assistance, other nations have reached a point where they can share this burden. But we have not yet reached the point where we can safely lay it down.

The amounts I am requesting for fiscal year 1975 are the minimum essential to support the responsible and constructive American role of international leadership and cooperation, a role which it is in our national interest to continue and strengthen.

RICHARD NIXON.

THE WHITE HOUSE, April 24, 1974.

#### PERMISSION TO FILE CONFERENCE REPORT AS OF YESTERDAY

MR. HOLIFIELD. Mr. Speaker, yesterday I transmitted to the Clerk at the rostrum a conference report to accompany the bill H.R. 11793, but inadvertently unanimous consent had not been granted to the managers on the part of the House to have until midnight yesterday to file that conference report.

I therefore ask unanimous consent that the conference report on the bill H.R. 11793 which I transmitted to the Clerk and which was printed in the RECORD of yesterday be considered as having been filed on yesterday.

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

There was no objection.

#### SPECIAL PAY BONUSES FOR MEMBERS OF THE ARMED FORCES

MR. STRATTON. Mr. Speaker, I call up the conference report on the 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 ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 10, 1974.)

MR. STRATTON (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement because it appeared in the RECORD of April 10 and that I be permitted to make a statement explaining the position of the managers.

THE SPEAKER. Is there objection to

the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, this is the second bill relating to pay of the armed services which passed the House just a couple of weeks ago. This basically is designed to continue and to make some changes in the reenlistment bonus provided for enlisted men in the armed services to make it more responsive and also to make it more effective in terms of retaining personnel in the armed services.

The major differences between the Senate and the House in connection with this program are these.

First of all, the House bill provided a maximum bonus of \$15,000 and the Senate bill provided a maximum of \$12,000.

#### CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make a 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 Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 175]

Barrett	Gray	Powell, Ohio
Blackburn	Green, Oreg.	Quie
Biatnik	Haley	Rangel
Bolling	Hanna	Reid
Brown, Mich.	Harsha	Riegle
Buchanan	Hebert	Rooney, N.Y.
Burke, Calif.	Holtzman	Rooney, Pa.
Carey, N.Y.	Hosmer	Sandman
Clark	Johnson, Pa.	Shoup
Clay	Kazan	Sisk
Collins, Ill.	McCormack	Steiger, Wis.
Conyers	McSpadden	Stokes
Dellenback	Milford	Teague
Dellums	Mitchell, Md.	Thompson, N.J.
Diggs	Myers	Udall
Dingell	Patman	Wright
Esch	Pickle	Young, S.C.
Gettys	Pike	

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

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

#### SPECIAL PAY BONUSES FOR MEMBERS OF THE ARMED FORCES

The SPEAKER. The gentleman from New York is recognized.

Mr. STRATTON. Mr. Speaker, as I was saying before the quorum call, this is a very simple conference report on the bill S. 2771, which revises the enlistment and reenlistment bonus laws of the Armed Forces. These revisions are designed to provide improved bonus authority to attract and retain volunteers in critical skills in our all-volunteer force. This is, along with the attraction of adequate medical officers, one of the most difficult challenges of the all-volunteer force. We completed action on physician legislation yesterday.

In the conference on S. 2771 the House position prevailed in all cases but one. Let me briefly point out the differences.

#### MAXIMUM BONUS

The conference report provides a maximum bonus of \$15,000. This is the amount contained in the House version of the bill.

The Senate bill had provided a maximum of \$12,000.

The \$15,000 maximum was approved by the conferees with the understanding that the use of this maximum would be limited to skills in the nuclear-power field.

#### MULTIPLE BONUSES

The conference report eliminates language contained in the House bill that was designed to provide administration of bonuses in such a manner that a member enlisting for one maximum reenlistment—that is, 6 years—would receive as much in total bonus as one who reenlists for two shorter periods—such as two reenlistments of 3 years each.

The Senate bill had contained no such provision.

The Senate conferees expressed concern communicated by the Department of Defense that the House amendment would limit the ability to provide a meaningful bonus to highly trained enlisted personnel in critical skills in the 6 to 10 years of service time frame.

The House conferees, therefore, receded.

#### EXPIRATION DATE

The conference report provides an expiration date of June 30, 1977, for the new selective reenlistment bonus authority as contained in the House bill.

The Senate bill would have made the legislation permanent law.

The House position that the law should be reviewed after a reasonable period was sustained in conference.

#### ADMISSION OF WOMEN TO SERVICE ACADEMIES

The conference report eliminates any reference to women attending the service academies as was the case in the House bill.

The Senate bill had contained a floor amendment authorizing the admission of women at the service academies.

Since no hearings had been held on the provision and it was found to be technically defective, and since our committee had indicated its intention to hold hearings on legislation on the matter, the Senate receded.

#### EFFECTIVE DATE

The conference report would be effective the first day of the month following the day of enactment as provided in the House bill. The Senate bill had contained an effective date of January 1, 1974.

Mr. Speaker, I move approval of the conference report.

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

Mr. STRATTON. I am happy to yield to the gentleman from New Jersey (Mr. Hunt), the ranking Republican member on the conference committee.

Mr. HUNT. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. STRATTON), for yielding to me. I think the gentleman from New York has completely and cogently covered the

factors involved in the conference report. I would, however, call the attention of the Members of the House to the fact that all of the conferees were unanimous on the conference report. There was no dissension. The decision and agreements that came into the conference are, I believe, very well laid out in the report. This is a good report, and covers the projection well for those people who want to be retained in the field of nuclear energy and power, because we can no longer afford to have a repetition of that which occurred just a few years ago. We trained men in the nuclear field, and then lost those men by virtue of larger salaries from private enterprise. This bill will retain those employees whom we have trained at governmental expense for a period that they would designate themselves.

Again I compliment the gentleman from New York (Mr. STRATTON), the chairman of the subcommittee, for his excellent handling of the bill, and the fine work the gentleman has done in the conference.

Mr. STRATTON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report (S. 2771) just agreed to.

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

There was no objection.

#### AMENDING THE ARMS CONTROL AND DISARMAMENT ACT

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 12799) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion was agreed to.

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 12799, with Miss JORDAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee arose on yesterday all time on general debate on the bill had expired.

The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arms Control and Disarmament Act, as amended, is further amended as follows:*

(1) Section 41(d) (22 U.S.C. 2581(d)) is amended by—

(a) deleting “as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals,” and substituting therefor “as authorized by section 3109 of title 5 of the United States Code,” and;

(b) deleting from the first proviso thereof “one hundred days” and substituting therefor “one hundred and thirty days”.

(2) Section 49(a) (22 U.S.C. 2589(a)) is amended by inserting in the second sentence thereof immediately after “\$22,000,000,” the following: “and for the two fiscal years 1975 and 1976, the sum of \$21,000,000.”

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, strike out line 3 down through line 5 and insert in lieu thereof the following: “That (1) section 41 (d) of the Arms Control and Disarmament Act (22 U.S.C. 2581(d)) is amended”.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 8, insert “of such Act” after “Section 49(a)”.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, beginning in line 11, strike out “two fiscal years 1975 and 1976, the sum of \$21,000,000,” and insert in lieu thereof “fiscal year 1975, the sum of \$10,000,000.”

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the last committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, after line 12, insert the following:

Sec. 2. Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2590) is amended—

(1) by inserting “(a)” after “Sec. 50;” and

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

“(b) In addition to the report required by subsection (a)—

“(1) whenever the Director determines that any program of research, development, testing, engineering, or deployment of a strategic weapons system has been funded by the Department of Defense or by the Atomic Energy Commission, and that the estimated cost of such program for any fiscal year will exceed \$50,000,000, he shall within 30 days submit to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, a report containing the nature, scope, purpose, cost, and impact of such strategic weapons system if developed or deployed; and

“(2) whenever the Director determines that the Department of Defense, Department of State, National Security Council, or any other Government agency has taken any action which will have a substantial impact upon United States strategic arms or arms control policies, he shall within 30 days submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate containing such determination and his analysis.”

Mr. DERWINSKI, Madam Chairman,

I rise in opposition to the final committee amendment.

Madam Chairman, in the very brief discussion we had on this subject yesterday under the general debate, what little controversy there was revolved around the so-called Harrington amendment. I should like to discuss that because that is the final committee amendment, to which I feel an objection must be made.

In short, what the Harrington amendment does is superimpose the ACDA over the Department of Defense, Department of State, Atomic Energy Commission, and other agencies of government. I appreciate the fact that some people might think this would be a useful development.

If I may digress on that issue, I should also like to point out that the committee procedure was less than normal, and this amendment popped up at the eleventh hour in the final markup of the bill. Earlier in the day that same morning officials of the Arms Control and Disarmament Agency had appeared before the committee. There was no question or comment raised by the sponsor of the amendment, and then suddenly the amendment was offered, and, frankly, much to the surprise of a number of us, it was carried by a 15-to-11 vote in the committee. I believe the amendment is untimely, to say the least. I believe it is impractical. It is my understanding that the subcommittee intends to look into this very subject in the coming years, so if anything develops from it, a modified or practical amendment could be in order a year from now.

I should think at this time with the lack of information and lack of figures as to the impact, this would be a very, very unwise amendment to accept. I should point out that there are other agencies of government to use as an example. The argument was made that this is something like an environmental impact statement. We ought to recognize that environmental impact statements have become quite controversial, and perhaps have not contributed to progress in the sense of time and other factors that enter into it.

Then, we do have the legislative oversight that other committees of Congress maintain over the Department of Defense and the Atomic Energy Commission. It seems to me this would add a layer within the already great bureaucracy of our Government that would not at all be practicable. The Harrington amendment is here before us without any hearings or discussion, and it seems to me that we would be flying blind if we were to accept this language.

I would suggest that this committee amendment be rejected.

Madam Chairman, I oppose the committee amendment. My reasons have been expressed in a letter to my colleagues and in the “additional views” found on pages 10 and 11 of the committee report.

I would only remind my colleagues that we did not consider this amendment in the hearings immediately preceding the markup of the bill in which

Mr. HARRINGTON offered his ill-timed amendment. If we had, we could have considered the implications of superimposing the Arms Control Agency over other agencies, as this amendment does, by directing it to monitor and report on the work of other agencies in the area of strategic weapons systems.

We could have considered the duplication and overlapping of jurisdiction that would result since the work of the Department of Defense and the Atomic Energy Commission, for example, are already reviewed by appropriate congressional committees. We could have considered the effect of this major expansion of responsibility upon the organization of the Arms Control Agency and the adequacy of its existing small staff to carry out additional responsibilities.

Unfortunately, we did none of these things. This amendment is mischievous. It is ill-timed and ill-advised. It should be deleted from the bill. The National Security Policy and Scientific Developments Subcommittee, under the chairmanship of Mr. ZABLOCKI, could then include a study of the Harrington proposal in the indepth study of the Agency that it will conduct this year.

Mr. FRELINGHUYSEN. Madam Chairman, I rise in opposition to the committee amendment.

Madam Chairman, as the gentleman from Illinois has just stated, this committee amendment proposes very far-reaching additional authority for the Arms Control and Disarmament Agency. The chairman of the full committee in support of this bill yesterday pointed out that a thorough study is to be made by the Committee on Foreign Affairs of the Arms Control and Disarmament Agency during the coming year. It is for that reason that we are authorizing continuation of the agency for only 1 additional year. I would think the normal course of events would be for the House next year to consider whether it would be advisable to give the agency this kind of so-called oversight responsibility over other agencies of the Government.

We had no discussion in committee about the wisdom of such a proposal. The chairman yesterday during debate described the proposal to require from the agency reports on strategic weapons systems development programs as a modest but useful step to obtain improved information. I doubt very much Madam Chairman, whether the question is lack of information. I would guess the appropriate committees of Congress already have plenty of information with respect to these programs.

If we should require this agency with strictly limited personnel to take a look at any program costing \$50 million a year or more, we are going to impose intolerable strains on that agency and I think we would quite probably be asking for the impossible.

Let us look at the language on page 2:

(1) whenever the Director determines that any program of research, development, testing, engineering, or deployment of a strategic weapons system has been funded by the Department of Defense or by the Atomic Energy Commission, and that the estimated

cost of such program for any fiscal year will exceed \$50,000,000, he shall within 30 days submit to the Committee on Foreign Relations and to the Speaker of the House of Representatives, a report containing the nature, scope, purpose, cost, and impact of such strategic weapons system if developed or deployed: . . .

That is a big order. They have 30 days to try to evaluate a major weapons system, or a minor one if we consider a program costing over \$50 million or more as minor. In addition to that we have a second paragraph which says:

. . . and (2) wherever the Director determines that the Department of Defense, Department of State, National Security Council, or any other Government agency has taken any action which will have a substantial impact upon United States strategic arms or arms control policies, he shall within 30 days submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate containing such determination and his analysis.

What exactly is meant by "any action which will have a substantial impact" taken by any Government agency? This is surely a far-reaching proposal. It is not one that was even discussed with the Director of the Agency when he came before us to testify about the need for further authorization for his agency. So I do hope that we are listened to when we say that there is no urgency for one relatively small executive agency to be given this kind of authority over other major executive agencies.

If the Foreign Affairs Committee in due course and in the normal way decides this should be an additional responsibility of the agency, we can come back next year when we will ask for further authorization. However, pending that study and pending a discussion both within our committee and with members of the executive branch, I think it would be the height of folly to accept this committee amendment. The amendment, as the gentleman from Illinois has already pointed out, was adopted on a relatively close vote in committee.

I urge defeat of this amendment.

Mr. MORGAN. Madam Chairman, I rise in support of the amendment. This amendment requires a report to Congress on the impact of certain strategic weapons systems from the United States Arms Control Agency.

The amendment is a logical addition to the Arms Control Act. Section 2 of the present act says that the Agency must report to the President, the Secretary of State and other officials of the executive branch, and to the Congress, "concerning United States arms control and disarmament policy," so they can "assess the effect of these recommendations upon our foreign policies, our national security policies, and our national economy." This reporting feature is already incorporated in the present act. But, essentially, it is somewhat general.

The amendment proposed by the committee would strengthen the reporting requirement of the law and give Congress valuable information needed to carry out its responsibilities.

There were many questions raised yesterday in the debate and many have been asked of the chairman.

One of the questions was, will the proposed reporting requirement be expensive and difficult for the Arms Control Agency to carry out?

Well, the committee report, on page 4, notes that the committee does not feel that the amendment will require any additional authorization or be burdensome to the Arms Control and Disarmament Agency.

Another question that was asked, which I tried to answer yesterday in the general debate, was whether classified information would be made public as the result of such reports?

The legislative history of the bill (H.R. 12799), makes it clear that any confidential material included in the reports will be handled under the injunction of secrecy.

As I said yesterday, the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, under the chairmanship of the Honorable CLEMENT J. ZABLOCKI, is undertaking an indepth study of the Arms Control and Disarmament Agency. The chairman of that subcommittee has agreed that any problems that may arise from this amendment will be worked out through consultation with the Arms Control Agency during that review. In the meantime, the impact reports submitted by the Agency will help supply the Congress with much-needed information on the effect of the larger strategic weapons systems.

Madam Chairman, I am advised that there are only about 20 weapons systems which fit the definition of the committee amendment. This includes ongoing systems and some of the new systems proposed. So the amendment is not as far-reaching as some of the opponents are arguing in this debate, and it should not impose any great burdens on the Agency even during the first, peak workload year.

Madam Chairman, I urge support of this amendment.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Do I understand from the gentleman that he contends there would not be a need for substantial further personnel in the agency if this requirement was imposed on it? Do I understand that he contends the agency does have the capability of handling this responsibility?

Mr. MORGAN. That is the information I have.

Mr. FRELINGHUYSEN. That is a surprise to me, because I have not found that to be the case.

Mr. MORGAN. If the gentleman will read the report on page 4, it so states.

Mr. FRELINGHUYSEN. I got my information from the Agency. They said they did not have the capability, and that this would require substantial additional personnel.

Mr. MORGAN. Of course, the gentleman knows that under section 2 of the basic act passed in 1961, they already supply reports to the Congress. The same people preparing those reports will work

also on reports called for under the committee amendment.

Mr. FRELINGHUYSEN. If the gentleman will yield further, this committee amendment does not concern reports that are presently available to some people in Congress. This is a requirement for new reports, evaluating in 30 days these strategic systems which cost over a certain amount of money in a certain fiscal year. Is the gentleman not proposing this as a new requirement?

Mr. MORGAN. I want to answer that question again. The committee amendment strengthens the reporting requirement of the law but does not, in my view, impose any great burdens on the Agency. I do not think it will require the Agency to hire additional personnel.

Mr. BINGHAM. Madam Chairman, will the gentleman yield?

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

Mr. BINGHAM. If the administration is not making the kind of studies that would be called for to be reported to the Congress, the administration is, indeed, derelict. Obviously, the arms control implications for new strategic weapons systems are essential to be considered. All we are asking for is that Congress be kept informed.

Mr. DU PONT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I do not often rise in opposition to the distinguished chairman of our committee, but as the ranking member of the Subcommittee for National Security Policy which is going to be considering the question of the effectiveness of the Arms Control Agency, I think the chairman has the cart before the horse.

Madam Chairman, he pointed out in his remarks that we were going to conduct an indepth study of the Agency, of what it does, of what success it has had, and what it should be doing. I think it would be too bad before our committee even considers that question to force this amendment upon us. While the amendment may be reasonable on its face and may sound very good, it was added at the last minute with very little consideration before the Foreign Affairs Committee.

Madam Chairman, I think we ought to have an opportunity in our subcommittee to do the amendment justice, to consider the question in depth, and not go ahead and add something to the law that we do not fully understand and that we have not had an opportunity to evaluate.

Madam Chairman, our subcommittee will be considering this amendment, and I would urge my colleagues to vote against the committee amendment so that our subcommittee may have an opportunity to do the job properly.

Mr. DENNIS. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I feel that the real trouble with this amendment is that we are talking about a rather important change in the structure of our Government here without, as I understand it, really having had any hearings in the committee on the subject.

Here is what we say: Whenever the Director of this Agency determines—he has no guidelines as far as I can see—whenever he determines in his judgment that the Department of Defense, Department of State, National Security Council, or any other governmental agency has taken any action which will have a substantial impact upon the U.S. strategic arms or arms control policies, he shall make this report.

Madam Chairman, I think that is a mistake, and this is not the only instance. The Founding Fathers put together a pretty good scheme of government, and yet we hear suggestions from time to time that we ought to have a Department of Peace, say, instead of a Department of State, which is charged with that type of thing in this Government. Or they say we ought to have a new office of some kind, an ombudsman or special prosecutor or something, instead of the Department of Justice.

Madam Chairman, I do not agree. What we ought to have is the traditional constitutional departments properly manned and efficiently run, and that is what we started out with in this country. It is what we ought to have now.

Madam Chairman, just consider it. Here is the Department of Defense, the Department of State, the National Security Agency, some of the most important departments that we have in this country, all charged with duties, responsible to this body, responsible to the Committee on Foreign Affairs, responsible to the Armed Services Committee, and to the other committees of this body, and every time the Director of the disarmament agency, in his untrammeled judgment, thinks they have done something important, he gets to stick his oar in and to ride herd on the question of policy.

Madam Chairman, I just submit to the Members that that is not the way to run a government, and it surprises me that this distinguished committee should throw this in here casually as if this were just a little minor matter. It is the kind of thing we ought to think about for a long time, and we ought to have some real hearings and we ought to become truly converted to a change like that. It is amazing to do it this way on the floor this afternoon, and I certainly hope the Committee will vote against the amendment.

Mr. BINGHAM. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I am really quite amazed at the intensity of the opposition to this committee amendment. All we are talking about here is to enable the Congress to be better informed. That is all we are talking about.

There has been a distinct tendency on the part of this administration to downgrade the ACDA. This has been recognized by the subcommittee headed by the gentleman from Wisconsin (Mr. ZABLOCKI) and it is one of the reasons for the study that is to be made by that subcommittee.

One of the effects of this amendment

would be to make sure that the ACDA gets the information that it needs to do its job, and that it passes on the information to the Congress.

We are not talking about a veto power of the Congress here; we are not talking about any action of the Congress except what it may see fit to take by resolution or by the passage of legislation. All we are talking about is seeing that the Congress be kept informed of the arms control and disarmament implications of various measures taken by the administration.

Madam Chairman, the gentleman from New Jersey, whom I highly respect, suggested that this would be an additional load for the administration to undertake. I cannot understand that comment. If the administration is not now considering the arms control and disarmament aspects of the various weapons systems it is asking for, it should be. So, if we are imposing an additional load on the administration, that is a load that should be undertaken. However, I cannot believe that is the case.

The Director of ACDA has informed us that he is kept informed of these decisions and that he is involved in this. We would like to see him more fully informed than he is, if he is not now fully informed. I cannot believe the administration does not have a study made of the arms control and disarmament aspects of weapons systems it is undertaking.

With respect to the point which the gentleman from Delaware (Mr. DU PONT) made, it is true that a proposed study is to be undertaken under the direction of the distinguished gentleman from Wisconsin, and I hope to be a part of that investigation. However, there is no reason in the world why this amendment cannot be adopted here today pending that study. It would give the study more weight, and it would give the subcommittee more information to proceed with.

It would help the study; it is not going to interfere with it.

If it turns out to be a mistake, certainly we can change it at the end of the study. I see no reason for refusing to adopt this amendment at this stage.

Mr. ZABLOCKI. Madam Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the distinguished gentleman from Wisconsin.

Mr. ZABLOCKI. Madam Chairman, I wish to point out that the subcommittee will have a more meaningful review of ACDA as a result of the provisions of the committee amendment. We need this information. There is no rhyme nor reason why it should not be made available to the Congress. I agree wholeheartedly with the gentleman from New York.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

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

Mr. FRELINGHUYSEN. Madam Chairman, in the first place it seems to me that we should consider this matter

carefully before it is finalized, although it is true the law could be changed later. It does not make much sense to act now if the study is to be initiated immediately by the committee. I think we ought to study this proposal before we take the leap.

To suggest that no additional duty is going to be imposed on the Agency, I think, is stretching the truth. If there is going to be a requirement to take action on a significant evaluation of a major study within 30 days, it is going to require prompt action by people who are experts in the field. This is going to be a new requirement, and the Agency itself says that it is going to require substantial numbers of additional personnel.

Mr. BINGHAM. Madam Chairman, I believe I have the time, and in that time I would like to ask the gentleman if he thinks the administration and the executive branch are not now considering and having appropriate studies made of weapons systems as far as their impact on arms control and disarmament is concerned.

Mr. FRELINGHUYSEN. Madam Chairman, I would say to the gentleman that "appropriate" is the key word. I say that it is entirely inappropriate for one agency to be singled out to pass judgment on what other agencies are doing.

Instead of improving the status of this Agency, and protecting this Agency, this proposal may well result in the termination of the Agency, because we cannot logically expect one agency to be set up as a watchdog and make reports within 30 days on other executive agencies and expect to get anything meaningful in the way of an evaluation.

Mr. BINGHAM. Madam Chairman, the gentleman will recall that he is describing precisely what the function of this Agency is supposed to be in the executive branch. It is supposed to present within the executive branch arms control and disarmament implications of major weapons decisions.

Mr. FRELINGHUYSEN. Nobody is attacking the Agency.

Mr. BINGHAM. That is what it was set up for.

Mr. FRELINGHUYSEN. But the point which the gentleman seems to be deliberately trying to misrepresent is that this is an effort to get one agency to pass judgment on what another agency is doing.

Mr. SIKES. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I respect the distinguished gentleman who offered this amendment, but I have carefully examined the Harrington amendment. It strikes me as totally unnecessary, and it is an obvious duplication of effort.

This sort of thing costs the Government and the taxpayers without justification, and that should be of very serious concern to us.

This is a far-reaching amendment. It could bring about serious problems and much added confusion in the administration of the program.

It is my understanding that this was added without full discussion in public

hearings. That in itself is a warning. I am advised that the Director of the Arms Control and Disarmament Agency was not consulted about this amendment, and certainly he should have been. There is no evidence in the committee records of a discussion with him of the language now proposed. Where does he stand? Does he think it is good or bad? I would like to know his opinion.

It is very important to note that this language would require the Arms Control and Disarmament Agency to perform an oversight and reporting role regarding the programs of other agencies which already are reviewed by appropriate congressional committees. That means duplication; it means placing new duties on an agency whose operations are not geared to perform an oversight function and a reporting role.

Let us not make a mistake here today. It was acknowledged on this floor just a few minutes ago that the amendment probably would require correction in the next Congress. If this is to be needed, let us wait until the next Congress when there are appropriate hearings to justify a sound decision on the amendment.

In particular let me note that the Department of Defense already provides information to the Congress on its work concerning strategic weapons systems and arms control.

The Committee on Armed Services takes a keen interest in these matters. It has a Subcommittee on Arms Control and Disarmament. I believe that the existing reporting procedures are adequate. I feel the Harrington amendment duplicates these reporting procedures and, if they are implemented, it would infringe unnecessarily upon the responsibilities of agencies of the Government and of committees. This means more paperwork, more bureaucracy, more confusion, more cost to the taxpayers, all of which we should be seeking to avoid. There are just too many confusing and unanswered questions about the operations of the proposed language.

I feel it should be rejected. Then let us take a look at it in an orderly way a year from now when there can be full hearings and more adequate information on it.

Mr. HARRINGTON. Madam Chairman, I have been caught upon the dilemma of whether or not to take the bait that has been offered during the course of the preliminaries to this discussion. But let me selectively take it, at least, to correct the number of misstatements that would have me wonder whether or not I am a member of the Committee on Foreign Affairs or whether I am a member of the Committee on Armed Services, of which I see a number of living examples gathered on the floor today, obviously with the perception that their self-interest is affected.

First of all, all of the hearings of the Foreign Affairs Committee—and there were only 2 days of hearings, one of which was extremely appreciated—were open. I address that statement to the gentleman from Florida (Mr. SIKES) who stated that it was a closed-door discussion.

Second, if I could attempt, for the benefit of the seniority accrued before me this afternoon, to suggest it is obvious that somehow—

Mr. SIKES. Madam Chairman, will the gentleman yield?

Mr. HARRINGTON. I will be glad to yield to the gentleman from Florida.

Mr. SIKES. Madam Chairman, I would ask the gentleman from Massachusetts if the distinguished gentleman is implying that the Director of the Arms Control and Disarmament Agency was questioned on the amendment, and that he had an opportunity to state whether or not he felt that this was needed language?

Mr. HARRINGTON. All I am saying, without allowing myself to be diverted, in reply to the gentleman from Florida (Mr. SIKES) is that the specific hearings that were held on this subject were always held in open session, a practice that I would commend in general, and that the decisions in this matter were made in open session, openly arrived at.

Mr. SIKES. But the gentleman has not answered my question. Did the Director specifically have an opportunity to discuss this matter with the committee?

Mr. HARRINGTON. I am answering the question, at least, that was suggested in the gentleman's initial remarks, by saying that there was no secrecy or closed sessions connected with the adoption of this amendment.

Mr. SIKES. But the gentleman from Massachusetts still has not answered my question. I would ask the gentleman: Did the Director state that he would like to have this amendment in the bill?

Mr. HARRINGTON. The Director, if I can answer the second phase of your question—and I hope that this will direct us more into a factual area—was not in the committee at the time this amendment was offered. But let me attempt again to address the question of the apparent speed with which this amendment was adopted, and specifically the chronological order. The Director presented no kind of testimony on the amendment. The Director appeared briefly, with at least part of his staff on the next morning following his initial appearance, after which the bill was thoroughly considered and marked up as a whole. That was the entire procedure that took place. Since that time the Director has been informally contacted on the subject; I have had some discussion on this point with him myself, and I suspect other members of the Committee on Foreign Affairs have as well. Other than having some reservations about part 2 of the amendment, as to its breadth, the Director has in general expressed no opinion about this simple mandate for him to do.

Mr. SIKES. The gentleman from Massachusetts I must assume is stating that the Director has not at any time informed the Committee on Foreign Affairs that this language, if adopted, would serve a useful purpose.

Mr. HARRINGTON. If the gentleman wants to talk about that in the context of it being in a public hearing that this

was done, the answer to that is "no." If the gentleman is talking about the veracity of my memory on this subject, of the Director talking to me about his being willing to abide by this and accept it as useful, the answer is yes, he did.

Mr. SIKES. I am trying to establish whether or not the Director has recommended or agreed with the committee that this was useful or needed language?

Mr. HARRINGTON. I would be glad to pursue this on the gentleman's time, or on the time of someone else, but I would like to conclude my intended remarks. Since I have yielded so much of my time to the gentleman, so as to be able to point out at least the scope of what I had intended to say, let me conclude, because I am undoubtedly running out of time.

My point is that here we are granting \$10.1 million, at this time, to an agency which has been quite thoroughly eviscerated over the past few years. It is obvious, from the trend of the conversation this afternoon, that there is concern that we apparently are superimposing this Agency on the Atomic Energy Commission, and on the Defense Department, and on the State Department. This simply is not the case.

All I am suggesting is that we try to have the Congress informed on these matters of arms control, rather than accepting the feeling that apparently surrounds us in the form of self-vested interests, and accepting instead just the Department of Defense providing us with a format by which we can make our decisions. I am suggesting that it would be useful to have another element involved in order to keep the Congress and the American people directly informed, instead of merely relying upon the statements made by the Secretary of Defense as to our weapons needs or as to our procurement needs, where the decisions are normally done in camera for authorizations and appropriations by the Defense Department.

I think that this would be very useful.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. DERWINSKI, and by unanimous consent, Mr. HARRINGTON was allowed to proceed for 3 additional minutes.)

Mr. DERWINSKI. The gentleman from Massachusetts knows I have regard for his energy, enthusiasm, and spirit. Therefore, I have, in the interest of helping him, asked for these 3 additional minutes for him. Would the gentleman now yield for a question?

Mr. HARRINGTON. I appreciate the gentleman's descriptive phrases. As I told him yesterday, I appreciate the attachment of "energetic" rather than "phlegmatic"; so certainly I will yield for a question.

Mr. DERWINSKI. I thank the gentleman for yielding. I think we must correct one item in the RECORD on which we have clashed, and refresh the gentleman's recollection. I now wish to challenge that there is not anything in the hearing which relates to this specific amendment. If I recall the exact procedure in the committee, after that brief morning appearance by the Director, we

then went into a markup session, and at the very end of it, naturally, because the amendment came at the end of the bill—the gentleman offered his amendment—what really happened was that despite an opportunity to do so, the Director of the Agency was not questioned as to his acceptance of possible opposition to this amendment; is that correct?

Mr. HARRINGTON. Since we are on the gentleman's time, perhaps we can get into a little bit longer discussion of the chronology of events. My memory of it was that consideration extended over a 2-day period on a Wednesday and Thursday about 5 weeks ago. The first day we did have the Director and some staff before the committee. The second day we attempted to get a quorum established to mark up the bill, and did have some brief remarks on the availability of the Director and staff again for questions, and then the markup came on that, the second day.

Perhaps to the degree that I differ with attempting to stress that this was the subject of lengthy preparation, consuming an enormous period of time by way of the planning, I would suggest that there has been a little bit of exaggeration engaged in by those who suggest that ACOA was considered over an extended period and, therefore, that this amendment could have been brought to the Members attention beforehand.

This amendment, was, to the degree that the hearing was called somewhat earlier than I had thought would be the case, put together on the basis of having only that one day of opportunity to offer the amendment. While I have to defer to a series of bad judgments in estimating how one goes about the lobbying effort attendant to informing Members of these events, it was not with any kind of malice aforesought that I waited until the last minute to spring this amendment on an unsuspecting membership of the committee, which I joined in the last 13 months.

Mr. DERWINSKI. Let me say that I would never accuse the gentleman of having any malice aforesought. In fact, I think the gentleman is one of the finest Members of this body. But I also want to help the gentleman, because I do feel that he needs help.

Mr. HARRINGTON. I appreciate the gentleman's comments.

Mr. DERWINSKI. The gentleman has come very, very close—unintentionally I am sure—to declaring that the chairman of the full committee had not given us enough time, and I wish to assure the gentleman, as one of the senior members that the gentleman occasionally objects to in the legislative process.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HARRINGTON was allowed to proceed for 3 additional minutes.)

Mr. HARRINGTON. I am always envious of the gentleman from Illinois' verbal dexterity. I think I will leave his recollection a matter of record. My thrust is that we have the subcommittee chairman, Mr. ZABLOCKI, here today. Notwithstanding what was said by the gentle-

man from Illinois, or the gentleman from California, the subcommittee chairman is saying specifically, as a person who is engaged in the study of this Agency, that he would welcome the experience of this amendment, and would welcome what it would afford in being able to improve the overall effectiveness of the Arms Control and Disarmament Act. This is a fact, first, that I think has been expressed by a couple of speakers recently.

Second, we are not talking about asking for any more money. We are talking, really, about suggesting that Congress welcome a change, and not leave it to the Department of Defense alone to set the parameters in which we make our judgments. Under section 2 of the original enabling legislation for ACDA, this is entirely within the scope of what was suggested that the purpose of this Agency was. Let us not overlook the fact that although there has been what has been described as an insidious effort to eviscerate this Agency over recent years, it should not detract from recognition of the fact that we are going to be spending hundreds of millions of dollars, in one way or the other, for defense programs in the current fiscal year.

Therefore, I would welcome all the help we can get in attempting to evaluate the strategic weapons systems and the policies attendant to our task.

Mr. DERWINSKI. The gentleman has implied that he is a bit unhappy with the fact that the figure in the bill is only \$10.1 million. Perhaps it would have been far more practical, rather than to have offered this amendment, that the gentleman merely should have proposed to quadruple the budget on the Agency.

Mr. HARRINGTON. Having tried that approach with the Peace Corps appropriation I would think it unlikely it would find an appropriate interest on the part of the Congress.

Mr. DERWINSKI. I would say if the gentleman in advance had contacted some of the friendly senior Members like myself we might have been able to give him more help.

Mr. HARRINGTON. Having been forewarned I will keep that in mind next time, and I thank the gentleman.

Mr. GUYER. Madam Chairman, not having had an active part in the formation of the bill or the amendment being discussed but as a member of the committee and with some past experience I would say I have found that reporting sometimes becomes more of a problem than the problem we are trying to overcome. I recall years ago being a caseworker when I was told all of my reports had to be in quadruplicate and we found we were spending more time trying to report than we were in making home visitations.

The main objection to the present form of the bill is I think we will be giving the Agency reporting duties that become almost physically impossible and also pose a real problem of security revelations that could reveal very highly classified information. Another thing is that it will be giving us an improper posture with our friends in other countries.

I think the bill is needed. I think the very highly controversial amendment is not needed.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

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

Mr. FRELINGHUYSEN. Madam Chairman, I thank the gentleman for yielding.

A discussion has just been held about whether the Director of the Arms Control and Disarmament Agency has been asked about this proposed amendment, and as to his reaction. I regret to say I do not have a formal letter, but I have just spoken to him on the telephone. I shall try to report his position. I am quoting now what he said.

He believes that it would not be good to have language like this, that it would stifle rather than facilitate communication between the Agency and the Congress.

In his opinion, and again I am quoting, the inevitable result would be a coordinated administration product with respect to these programs rather than a role such as the Agency now plays. Dr. Ikle stressed the fact that in his opinion it was important for the Agency to evaluate all programs which have an impact on strategic arms and not just those of a certain size.

To quote him again, he thought, that if we were to adopt this language, the result would be to formalize an approach, to crystallize into a single administration position what now is a fairly loosely structured approach. This amendment would not help him in the discharge of his present responsibilities.

I regret, I repeat, I regret to say that I do not have the Director's views in writing, but I think this fairly indicates the position of the man on whom we are trying to thrust these additional responsibilities.

In addition, if I may say, I have also received, and I mentioned this when I was discussing the matter with the chairman of the full committee, from the Agency a statement to the effect that additional personnel would be required to carry out this kind of responsibility.

Mr. FRASER. Madam Chairman, will the gentleman yield?

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

Mr. FRASER. Madam Chairman, what is astonishing about that statement is that we do not get any of these evaluations at the present time. If the gentleman can tell me of a single evaluation, whether it is on an informational basis or not, that is coming to the committee with respect to a weapons system, I wish he would inform me. I have never seen it and I am a member of the committee that has jurisdiction over the Arms Control and Disarmament Agency.

Mr. FRELINGHUYSEN. The Agency falls within our committee. If we think they are failing to meet their responsibilities in any way, it seems to me the least we can do is take the matter up when they come before us.

Mr. FRASER. Let me pursue that for a moment.

Mr. FRELINGHUYSEN. I really would like not to be misrepresented. That is not my position. That is not Dr. Ikle's position. What Dr. Ikle is saying is that if we have this approach, it would be too formalized an approach. There would be a uniform reaction of the administration to these programs.

As I said to the gentleman from New York earlier, the result would be the demise of the Agency, not a strengthening of it.

Mr. FRASER. Madam Chairman, I rise in support of the amendment.

Mr. DERWINSKI. Madam Chairman, will the gentleman yield? Did he say he was in opposition or in support of the amendment?

Mr. FRASER. This is an amendment being offered by the committee, so that I am in favor of the amendment.

Mr. DERWINSKI. The gentleman is in favor of the amendment?

Mr. FRASER. Yes.

Mr. DERWINSKI. I am glad to see that.

Mr. FRASER. I do not want to prejudice the gentleman's position.

Mr. DERWINSKI. If I can help in any way, I will be pleased to.

Mr. FRASER. I will call the gentleman, do not call me.

I want to pursue the point raised by the gentleman from New Jersey, who is one of our most able members of the committee. What we are faced with here is the question whether Congress wants some information or not. Those who are opposed to the amendment are saying, in effect, that they do not want it, that it will not be of any help.

It is also being argued that if we do insist on the amendment, it will result only in providing us with a consolidated administration point of view.

Let me use the analogy of the environmental impact statement process. We have said that where an enterprise is undertaken by a governmental agency, we want to have an evaluation of its impact with respect to environmental concerns. I do not think it can be argued that this results in one consolidated administration point of view. What it does provide is a new perspective, a different slice, a different look at a proposal, so that we and others with responsibility can have more information. The fact is that we are not getting this information now.

At the time we voted on this amendment in the committee, I was told informally through the committee staff that the people in the Agency rather liked this amendment. Maybe Dr. Ikle feels he wants to back away from it; but it does seem to me the Arms Control Agency can give us a different slice, a different look, to help us do our job. If we vote against the amendment, we say we do not need it, we do not want it. I think we could use it.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. FRELINGHUYSEN. I know of no opponent that says we do not need it. No one is arguing that. The gentleman is not listening to our discussion.

Mr. FRASER. I listened to the discussion of the gentleman.

Mr. FRELINGHUYSEN. We are saying the information is available. The Agency has a role to play. We are saying and the Director is saying this, too, but the result of this language, and obviously the intention is good, I am not criticizing the intention of the proponents of this arrangement; the result would be a reduced communication, rather than an increased communication between the Agency.

Mr. FRASER. I have to say to the gentleman that we are not getting that information now.

Mr. FRELINGHUYSEN. So what?

Mr. FRASER. I have an interest in what the impact is on the arms control and I know the gentleman does, too. The gentleman must concede that we do not get the information now.

Mr. FRELINGHUYSEN. Madam Chairman, will the gentleman yield?

Mr. FRASER. Surely.

Mr. FRELINGHUYSEN. If we have authority over the Agency, is the gentleman arguing that we do not have the authority to call the Director before us and say that we want more information than we are presently getting? The gentleman makes it sound that we are a bunch of morons on the committee, and we are not.

Mr. FRASER. I know that the gentleman is not.

Mr. FRELINGHUYSEN. We have the capacity now to get the information and the gentleman is suggesting that we will not have a role to play unless we get this almost unconsidered proposal before us.

I would suggest the Zablocki committee take a good look at what additional requirements should be studied in the legislation to get the Agency to be responsive.

I have no reason to believe that they will fail to be responsive to any committee or to a request for information from our committee. I do not suppose the gentleman has either.

Mr. FRASER. Madam Chairman, I think the gentleman will concede that we have not been getting information. If we were to look at it on a systematic basis, and if we want it on a systematic basis, there is only one way we can get it, and that is to write it into the arms control law. Otherwise, they will make a decision on what they are going to do, and make evaluations whenever their own judgment suggests it be done, or as a result of some internal administration decision which may also be not to do it all.

I think what has happened to the ACDA is that they may be told to keep their hands off, stay away from it, and then we will be left in a position that unless we specifically push for a study or specifically ask, they are going to have to tell us that they have not had an opportunity to evaluate it. We need a systematic review here. What is the harm in giving Congress information?

Mr. ROUSSELOT. Madam Chairman, will the gentleman yield?

Mr. FRASER. Madam Chairman, I yield to the gentleman from California.

Mr. ROUSSELOT. Madam Chairman,

my understanding is that the Armed Services Committee gets this all the time. As a matter of fact, several of the gentleman's colleagues on that committee bring that information to the floor all the time and discuss it, so that the Congress is getting the information it wants. The Armed Services Committee gets the information all the time. All the gentleman has to do is confer with his colleagues on that committee.

Mr. PRICE of Illinois. Madam Chairman, I rise in opposition to the committee amendment.

Madam Chairman, the gentleman from Minnesota said that the opponents of this amendment did not want information. He stated that the only purpose of this amendment was to get information, information to permit the committee and the Congress to do the job.

I do not think that is the issue at all. I think the issue is that the Members who oppose this amendment do so because of the additional burden it places on the Arms Control and Disarmament Agency. I do not think anyone opposes the Congress getting all the information that is available, and this information is made available to the Congress. It is made available to several committees. It is made available even to the committee on which the gentleman from Minnesota serves. They have no difficulty in getting this information.

Madam Chairman, the difference is that this information would come from a different source. It requires the Director of the Arms Control and Disarmament Agency to report to Congress any action by a Government agency which will have a substantial impact upon U.S. strategic arms or arms control policy.

Madam Chairman, we do get the information. The Atomic Energy Committee gets the information. There are several committees which get it, and as I said, the gentleman's own committee gets it. The Armed Forces Committee gets it.

Mr. DENNIS. Madam Chairman, will the gentleman yield?

Mr. PRICE of Illinois. Yes, I yield to the gentleman from Indiana.

Mr. DENNIS. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I used to practice law before an old judge who said it was a good idea to read the statute. I got to looking at this bill today and the amendment calls for this new report "in addition to the report required by subsection (a)," and I got to wondering what the report required by subsection (a) was. I got the statute out and it says:

The director shall submit to the President for transmittal to the Congress not later than January 31 of each year a report concerning the activities of the agency.

So they are already reporting to the Congress, or are supposed to be, according to the statute.

Mr. PRICE of Illinois. Madam Chairman, of course, they are.

Mr. MORGAN. Madam Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Madam Chairman, everybody here is talking about different

kinds of information. This amendment does not require additional information about the activities of the Arms Control and Disarmament Agency—or about the need for new weapons systems—or the operations of such systems.

It does only one thing:

It asks the Arms Control Agency to make an evaluation of the impact of certain weapons systems and actions, and to report its evaluation to the Congress. That is all it does. I would simply ask the Members to read the amendment again.

Mr. PRICE of Illinois. Madam Chairman, of course, the committee itself would evaluate the information which it gets from all the other agencies, which is in accord with the normal procedure required of all agencies of the Government, to report to the Congress. So it has nothing to do, as the gentleman said, with that feature.

I understand the intent of the legislation, but I think that the immediate concern of those Members who oppose the amendment is the fact that we do impose an additional responsibility on the Arms Control Agency. We get that evaluation, but I think the essential thing is to have committees make their evaluations when legislation is under consideration.

Madam Chairman, I think the amendment creates duplicate reporting requirements for the Agency. It is difficult to determine how the Arms Control and Disarmament Agency would be able to accomplish its requirement unless procedures have been established to monitor related actions of DOD, of State, of the National Security Agency, or of any other government agency. We would have to set up a whole monitoring system from department to department.

Such a procedure would infringe upon the privacy of various policymaking agencies. I do not think the amendment is necessary in order that the committee accomplish its job. I think the information that is being sought is already available, and I think the responsibility for evaluating that information is with the committee itself.

Mr. FASCELL. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment. First, however, I would like to point out what the amendment does not do.

The amendment does not ask the Congress to reconsider the need or the usefulness of any weapons system. That kind of an analysis is already being undertaken, either in the Committee on Armed Services or the Committee on Appropriations, and it is then considered in the full House in the usual order of business.

The amendment does require the Arms Control and Disarmament Agency to give the Congress its opinion about the impact of large weapons systems on our arms control policy.

Now, what is wrong with that? It has been suggested that we get that opinion now from some source. If we do get it, I do not know where it is.

It has also been suggested that I, as a Member of Congress, could attend the

appropriations or the closed sessions of the Committee on Armed Services or the closed sessions of the Joint Atomic Energy Committee. It has been suggested that that is the way in which I ought to get my information in order to serve on the Committee on Foreign Affairs.

Well, thank you very much. I decline the invitation. I do not want to get my information that way. I want to get directly—straight from the agency concerned—the information which I ought to have in order to carry out my responsibility on the Committee on Foreign Affairs. That is the way other Members get their information in their committees in order to do their jobs.

Now, that is all this amendment seeks to do. Yes, it would formalize, if you will, the procedure whereby we can consider in the Committee on Foreign Affairs the evaluation by the Arms Control and Disarmament Agency of the impact of large weapons systems on our arms control policy. I do not see anything wrong with that; I do not see anything dangerous in that.

It would give us a chance to consider the issues involved and to think about them and perhaps in some way to relate them to our overall arms policy, our overall security policy, and our overall foreign policy. It would seem to me that that is a very small request to make on a matter that is as important as that is.

The information has already been compiled in large part and made available to some people in the Congress. Representatives of the various committees said that to our distinguished colleagues on the House floor here. So there should be no problem in getting ready the report required by this amendment. The administration, I am sure, has to have this type of information in order to make decisions of its own.

Obviously the administration has to make the decision with respect to the impact of a strategic weapons system, on our military posture, on our economy, and on our foreign policy. When that decision is made, why should not the Committee on Foreign Affairs have the benefit of the considerations which went into the making of that decision? And why should we not by statute formalize the request for that information? Why should we have to go hat in hand in order to obtain information necessary to make a proper judgment on matters that are that important?

Mr. ZABLOCKI. Will the gentleman yield?

Mr. FASCELL. I yield to the chairman of the National Security Policy Subcommittee.

Mr. ZABLOCKI. I agree entirely with the gentleman from Florida.

Would it not be in order to point out that there is a similarity between what we are trying to achieve here and what we accomplished in the last Congress when we passed legislation requiring the Executive to report to the Congress all international executive agreements? We have learned since that the Congress is today receiving reports—and indeed the State Department is now receiving reports—to which neither of us were privy before the passage of that legislation.

Mr. FASCELL. The gentleman is absolutely correct.

Mr. ZABLOCKI. And all we want here is information.

Mr. FASCELL. I have great confidence in the deliberations of my distinguished colleagues on the Committee on Armed Services and on the Joint Committee on Atomic Energy and on the Committee on Appropriations. Most of the time I agree with them, although sometimes I do take the opportunity to disagree when I have the cause to do so. I would like to have the opportunity, as a member of the Committee on Foreign Affairs, to give foreign policy questions the same careful consideration which my colleagues accord to issues that come before their committees. I cannot for the life of me understand why anybody would object to allowing the Committee on Foreign Affairs to have access—in the orderly manner provided for in this amendment—to information from the very agency which ought to be concerned with the impact of major strategic weapons systems on our arms control policy and our foreign policy and our military, strategic, and economic policies.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. FASCELL. I yield to my distinguished colleague, the ranking minority member of the Committee on Foreign Affairs.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I sincerely respect the good judgment of the gentleman as a member of our committee, but he makes it seem as if our committee does not have access to information when, of course, anybody on our committee who asks can get it. We do not get information when we do not ask for it, but we have only ourselves to blame for that. The gentleman makes it sound as if the only question is getting information which is not available.

Mr. FASCELL. I would say just the opposite, if the gentleman will permit me to answer that question. I respect the gentleman's views, but I have said before and I say again that what we are after here is an opportunity to make an evaluation based on information which is already largely available to others.

Mr. FRELINGHUYSEN. And that is what I am talking about.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. FRELINGHUYSEN, Mr. FASCELL was allowed to proceed for 2 additional minutes.)

Mr. FRELINGHUYSEN. Will the gentleman yield further?

Mr. FASCELL. Certainly.

Mr. FRELINGHUYSEN. I think the basic issue is the propriety of one agency of the Government, the Arms Control and Disarmament Agency, passing judgment on the programs of the Department of Defense or the Atomic Energy Commission and their capacity to pass judgment on those programs.

Mr. FASCELL. They are not being asked to pass judgment on the programs. All we are asking for is their opinion regarding the impact of those programs. closed sessions of the Committee on Ap-

The Department of Defense will not change its opinion one iota with respect to the form of, or need for, a strategic weapons system—and neither will the Committee on Armed Services or the Congress. All we are asking the experts who are on the Arms Control and Disarmament Agency, is that they give us the benefit of their views as to what they consider to be the impact of those weapons systems on our arms control policy—a thoroughly correlated and related and integrated matter. That ought not to cause the slightest concern to any administration, because if they have any sense, they are doing it now. All we want to do is to formalize the procedure whereby the Committee on Foreign Affairs, which has the primary responsibility for considering the foreign policy and the arms control policy, can have access on a regular basis to those opinions. That is all this amendment does. To read anything else into it as being destructive of the Defense Department or the Joint Committee on Atomic Energy or any other agency or committee is simply not proper. This amendment would not do any of these things to any of the committees of the Congress, or to any agencies of the Government. But it would give those of us who serve on the Committee on Foreign Affairs, the information we need to do our job, and do it properly. That is all this amendment does.

Mr. GUBSER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, when I think of all the votes that I have cast in 21 years in this House the one that I recall most vividly was the vote that I cast in favor of creating the Arms Control and Disarmament Agency. I remember it so well because I was roundly criticized by my constituents since at that time it was not popular to talk about disarmament. But I voted for it in good conscience because it was sold to us—and if the Members would review the debate which preceded the passage of the authorization for this Agency, they will see that it was sold to us because ACDA was to be an advisory arm to our negotiating teams who would negotiate with foreign countries. It was sold exclusively as an advisory agency to assist those who sit down on the U.S. side of negotiating tables around the world.

For 3 consecutive years I have been very privileged to be one of the observers from the House Committee on Armed Services at the Geneva Disarmament Conference. I learned two things particularly from that experience.

First of all, I think ACDA, the Arms Control and Disarmament Agency, has done a remarkably fine job of fulfilling its charter as authorized in law, namely, to advise our negotiators. The second thing that has impressed me about international negotiation and disarmament conferences is how tremendously complicated they are. They do not do things at a disarmament conference table like we do them on the floor of this House. Things progress much more slow-

ly. They are much more technical. It is much more delicate.

It rather strikes me that if this language is allowed to remain in the bill, and if we formalize the requirement on the part of ACDA to submit a formal report to the Congress, that we will in effect be introducing a totally new factor into this very delicate and very complicated process called negotiation.

I do not think that any member of the Committee on Foreign Affairs will ever be denied one iota of information that ACDA has. I know that I have never been denied such information as a member of the Committee on Armed Services, and I do not believe that I have any special privilege because of that membership. I am confident that any member of the Committee on Foreign Affairs can now have anything that they would get because of this language being in this bill. They can have that today. But what we will be doing is formalizing a recommendation. This will be bringing in a new body, the Congress of the United States, into a negotiating procedure which is already so complicated that it takes years and years to move just one little way toward disarmament.

I for one hope and pray for disarmament. There is nothing I want more. I realize that it comes slowly because the negotiations leading to it is delicate and complicated. My plea to the Members of the House is to be content with getting the information, but do not introduce a new factor which can do nothing but complicate a process which is already too complicated.

Mr. ROUSSELOT. Madam Chairman, will the gentleman yield?

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

Mr. ROUSSELOT. Madam Chairman, I appreciate the comments made by the gentleman from California (Mr. GUBSER) regarding his participation as an observer in some of these disarmament conferences. I would ask the gentleman if it is not true that the disarmament agency can already get this material directly from the Secretary of State, and/or the President? And, as a matter of fact, are they not the ones who supply this information, so the language in this bill is wholly unnecessary?

Mr. GUBSER. Madam Chairman, in reply to the inquiry of the gentleman from California, let me say that I have great respect for ACDA. I think they have fine personnel, and that they do a fine job. They have been completely open with me, and I think they would be completely open to any other Member of the Congress. But if you let them bring formal reports into this body, which the news media will carry, and say that this will happen to it, or that will happen to it, then you are complicating something which is already too complicated, in my opinion.

Mr. BINGHAM. Madam Chairman, will the gentleman yield?

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

Mr. BINGHAM. I thank the gentleman for yielding.

Just to refresh the gentleman's recollection, which he says is clear about what the agency was supposed to be when it was set up, I would remind the gentleman that title III of the act which relates to the functions of the agency is three pages long, and that only one section deals with negotiations. It has other functions, including the reporting to the Congress that was previously mentioned. I am sure the gentleman recalls it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEGGETT. Madam Chairman, I rise in support of the amendment.

Madam Chairman, it seems that when we touch certain issues in this body, we ring everybody's bell. I guess Arms Control and Disarmament is one of those issues. We have enacted the legislation. We have passed some treaties and made some agreements pursuant thereto. We are negotiating on the balanced reduction force, et cetera.

We have here a very, very simple amendment put on a bill not out of the Committee on Armed Services, of which I am a member. The amendment "don't do nothing." As the gentleman from California stated a moment ago, the language is probably not necessary.

I would say that if the Committee on Foreign Affairs would direct a letter to the Arms Control and Disarmament Agency monthly and say: You report to us on every strategic or tactical—tactical weapons not covered in this amendment—weapons systems that may today or at any time in the future constitute an obligation for the United States in excess of \$50 million, and tell us what you think about it, and give us the scope of it, whether or not it should be covered by reduction agreement, et cetera, the Arms Control Agency has plenty of military people over there, and they have plenty of input into the Pentagon, and they have plenty of capability to make that analysis and deliver it to the Committee on Foreign Affairs.

We get some of this material in the House Committee on Armed Services. We get a lot of it through the nonclassified annual statement of the Secretary.

I just received a statement from Secretary Schlesinger, his first statement that he has submitted. It is about 300 pages long. It covers all of the programs for the current fiscal year, for fiscal year 1975, and will cover lots of things that were asked for in this amendment. The only thing covered by negotiations at the present time are ICBM's, AMB's, SLBM's, perhaps MIRV's and heavy long-range bombers. Those are the only things they are talking about.

It may well be that the committee that has oversight over the Arms Control and Disarmament Agency might like to know what else is floating around in the way of big, expensive fighters that may have strategic capability, in the way of AWACs, which have a long-range radar, that may disturb the balance of power, et cetera. There are a lot of things that I think the Committee on Foreign Affairs ought to know, and they ought to get the

information without propounding the necessary inquiries.

I see really nothing in this amendment that is going to do very much. We are concerned with what they are doing in disarmament on the House Committee on Armed Services. What have we done? We have had Mr. GUBSER, the gentleman from California, attending some of the sessions. I guess we have had other Members. We appointed Mr. CHARLES H. WILSON, the gentleman from California, the other day as chairman of a subcommittee to monitor what the Arms Control and Disarmament Agency is doing, because we are interested. But the members of the Foreign Affairs Committee ought to be interested in what we are doing over in our committee. Believe me, we are doing lots of things.

In Chairman PRICE's subcommittee we are marking up a bill today that probably involves a trillion dollars worth of expenditures over a period of time. We are trying to do a careful job.

I should think that the Arms Control Agency would not give a composite analysis on every single thing that we are doing, plus all of the secret things that are so secret they do not even tell us on the committee unless it is on a need-to-know basis.

I think this amendment is regular; it is not irregular; it is not going to cause our parameters to come tumbling down.

Mr. DERWINSKI. Madam Chairman, will the gentleman yield?

Mr. LEGGETT. I should be glad to yield to the gentleman for a question.

Mr. DERWINSKI. I wish to advise the gentleman, rather than ask him if he does not appreciate the fact, that the gentleman from New Jersey (Mr. FRELINGHUYSEN) and I are supporters of the Arms Control and Disarmament Agency, and yet as longtime members of our committee we feel that we have been more than adequately advised by the previous administration as well as the present administration, and therefore, the gentleman, having described this amendment as being almost unnecessary, should join us in voting it down.

Mr. LEGGETT. I say let us stand by the committee system, and since the committee says they need the amendment, let us go ahead and vote on it.

Madam Chairman, I am pleased today to rise in support of these three amendments to the Arms Control and Disarmament Act.

The first two of these amendments pertain strictly to fiscal matters. They make it possible for the Arms Control and Disarmament Agency—ACDA—to operate at a level necessary to carry out its mandated responsibilities. The first amendment increases the existing \$100 per day limitation on the Agency's authority to procure the service of experts and consultants to bring it in line with the ceiling prevailing elsewhere in the executive branch. The second amendment sets the level of funding for the Agency for fiscal year 1975 at \$10.1 million.

The ACDA in recent years has played an important role in a variety of arms control negotiations. These include:

Heading the negotiating team at the first phase of the strategic arms limitation talks, SALT, which resulted in two historic arms control agreements with the Soviet Union, the Anti-Ballistic Missile Treaty and the Interim Agreement on the Limitation of Strategic Offensive Arms;

Acting as a substantial component to the U.S. delegation in Geneva and chairing the backstopping committee in Washington for SALT II talks;

Having the primary responsibility for providing day-to-day backstopping support in Washington for the mutual and balanced force reductions in Europe talks;

Doing most of the staff work for the U.S. delegation to the United Nations Conference of the Committee on Disarmament; and

Finally, the Agency is responsible for working with the International Atomic Energy Agency on such matters as nuclear safeguards and on the implementation of the Nonproliferation Treaty.

Under the third amendment to this bill (H.R. 12799) the ACDA will have an even greater role to play in enabling the Congress to act both knowledgeably and responsibly in limiting the present nuclear arms race.

The wording of section 2 of this act requires the Arms Control and Disarmament Agency Director to report to the Congress when he determines that a strategic weapons program exceeds a yearly cost of \$50 million or when an executive agency has taken an action of "substantial impact upon U.S. strategic arms or arms control policies."

Section 2 will perform two vital functions: First, it will improve the flow of information to the Congress in the critically important area of strategic arms, enabling better congressional performance of the authorization, appropriation, and oversight functions; second, it would improve the management of strategic weapons and policy development by strengthening ACDA and institutionalizing the review process of weapons and policies which, to their credit, has been developed by President Nixon and Secretary of State Kissinger.

Too often in the past, Congress has been left in the dark on critically important matters of nuclear arms policy and the intertwined questions of strategic weapons systems. The recent experience with the SALT I agreements have taught the Congress this. We can no longer remain strapped and blindfolded in the backseat while the administration drives us to an unknown doorstep of an arms policy of its choosing. We must share that responsibility in the front seat right next to the executive branch.

This amendment is a modest step in that direction. It does not cost any money; all it does is provide to Congress the information that is already being prepared for the executive agencies by ACDA. Before the SALT I talks, ACDA undertook a comprehensive review of U.S. strategic options for the benefit of the President and the State and Defense Departments. This amendment would simply make the same in-

formation available to the appropriate legislative and oversight committees of the Congress.

Second, and equally important, successful agreements to phase II of the SALT talks have been stalemated because of past research and development of strategic weapons which have had a profound effect upon arms limitation. I speak here specifically of the multiple independently targeted reentry vehicle, MIRV.

In the past, development of MIRV was justified by some American military strategists as necessary to guarantee the American second-strike capability in the face of Russian ABM deployment. When the ABM treaty was signed under SALT I, limiting the use of these defensive weapons, one might suppose the need for MIRV was thereby removed and a MIRV ban could be agreed upon. But American MIRV development is already so far underway that it would require a major reversal of current arms policy to agree to its elimination. Furthermore, since sufficient American testing of MIRV has already taken place to permit deployment, in both land-based and submarine-based missiles, it would be very difficult to verify compliance with a MIRV ban without resort to a very intrusive form of onsite inspection. This would probably be unacceptable to both sides, certainly to the Soviet Union.

Since the Soviet Union is only now testing its own version of MIRV, it is reluctant to agree to freezing of a situation involving a technological superiority on the part of the United States. In the face of such apparently insurmountable obstacles, both sides appear to have agreed to ignore the MIRV issue.

Here is a very vivid case where technological changes and new deployments—which were put into motion sometime earlier—are threatening to upset the very balance that the negotiations are trying to maintain and stabilize. This is why section 2 of this amendment is so necessary. The Federal Government must systematize evolution of technology before its effects become irreversible.

I hope the other Members of Congress will join me today in supporting these three amendments. It is essential that the Arms Control and Disarmament Agency be given this new role of informing the Congress if we are to play our necessary part along with the Chief Executive in determining strategic arms policy and arms control.

Mr. GUBSER. Madam Chairman, will the gentleman yield?

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

Mr. GUBSER. Madam Chairman, I thank the gentleman for yielding.

I merely would point out one matter which I think has been overlooked up until now. Last year we created a Technology Assessment Board which is now chaired by the senior Senator from Massachusetts, Mr. KENNEDY, and has equal representation from both sides of the aisle from the House and Senate and private industry. The job of that Board

is to make technological assessments of major weapons systems or any other development. They do this upon the request of any standing committee chairman. So if we want a technological assessment of the impact of a weapons system, all we need to do is ask Senator KENNEDY and our former colleague, Representative Daddario, and we will get it.

Mr. WOLFF. Madam Chairman, I move to strike the requisite number of words and rise in support of the committee amendment.

Madam Chairman, I indicate that, yes, the Foreign Affairs Committee has been able to get much of the information it requested. However, from time to time the members of the Foreign Affairs Committee have had to resort to "Resolutions of Inquiry" to obtain much of the sensitive information we have needed to fully perform our duties.

That we need amendments such as the one we have before us today is unfortunate. However, it is sometimes difficult if not impossible to secure information from either the Defense Department or the State Department, and now we are faced with having to dig and search for information which should be readily available to a Member of Congress.

Mr. HARRINGTON. Madam Chairman, will the gentleman yield?

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

Mr. HARRINGTON. Madam Chairman, I thank the gentleman for yielding.

If I could, I would be very brief, and uncharacteristically so, but I think the whole focus of this debate is illusion versus reality. If the gentleman who speaks on behalf of the Armed Services Committee wishes to convey to me, as a former briefly-tenured member of that committee, that the process there involves openness, that there is an effort made to get true discussion and true controversy taking place behind, for the most part, the closed doors of that committee, he certainly does to a degree go at the surface rather than what the actuality is.

If anyone would suggest that a variety of administrations, whether Republican or Democratic, have given the Congress institutionally enough information, whether it be on arms control or pesticides, I think again they are at variance with what the actuality is.

If someone suggests to me that the Joint Committee on Atomic Energy, which most of us hardly knows exists or cannot define its location, has an open process of arriving at decisions, with open controversy a part of its processes, I think that is at variance with reality.

All we are working for is a means to give the Congress a piece of this action. It is that simple. We are not asking for more money or anything that would straitjacket the Executive. We are saying that Congress should get involved in what we are supposed to be involved in and we should make sensible judgments, and for the purpose of making those determinations the Foreign Affairs Committee, in league with the Armed Serv-

ices or other committees that have a slice of this action as representatives of the American people, should get this information, but just saying it will not suffice. We need to pass the committee amendment.

Mr. SEIBERLING. Madam Chairman, will the gentleman yield?

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

Mr. SEIBERLING. Madam Chairman, I rise in strong support of this amendment. I associate myself with the words spoken by the gentleman from Massachusetts.

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

Madam Chairperson, or should I say Madam Chairman, I am opposed to the committee amendment and for the reason among a number of other things that it calls upon the Director of the alleged Arms Control and Disarmament Agency to do certain things. If we want information concerning negotiations by the Arms Control and Disarmament Agency, we ought to substitute the name of Secretary of State Henry Kissinger for that of the Director of the Agency.

He is the Arms Control and Disarmament authority these days. But what I arose to talk about was the \$10,100,000 for the Arms Control and Disarmament Agency. I do not know for how many years we have been appropriating \$10 million for Arms Control and Disarmament, and as the years go by, there is less arms control and no disarmament. We never have had any disarmament that I know anything about. What is this all about?

We could have had three or four officials plus a small staff and given them a few thousand dollars a year, instead of \$10 million, and gotten just as much by way of arms control and disarmament as we have with \$10 million a year for so many years.

This is my criticism of this bill; the spending of \$10 million a year for alleged control and disarmament and we are getting neither.

There was read to the House an hour or so ago a message from on high, the President's message to Congress, calling for more than \$5 billion of foreign aid and a substantial part of that is for arms and credit sales of arms to foreign countries. We are probably the biggest arms peddler around the world today. I know we are the biggest arms peddler in the Middle East. The President calls for, I do not know how many hundreds of millions of dollars, to supply arms to three or four countries in the Middle East and yet we here today are about to vote another \$10 million for alleged Arms Control and Disarmament. It is one of the biggest frauds known to mankind.

Mr. FRASER. Madam Chairman, will the gentleman yield?

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

Mr. FRASER. I want to share a common point of view with the gentleman. I think we are spending too much and

that we are extending ourselves to become an arms supplier around the world.

I would say in respect to this minuscule \$10 million, which is hardly 1-day's interest on the expenditure for strategic weapons.

Mr. GROSS. That does not make it any less than \$10 million, does it?

Mr. FRASER. No; but let me say with respect to arms control agreements, we did save several billion dollars in avoiding construction of the anti-ballistic-missile systems. That several billion dollars saved is a long way to go, but that makes the \$10 million, it seems to me, a very worthwhile investment.

Mr. GROSS. Is the gentleman saying the disarmament control and arms control saved this money?

Mr. FRASER. Well, the principal negotiator, Mr. Gerard Smith, provided a backup and provided the research with a highly respected team led by the Arms Control Agency.

Mr. GROSS. I could not agree with the gentleman less. If we got any kind of a worthwhile agreement, we bought it with millions or billions and the gentleman well knows it. That is exactly what goes on in the foreign handout program.

We buy our way around the world with arms and with cash and the gentleman well knows it. All I am saying is that we have got to stop and this is a good place to do it.

Mr. SYMMS. Madam Chairman, we are considering the extension of an agency whose purpose for existing is highly questionable. In 1961 Congress passed the Arms Control and Disarmament Act creating the ACDA. This agency and its personnel are dedicated to disarmament as soon as possible. They are so zealous in pursuing their goals that they have advocated unilateral moves by the United States which would gut our strategic nuclear deterrent and gravely endanger our national security.

However, what concerns me most is that the ACDA has had the responsibility for developing positions for the United States in the SALT negotiations, and they have been very influential in this regard in the past. I see grave danger in allowing an agency so dedicated to disarmament at any price to conduct or influence negotiations so important to our security and the well-being of the free world.

Mr. Chairman, I see no sense in funding an organization whose value is questionable and whose duties in the current SALT negotiations can be performed better by the Department of Defense. Finally, it is my opinion that the philosophy represented by the Arms Control and Disarmament Agency is directly responsible for trapping the United States into an agreement that allows the Soviet Union a 50 percent advantage in numbers of delivery vehicles, thus locking us into second place, and allows them to maintain a permanent first-strike capability for blackmail purposes. Consequently, I urge defeat of this bill.

The CHAIRMAN. The question is on the committee amendment.

## RECORDED VOTE

Mr. FRASER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 239, not voting 42, as follows:

[Roll No. 176]

AYES—152

Abzug	Fraser	Natcher
Adams	Frenzel	Nedzi
Addabbo	Fulton	Nix
Anderson, Calif.	Gaydos	Obey
Ashley	Gonzalez	O'Hara
Aspin	Grasso	O'Neill
Badillo	Green, Pa.	Owens
Bergland	Griffiths	Pepper
Blester	Gude	Pike
Bingham	Gunter	Podell
Boggs	Hamilton	Rangel
Boland	Hanley	Rees
Bolling	Harrington	Robison, N.Y.
Brademas	Hawkins	Rodino
Brasco	Hays	Roe
Brinkley	Hechler, W. Va.	Rosenthal
Brooks	Heckler, Mass.	Rostenkowski
Brown, Calif.	Heilstoksi	Roush
Burke, Calif.	Holtzman	Roy
Burke, Mass.	Howard	Royal
Burlison, Mo.	Hungate	Ryan
Burton	Jordan	St Germain
Carney, Ohio	Karth	Sarbanes
Chisholm	Kastenmeier	Schroeder
Clay	Koch	Seiberling
Conte	Kyros	Sisk
Conyers	Leggett	Smith, Iowa
Corman	Lehman	Staggers
Coughlin	Long, La.	Stanton
Cronin	Long, Md.	James V.
Culver	Lukens	Stark
Daniels, Dominick V.	McDade	Studds
Danielson	McKay	Sullivan
Delaney	Macdonald	Thompson, N.J.
Dellums	Madden	Thornton
Denholm	Matsunaga	Tiernan
Dent	Mazzoli	Traxler
Donohue	Meeds	Udall
Drinan	Melcher	Uliman
Eckhardt	Metcalfe	Van Deerlin
Edwards, Calif.	Mezvinsky	Vander Veen
Eilberg	Mills	Vanik
Evans, Colo.	Minish	Vigorito
Evins, Tenn.	Mink	Walde
Fascell	Moakley	Whalen
Flood	Moorhead, Pa.	Wolff
Flowers	Morgan	Yates
Foley	Mosher	Yatron
Ford	Moss	Young, Ga.
Forsythe	Murphy, Ill.	Zablocki

NOES—239

Abdnor	Cederberg	Fish
Alexander	Chamberlain	Fisher
Anderson, Ill.	Chappell	Flynt
Andrews, N.C.	Clancy	Fountain
Andrews, N. Dak.	Clausen, Don H.	Frelighuysen
Annunzio	Clawson, Del	Froehlich
Archer	Cleveland	Fuqua
Arends	Cochran	Gaimo
Armstrong	Cohen	Gilman
Ashbrook	Collier	Ginn
Bafalis	Collins, Tex.	Goldwater
Baker	Conable	Goodling
Bauman	Conlan	Gross
Beard	Cotter	Grover
Bell	Crane	Guyer
Bennett	Daniel, Dan	Hammer-
Bevill	Daniel, Robert	schmidt
Blaggi	W., Jr.	Hanrahan
Bowen	Davis, Ga.	Hansen, Idaho
Bray	Davis, S.C.	Harscha
Breaux	de la Garza	Hastings
Breckinridge	Dennis	Henderson
Broomfield	Derwinski	Hicks
Brotzman	Devine	Hillis
Brown, Ohio	Dickinson	Hinshaw
Broyhill, N.C.	Dorn	Hogan
Broyhill, Va.	Downing	Holfield
Burgener	Dulski	Holt
Burke, Fla.	Duncan	Horton
Burleson, Tex.	du Pont	Huber
Butler	Edwards, Ala.	Hudnut
Byron	Erlenborn	Hunt
Camp	Esch	Hutchinson
Carter	Eshleman	Ichord
Casey, Tex.	Findley	Jarman

Johnson, Calif.	Passman	Steelman
Johnson, Colo.	Parris	Steele
Jones, Ala.	Patten	Steiger, Ariz.
Jones, N.C.	Perkins	Stephens
Jones, Okla.	Pettis	Stratton
Jones, Tenn.	Peyser	Stubblefield
Kemp	Powell, Ohio	Stuckey
Ketchum	Price, Ill.	Symms
King	Price, Tex.	Talcott
Kluczynski	Preyer	Taylor, Mo.
Kuykendall	Quillen	Taylor, N.C.
Lagomarsino	Landgrebe	Teague
Landrum	Railsback	Thomson, Wis.
Latta	Randall	Thone
Lent	Rarick	Towell, Nev.
Lott	Rinaldo	Treen
Lujan	Roberts	Vander Jagt
McClory	Robinson, Va.	Veysey
McCloskey	Rogers	Waggoner
McCollister	Roncalio, Wyo.	Walsh
McEwen	Roncalio, N.Y.	Wampler
McFall	Rose	White
McKinney	Rousselot	Whitehurst
Madigan	Runnels	Whitten
Mahor	Ruppe	Widnall
Mallary	Ruth	Wiggins
Maraziti	Sandman	Williams
Martin, Nebr.	Sarasin	Wilson, Bob
Martin, N.C.	Satterfield	Wilson, Charles H.
Mathias, Calif.	Scherle	Calif.
Mathis, Ga.	Schneebeli	Wilson, Charles, Tex.
Mayne	Sebelius	Winn
Michel	Shipley	Wright
Miller	Shoup	Wyatt
Minshall, Ohio	Shriver	Wyder
Mitchell, N.Y.	Shuster	Wylie
Mizell	Sikes	Wyman
Mollohan	Slack	Young, Alaska
Montgomery	Moorehead, Calif.	Young, Fla.
Moorhead,	Smith, N.Y.	Young, Ill.
St. Germain	Smith, Calif.	Young, Tex.
Sarbanes	Snyder	Zion
Schroeder	Murtha	Zwach
Seiberling	Nelsen	
Sisk	Stanton	
Smith, Iowa	J. William	
Staggers	Steed	

## NOT VOTING—42

Barrett	Green, Oreg.	Mitchell, Md.
Blackburn	Gubser	Myers
Blatnik	Haley	Patman
Brown, Mich.	Hanna	Pickle
Buchanan	Hansen, Wash.	Quie
Carey, N.Y.	Hebert	Reid
Clark	Heinz	Rhodes
Collins, Ill.	Hosmer	Riegle
Davis, Wls.	Johnson, Pa.	Rooney, N.Y.
Dellenback	Kazen	Rooney, Pa.
Diggs	McCormack	Steiger, Wis.
Dingell	McSpadden	Stokes
Gettys	Mann	Symington
Gray	Milford	Young, S.C.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Miss JORDAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 12799) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes, pursuant to House Resolution 1009, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

The bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MORGAN. 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 (H.R. 12799) just passed.

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

There was no objection.

## PROVIDING FOR CONSIDERATION OF S. 628, SURVIVING SPOUSE CIVIL SERVICE RETIREMENT ANNUITIES WITHOUT REDUCTION IN PRINCIPAL ANNUITIES

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1010 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 1010

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 628) to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1010 provides for an open rule with 1 hour of general debate on S. 628, a bill to amend chapter 83 of title 5 of the United States Code.

House Resolution 1010 provides that it shall be in order to consider the amendment recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment.

S. 628 provides for an automatic annuity to the surviving spouse of a future civil service retiree without any reduction in the retiring employee's annuity. It provides for a recomputation of the annuity of a current retiree so as to eliminate the reduction in annuity which the retiree had elected in order to provide his spouse a survivor annuity. The bill provides for an automatic annuity to the spouse of a current retiree who did not have the opportunity, or failed to provide an annuity for his surviving spouse. S. 628 also provides that the basic annuity of a surviving spouse shall equal 55 percent of the retiree's single rate of annuity.

Mr. Speaker, I urge the adoption of House Resolution 1010 in order that we may discuss and debate S. 628.

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

Mr. Speaker, I should like to tell my good friend, the gentleman from Iowa (Mr. Gross), that this is an open rule with 1 hour of general debate; so in 2 successive days we have had straight open rules.

Mr. Speaker, the rule providing for the consideration of S. 628, the surviving spouse civil service retirement annuities without reduction in principal annuities bill, is House Resolution 1010. This is an open rule with 1 hour of general debate. In addition, the rule makes the committee substitute in order as an original bill for the purpose of amendment.

This bill, S. 628, does four things:

First, it eliminates the reduction in annuity that a civil service retiree takes in order to provide a survivor benefit for a spouse. Under existing law, a retiring employee must take a reduction in his annuity of 2½ percent of the first \$3,600, and 10 percent of the annuity over \$3,600, in order to provide an annuity for his survivor which is 55 percent of the amount of the employee's annuity.

Second, this bill prospectively restores the full single life annuity for any already retired annuitant whose benefit had been reduced to provide survivor annuity for a spouse.

Third, S. 628 provides an annuity to the spouse of a retiree who did not provide an annuity for his surviving spouse.

Fourth, this bill provides that the basic annuity for the surviving spouse will be 55 percent of the retiree's annuity, even in cases where surviving spouse is presently receiving less than 55 percent.

It is estimated that enactment of this bill will increase the unfunded liability of the civil service retirement system by \$5,850,000,000. Annual appropriations of \$362,000,000 per year for 30 years would be required to amortize this amount. This bill includes Congressmen.

The committee report contains letters from the Civil Service Commission and from the OMB opposing this bill because of its cost and inflationary impact.

Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN of Nebraska. As the gentleman from Ohio has explained, this is a fiscally irresponsible piece of legislation. It increases the amount of benefits paid not only to civil service employees who are retired at the present time and who retire in future years, but it is also retroactive to civil service employees who have retired in past years and are still living, and who still have wives, if they have taken a reduced amount in their benefits so that their wives could participate in those benefits.

In these cases—and most retirements are taken on the basis of protection of the wife—it will increase the amount of retirement benefits by almost 10 percent. It does not provide that the civil service employees nor the Members of Congress pay additional amounts into the retirement fund, as should be provided for. It simply says that the taxpayers of the United States are going to pay for this deficit that will exist in the fund over the period of the next 30 years.

Let me call to the attention of the Members a couple of other bills which have passed this body but which fortunately have not yet passed the other body.

Last September we had before us here on the floor of the House H.R. 9281, a bill providing retirement benefits for certain law enforcement and firefighting personnel. According to the report on this bill, H.R. 9281 would further unfund the retirement benefit funds to the tune of \$664 million, and that legislation provided that \$41.1 million would have to be paid out of the General Treasury of the United States for the next 30 years to make up this deficit, or a total over the 30-year period of \$1,233,000,000.

Then last December, Mr. Speaker, we had another bill here, H.R. 673, a bill to provide for retirement benefits for certain law enforcement and firefighting personnel. The unfunded liability was \$2.7 billion, or \$172 million over 30 years, for a total of \$5,160,000 on that bill.

The bill we have before us today is going to take an appropriation from the taxpayer's pockets of \$362 million a year for 30 years to make up the unfunded balance of \$10,860,000,000.

If we add up the three bills that have come out of the Post Office and Civil Service Committee since last September in respect to increasing retirement benefits, we have a total of \$17,253,000,000 that are going to have to be made up in 30 equal installments over the next 30 years. That is \$17½ billion over the next 30 years. There is no rhyme nor reason why the Congress of the United States should consider legislation of this type which is so fiscally irresponsible.

I want to emphasize again, it will affect every single Member of this body when he or she retires from this Congress. It will increase your retirement benefits almost 10 percent if a Member takes the option of providing benefits for his spouse. That is one of the things

we are voting for this afternoon. It is retroactive for every single civil service employee who has retired in the United States in past years, providing they have taken this reduction because they want additional benefits to their spouse if something happens to them.

I would like to make one other point, Mr. Speaker, and that is this, that the present law provides for increased benefits based on increases in the cost of living to retired civil service employees and also to Members of Congress who have retired; so the increase in the inflationary spiral we have had in this country for many years, these people who retire are automatically taken care of, because their retirement benefits increase as the cost of living increases.

I hope this legislation will be defeated today.

I realize, Mr. Speaker, there is some sex appeal attached to this bill and that the Members of the House will probably go merrily on their way, as they did last year in both September and December, in approving two other fiscally irresponsible bills in regard to retirement and will probably go along that path this afternoon and vote for this fiscally irresponsible bill.

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

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

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

A recorded vote was refused.

Mr. ANNUNZIO. 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 363, nays 30, answered "present" 2, not voting 38, as follows:

[Roll No. 177]

YEAS—363

Abdnor	Blester	Butler
Abzug	Bingham	Byron
Adams	Boggs	Camp
Addabbo	Boland	Carney, Ohio
Alexander	Boiling	Carter
Anderson,	Bowen	Casey, Tex.
Calif.	Brademas	Cederberg
Anderson, Ill.	Brasco	Chamberlain
Andrews, N.C.	Bray	Chappell
Andrews,	Breaux	Clark
N. Dak.	Breckinridge	Clausen,
Annunzio	Brinkley	Don H.
Archer	Brooks	Clay
Arends	Broomfield	Cleveland
Armstrong	Brotzman	Cochran
Ashley	Brown, Calif.	Cohen
Badillo	Brown, Ohio	Collins, Tex.
Bafalis	Broyhill, N.C.	Conable
Baker	Broyhill, Va.	Conian
Bauman	Burgener	Conte
Beard	Burke, Calif.	Conyers
Bell	Burke, Fla.	Corman
Bennett	Burke, Mass.	Cotter
Bergland	Burleson, Tex.	Coughlin
Bevill	Burlison, Mo.	Cronin
Blaggi	Burton	Culver

Daniel, Dan	Jordan	Roncalio, Wyo.	Landgrebe	Powell, Ohio	Taylor, Mo.
Daniel, Robert	Karth	Roncalio, N.Y.	Latta	Quillen	Ware
W., Jr.	Kastenmeyer	Rose	Mallary	Rarick	Whitten
Daniels,	Kemp	Rosenthal	Maraziti	Rousselot	Wyman
Dominick V.	Ketchum	Rostenkowski	Martin, Nebr.	Stanton,	Zwach
Danielson	King	Roush	Michel	J. William	
Davis, Ga.	Kluczynski	Roy	Neisen	Symms	
Davis, S.C.	Koch	Royal	Collier	Sebelius	
Davis, Wis.	Kuykendall	Runnels		NOT VOTING—38	
de la Garza	Kyros	Ruppe	Aspin	Green, Oreg.	Patman
Delaney	Lagomarsino	Ruth	Barrett	Haley	Pickle
Dellums	Landrum	Ryan	Blackburn	Hanna	Quie
Denholm	Leggett	St Germain	Blatnik	Hansen, Wash.	Reid
Dent	Lehman	Sandman	Brown, Mich.	Hébert	Rhodes
Derwinski	Lent	Sarasin	Buchanan	Hofield	Riegle
Diggs	Litton	Sarbanes	Carey, N.Y.	Hosmer	Robison, N.Y.
Dingell	Long, La.	Satterfield	Chisholm	Johnson, Pa.	Rooney, N.Y.
Donohue	Long, Md.	Scherie	Collins, Ill.	Kazen	Rooney, Pa.
Dorn	Lott	Schneebeli	Dellenback	McSpadden	Sikes
Downing	Lujan	Schroeder	Evins, Tenn.	Milford	Stokes
Drinan	Luken	Seiberling	Gettys	Myers	Young, S.C.
Duiski	McClosky	Shipley	Gray	Nichols	
Duncan	McCloskey	Shoup		So the resolution was agreed to.	
du Pont	McCullister	Shriner		The Clerk announced the following	
Eckhardt	McCormack	Shuster		parts:	
Edwards, Ala.	McDade	Sisk		Mr. Hébert with Mr. Aspin.	
Edwards, Calif.	McEwen	Skubitz		Mr. Rooney of New York with Mr. Rhodes.	
Eilberg	McFall	Slack		Mr. Kazen with Mr. McSpadden.	
Erlenborn	McKay	Smith, Iowa		Mr. Barrett with Mr. Johnson of Pennsylvania.	
Esch	McKinney	Smith, N.Y.		Mr. Evans of Tennessee with Mr. Brown of Michigan.	
Eshleman	Macdonald	Snyder		Mr. Green of Oregon with Mr. Patman.	
Evans, Colo.	Madden	Spence		Mr. Pickle with Mr. Blackburn.	
Fascell	Madigan	Staggers		Mr. Sikes with Mr. Myers.	
Findley	Mahon	Stanton,		Mr. Stokes with Mr. Hanna.	
Fish	Mann	James V.		Mr. Reid with Mr. Buchanan.	
Fisher	Martin, N.C.	Stark		Mr. Carey of New York with Mrs. Collins of Illinois.	
Flood	Mathias, Calif.	Steed		Mr. Chisholm with Mr. Gray.	
Flowers	Mathis, Ga.	Steele		Mr. Hofield with Mr. Dellenback.	
Foley	Matsunaga	Steelman		Mr. Nichols with Mr. Quie.	
Ford	Mayne	Steiger, Ariz.		Mr. Riegle with Mr. Milford.	
Forsythe	Mazzoli	Steiger, Wis.		Mr. Haley with Mr. Hosmer.	
Fountain	Meeds	Stephens		Mr. Blatnik with Mr. Robison of New York.	
Fraser	Melcher	Stratton		Mr. Gettys with Mr. Young of South Carolina.	
Frenzel	Metcalfe	Stubblefield			
Frey	Mezvinsky	Stuckey			
Froehlich	Miller	Studds			
Fulton	Mills	Sullivan			
Fuqua	Minish	Symington			
Gaydos	Mink	Talcott			
Gaimo	Minshall, Ohio	Taylor, N.C.			
Gibbons	Mitchell, Md.	Teague			
Gilman	Mitchell, N.Y.	Thompson, N.J.			
Ginn	Mizell	Thomson, Wis.			
Goldwater	Moakley	Thone			
Gonzalez	Mollohan	Thornton			
Grasso	Montgomery	Tiernan			
Green, Pa.	Moorhead,	Tierney			
Griffiths	Calif.	Towell, Nev.			
Grover	Moorhead, Pa.	Traxler			
Gubser	Morgan	Treen			
Gude	Mosher	Udall			
Gunter	Moss	Ulman			
Guyer	Murphy, Ill.	Van Deerlin			
Hamilton	Murphy, N.Y.	Vander Jagt			
Hammer-	Murtha	Vander Veen			
schmidt	Natcher	Vanik			
Hanley	Nedzi	Veysey			
Hanrahan	Nix	Vigorito			
Hansen, Idaho	Obey	Waldie			
Harrington	O'Brien	Walsh			
Harsha	O'Hara	Wampler			
Hastings	O'Neill	Whalen			
Hawkins	Owens	White			
Hays	Parris	Whitehurst			
Hechler, W. Va.	Passman	Widnall			
Heckler, Mass.	Patten	Wiggins			
Heinz	Pepper	Williams			
Heilstoski	Perkins	Wilson, Bob			
Henderson	Pettis	Wilson,			
Hicks	Peyser	Charles H.,			
Hillis	Pike	Calif.			
Hinshaw	Poage	Wilson,			
Hogan	Podell	Charles, Tex.			
Holt	Preyer	Winn			
Holtzman	Price, Ill.	Wolff			
Horton	Price, Tex.	Wright			
Howard	Pritchard	Wyatt			
Huber	Rallsback	Wydler			
Hudnut	Randall	Wylie			
Hungate	Rangel	Yates			
Hunt	Rees	Yatron			
Hutchinson	Regula	Young, Alaska			
Ichord	Reuss	Young, Fla.			
Jarman	Rinaldo	Young, Ga.			
Johnson, Calif.	Roberts	Young, Ill.			
Jones, Ala.	Robinson, Va.	Young, Tex.			
Jones, N.C.	Rodino	Zablocki			
Jones, Okla.	Roe	Zion			
Jones, Tenn.	Rogers				
	NAYS—30				
Ashbrook	Dennis	Frelinghuysen			
Clancy	Devine	Goodling			
Clawson, Del	Dickinson	Gross			
Crane	Flynt	Johnson, Colo.			

rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida, Mr. PEPPER, is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1056 provides for an open rule with 1 hour of general debate on H.R. 11321, the Public Safety Officer's Benefits Act of 1974.

House Resolution 1056 provides that all points of order against section 4 of the bill for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House of Representatives—prohibiting appropriations in a legislative bill—are waived.

H.R. 11321 provides a \$50,000 Federal payment to the surviving dependents of public safety officers who die as the direct and proximate result of a personal injury sustained in the performance of duty.

In 1973, a total of 131 local, county, and State law enforcement officers were killed in the performance of duty as the result of felonious criminal action. In the 12 years between 1961 and 1973, 790 firefighters died in the line of duty.

Mr. Speaker, a similar bill passed the House of unanimous consent in the second session of the 92d Congress. But adjournment of the 92d Congress prevented House consideration of a conference report.

Mr. Speaker, I proudly and earnestly urge the adoption of House Resolution 1056 in order that we may discuss and debate H.R. 11321, which offers Federal aid to the dependents of law enforcement officers and firemen of States, counties, and local governments who lose their lives in performance of their hazardous duties. It will show the appreciation of their country for the noble sacrifice these men make.

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

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

Mr. BRASCO. Mr. Speaker, I thank the gentleman for yielding. I want to ask the gentleman a question.

First let me say that I certainly support this measure that the gentleman from Florida has just described, but the question that I want to ask is that I notice that the gentleman from Florida said that State, county, and municipal law enforcement officers would be included in the bill.

Does that mean that Federal law enforcement officers are excluded from the bill?

Mr. PEPPER. That is correct.

It was brought up before the Committee on Rules by the Committee on Post Office and Civil Service that the Federal law enforcement officers by and large, in the opinion of that committee, are adequately taken care of so far as

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benefits for the dependents of such Federal officers are concerned who may lose their lives in the performance of their duties. So that this bill does not include the beneficiaries of Federal law enforcement officers.

Mr. BRASCO. I thank the gentleman. Mr. PEPPER. They are taken care of by other provisions of law.

Mr. BRASCO. I might add that they do not have similar death benefits that the gentleman has just described, and I do not know of any other way that they are taken care of other than by their retirement benefits. So it just seems to me that, while I support the measure, as I indicated before, that we have left the Federal officers out. I do not see the difference between a Federal officer who gets killed during the course of his duty, or a State, county or municipal law enforcement officer.

Mr. PEPPER. It was the judgment of the committee that Congress had made adequate provision for the survivors of such Federal officers as may lose their lives in the line of duty, but that this was not true insofar as State, county, and local communities generally provide for their law enforcement officers.

Mr. BRASCO. I thank the gentleman, but there is no provision that I know of for that.

Mr. PEPPER. Mr. Speaker, I yield to the able gentleman from Illinois (Mr. ANDERSON) and I reserve the balance of my time.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would urge the Members of the House to support the adoption of House Resolution 1056 that does provide for an open rule for the consideration under 1 hour of general debate of H.R. 11321, the Public Safety Officer's Benefits Act of 1974.

Like the gentleman from Florida, my distinguished colleague on the committee (Mr. PEPPER) I, too, find a particular pleasure this afternoon in urging the adoption of this rule and subsequently a favorable vote on the legislation itself, because this bill, which would provide a \$50,000 Federal payment to the survivors of certain public safety officers who die as the direct and proximate result of personal injury sustained in the line of duty, is nearly identical to H.R. 1473 which I introduced in this Congress on the 9th of January 1973, and similar to another bill which I introduced in an earlier Congress.

I am not suggesting that this is meritorious legislation merely because my name appears as one of the authors of comparable legislation, because I know that many Members of this House have joined in sponsoring this legislation. But the necessity for it was driven home to me in a particularly poignant way.

Just a month ago, last month, very tragically a 28-year-old sheriff's detective, Michael Mayborne, was shot to death by a suspected bank robber whom he was pursuing, leaving as his survivors a wife and two small children. He hap-

pened to be the second Winnebago County law enforcement officer, which is my home county, thus to be killed in the line of duty in just the last 2 years, the previous victim having been a 28-year-old Rockford policeman, Charles J. Williams, who was shot and killed likewise, while he was attempting to question a robbery suspect, and who likewise left a widow and two small children.

I realize that there are men of conscience in this House who oppose this legislation who will argue that this is properly a function of local government, and yet, as I have studied the report and the information available on this bill, I find that there are almost half of the States that provide no benefits for survivors of Public Safety Officers. Even in those cases where States and municipalities do provide payments or some form of insurance plan, in many cases those insurance programs provide as little as \$2,000 in benefits to the widow and the survivors of police officers and firemen who are killed in the line of duty.

I think, given the statistics recited a few minutes earlier by my distinguished colleague on the committee, the gentleman from Florida (Mr. PEPPER) calling attention to the fact that between 1961 and 1973 a total of 1,002 officers died as a result of injuries sustained during the performance of duty, there is a clear moral responsibility that resides in us to recognize in some appropriate and I think not extravagant way the responsibility that we have to provide some compensation to the widows and to the families of those men who daily risk their lives for us in protecting and upholding the laws of our land.

So I would suggest, Mr. Speaker, that this is meritorious legislation, and I will urge the adoption of the rule and the legislation which it makes in order.

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

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from Illinois for yielding.

I was looking for the gentleman from Ohio, my friend (Mr. LATTA) to remind him, as he reminded me, that the last rule we had was one of two open rules in succession considered by the House. The string ran out fast, because the third one to be considered by the Committee on Rules has waivers of points of order. I simply wanted to remind him that the great record of the Committee on Rules did not last long.

Mr. ANDERSON of Illinois. I am sure that the gentleman from Ohio, were he here, could adequately answer the gentleman's question, but in his absence temporarily from the floor let me suggest that a waiver in this case of clause 4, rule XXI is necessitated by the fact that section 4 of the bill does provide authority for the transfer of funds from existing programs to the new program. As I understand it this new program, the Public Safety Officers Benefits Act of 1974, will be administered as a program under the LEAA, the Law Enforcement

Assistance Administration, and technically this particular provision in the bill does constitute an appropriation of funds to a new purpose and thereby necessitate a waiver of clause 4, rule XXI, but that is the only waiver that is provided for under this rule.

Mr. Speaker, I rise in support of H.R. 11321, the Public Safety Officer's Benefits Act of 1974. This bill would provide a \$50,000 Federal payment to the survivors of certain public safety officers who die as the direct and proximate result of a personal injury sustained in the line of duty. This bill is nearly identical to H.R. 1473 which I introduced on January 9, 1973, and H.R. 15265 which I introduced in the 92d Congress. In the last Congress both the House and Senate had passed such legislation, but time ran out before the conference report could be adopted. I am therefore encouraged by the fact that we are taking early action on this bill in this final session of the 93d Congress.

Mr. Speaker, the record of public safety officers killed in the line of duty has been a most tragic one. Last year, 131 officers were killed, an increase of 19 over the previous year. And, in the first 2 months of this year alone, some 15 law enforcement officers were killed. In addition, between 1960 and 1970, it is estimated that some 790 firefighters have been killed in the line of duty.

Mr. Speaker, the risks which our law enforcement officers confront daily was brought tragically home last March 15 in my home community of Rockford, Ill., when a 28-year-old Sheriff's detective, Michael Mayborne, was shot to death by a suspected bank robber. Mayborne left behind a wife and two children. He was the second Winnebago County law enforcement officer to be killed in the line of duty in the last 2 years. On June 1, 1972, a 28-year-old Rockford policeman, Charles J. Williams was shot and killed while attempting to question a robbery suspect. He too left behind a wife and two children.

Mr. Speaker, the bill which we are considering today recognizes that many States do not provide death benefits for the survivors of public safety officers, but it also recognizes our society's clear moral responsibility to provide some compensation for the families of those who do daily risk their lives on our behalf. Under the heading of "public safety officers," the coverage of this bill extends to reserve and professional law enforcement officers as well as volunteer and professional firemen. "Law enforcement officers" under this bill includes policemen, correctional officers, prison guards, probation and parole officers, as well as officers involved in programs relating to juvenile delinquency or narcotic addiction.

The legislation covers such individuals if their death stems from exposure to criminal activity, specifically, from injuries sustained while engaged in crime prevention, as well as apprehending, protecting or guarding suspects, prisoners or material witnesses. For volunteer and professional firemen, the coverage ap-

plies if their death occurs while actually and directly engaged in fighting fires. The legislation is retroactive to October 11, 1972, and the estimated retroactive cost is \$26.2 million. The estimated Federal cost per fiscal year is \$17.5 million.

Mr. Speaker, I urge adoption of this important legislation.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, 10 years ago I urged the American Legion Convention meeting in Chicago to establish a fund to aid the survivors of police officers killed in the line of duty. Later that same year I urged Federal funding. The proposal was very similar to the one before the House today, which provides \$50,000 to surviving dependents of public safety officers who die in the line of duty.

I spoke to the Legion for 10 minutes, beginning by stating that during the course of my speech, 40 major crimes would be committed, and during the course of the convention, a police officer would die in the line of duty.

That, Mr. Speaker, was 10 years ago.

We face the cold fact that the number of law enforcement officers cut down while protecting their fellow citizens has more than doubled during the past 10 years. In addition, firemen, as well as police officers, are under attack.

We have before us a bill to insure that the families of those men will be given the help and support of the community they seek to serve.

The policemen and firemen of our Nation's cities face possible violence each day they report for duty. As a Nation, we owe them a great debt of gratitude, for they form the main buffer between our personal security and the lawless elements of society. They stand between us and fear, violence, and death.

The problems public safety officers face are far greater than they were 10 years ago when I urged the American Legion to undertake this project. The likelihood that policemen will die from injuries sustained has grown substantially over those years. So too has the need for a commitment from us to the well-being of their survivors.

It is time for us to reach out to the public safety officers in this land. Let us give them support. And let us insure that the families of these brave men have a secure financial base, should the lives they dedicate to our service be taken.

I am very pleased that this measure has come to the floor and urge my colleagues to support it, as I urged my fellow Legionnaires to support a similar proposal almost 10 years ago.

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

Mr. PEPPER. Mr. Speaker, I have no further request for time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### SURVIVING SPOUSE CIVIL SERVICE RETIREMENT ANNUITIES WITHOUT REDUCTION IN PRINCIPAL ANNUITIES

Mr. WALDIE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 628) to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. WALDIE).

The motion was agreed to.

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 628, with Mr. EVANS of Colorado in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule the gentleman from California (Mr. WALDIE) will be recognized for 30 minutes and the gentleman from Iowa (Mr. Gross) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I yield myself such time as I may consume for the purpose of summarizing the major provisions of the legislation under consideration.

The civil service retirement law provides two types of annuity upon a married employee's retirement, a single life benefit or a reduced benefit with a survivor annuity payable to the spouse. The law automatically grants the retiring employee a reduced annuity with survivor benefit unless he elects to receive the full, single life rate without an annuity for the surviving spouse.

While the survivorship option originally required a full actuarial reduction in annuity, it has been amended over the years to decrease the annuity reduction cost to the retiring employee. The present reduction formula, which has been in effect for the past 12 years, is 2½ percent of the annuity which does not exceed \$3,600, plus 10 percent of the annuity in excess of \$3,600. The same reduction factors apply in the case of an employee who chooses to use only a portion of his full annuity upon which to base a survivor benefit.

The primary purpose of this legislation is to repeal: First, the existing requirement of reducing a retiree's annuity in order to provide a benefit for the surviving spouse; second, the authority whereby the retiree may provide a survivor benefit less than that predicated upon his full rate of annuity, and third, the provision whereby he may deny his spouse any benefit whatsoever.

This legislation also provides that the annuity of a person already retired and receiving a reduced benefit for survivor purposes will be recomputed to eliminate the penalty imposed at the time of his retirement. His annuity would be recomputed, as of the date of enactment, to restore the full, single life rate, together with any applicable cost-of-living adjustments and statutory increases authorized heretofore. Thus, the bill would extend to those persons presently on the retirement rolls the same treatment accorded by the bill to those who retire subsequently to its effective date.

In addition, while the bill does not change the current provision of law which grants the surviving spouse a benefit equal to 55 percent of the retiree's single life rate of annuity, it does provide for increasing to the same 55-percent level the benefit of a survivor annuitant whose basic annuity is less than 55 percent of the retiree's single life rate. Irrespective of the law in effect at the time of the employee's retirement, the survivor's basic annuity will be redetermined, if necessary, and paid in an amount equaling 55 percent of the single life rate of the deceased employee's or retiree's annuity, plus the applicable intervening percentage adjustments. Thus, all surviving spouses' benefits will be paid on a uniform percentage basis, in a manner similar to that proposed by the bill for future survivor annuitants.

One final significant provision of S. 628 is a provision which vests entitlement to survivor annuity in a limited number of spouses who presently have no potential annuity eligibility. These are the spouses of individuals who retired a number of years ago—before October 1, 1956, in particular—when the law either prohibited them from providing survivor protection or when the reduction costs were so substantial as to make it economically impractical for them to provide survivor protection. However, such new survivor rights would be restricted to the spouses of retirees who die subsequent to the date of enactment of the bill.

The incremental increase in the retirement system's unfunded liability created by this legislation would approximate \$5.85 billion. Under the automatic funding mechanism of the system, such amount would be amortized by annual appropriations of \$362 million in each of the succeeding 30 years after enactment. The normal cost of the system would be increased by 0.37 percent of payroll.

Since the current contribution rate exceeds present normal cost by almost 1 percent of payroll, the added normal costs of approximately one-third of 1 percent is well within the 1 percent leeway we now have, and would not require any increase in the present contribution rate.

In fact, the system is currently receiving income from employee-agency contributions of about \$270 million per year in excess of that needed to fully finance the presently estimated normal cost of 13.14 percent of payroll. These excess contributions have, over the past 4 years,

increased the fund's assets by almost \$1 billion.

Notwithstanding the 0.37 percent of increased normal cost of this bill, representing \$116 million annually, the income from employee-agency contributions will still exceed the new normal cost by almost one-half percent—0.49 percent to be precise—in an annual amount of \$154 million. Thus, the net cost of these amendments will be \$208 million rather than \$362 million, as estimated.

Mr. Chairman, the amendment to the Senate-passed bill, S. 628, was approved by a unanimous vote of the Subcommittee on Retirement and Employee Benefits and ordered reported to the House by a unanimous vote of the full Committee on Post Office and Civil Service. It represents the first major liberalization in the civil service retirement law, affecting the vast majority of Federal employees and annuitants, to be considered since 1969. Its merit is demonstrated by the bipartisan support it received while under consideration by the committee.

I urge the entire membership of this body to join in that unanimous effort by giving this legislation your overwhelming support.

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

Mr. Chairman, as the committee report on this bill indicates, it was ordered reported from committee by a unanimous voice vote. I did not oppose the motion to report the bill even though I now intend to vote against final passage in the House. I would like to explain my reasons for both actions.

In the past several Congresses, quite a procession of bills have left our committee and come to the floor—several of which have been enacted—that have nibbled away in bits and pieces at the Civil Service Retirement Act, granting special benefits to selected classes of employees.

Hazardous-duty retirement, special benefits for firefighters, customs and immigration inspectors, and air traffic controllers, and the bill to set up minimum annuities are just a few.

These bills have all been costly, with a profound effect both on normal costs and unfunded liabilities. Yet they have been of benefit to only the specific, selected groups involved. S. 628, as passed by the Senate and referred to our committee, was cast in this same mold. It would have benefited only those retirees whose marriages terminated, for whatever reason, after retirement.

Over the years I have consistently opposed these special interest bills, and on several occasions publicly urged that a full and complete study be made of the Retirement Act with a view toward improving the act in areas where it may have gotten out of date and where such additional benefits would inure to all employees and annuitants who participate in the system. It is my belief that the improved benefits to be provided by the committee substitute to S. 628 is such a liberalization.

Inasmuch as it was evident in the com-

mittee that either S. 628 as passed by the Senate or the substitute amendment would be reported, I did not oppose the motion to report the substitute amendment which I considered to be the lesser of two evils.

The committee substitute does indeed represent a major significant liberalization in the Retirement Act. It is one that has been long sought by employees, by employee unions, and by the retired employee associations. It is a liberalization that would be of significant benefit to the vast majority of employees covered under the act and to annuitants already on the rolls.

From an objective point of view, I firmly believe that the idea of providing automatic survivor annuities without reductions in principal annuities is one that will eventually come about.

Interestingly, Andrew Ruddock, who for many years headed the Bureau of Retirement at the Civil Service Commission until he retired at the end of last year, had predicted the same thing. Testifying before our committee last June, when he was asked his views on a bill similar to the one passed by the Senate, he made this observation:

I think the ultimate, I think the direction in which we are going, and I think the point we will reach will be one in which survivor annuity after retirement will be without election, will be without reduction. It will be as automatic as the payment of survivor annuity where death occurs in the service.

The House committee substitute certainly makes much more economic sense than what is proposed in the Senate-passed bill. The Senate would propose to give an annuitant a higher annuity when he is single with no dependent and then decrease his annuity when he is married with the attendant obligations of a dependent. The House committee amendment would permit the annuitant to have his full earned annuity both during times of his marriage and during the times when he may be unmarried, by whatever reason.

It should also be pointed out that under social security the benefits are greatly increased for a person who is married.

Now having said all these things, I will vote against final passage solely on the basis of the cost of the improvement, which I sincerely do not believe we can afford at this time. By reason of the Civil Service financing law which we enacted in 1969, the \$5.89 billion incremental increase in the unfunded liability will have to be paid for in 30 equal, annual installments of \$362 million.

While some may attempt to rationalize the cost on the basis that it is a manageable increase in the unfunded liability in view of the benefits to be derived and that there simply cannot be any changes in the retirement law without appreciable increases in unfunded liabilities, the fact remains that present law requires that these unfunded liabilities be paid for, and rightly so.

Perhaps in the future this type of improvement in the retirement law can be enacted, if it can be properly financed.

and if the budgetary situation improves and the economy of the Nation is not in the dire straits it is today.

However, in view of our multitude of economic and financial problems at the present time, I do not think that it should be enacted, and I will vote against it.

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

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

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman state whether this might more properly be classified as a "gratuity" rather than an "annuity," since the people who are going to receive the benefits are not paying into an annuity fund as they do in an insurance program?

This is something that is coming strictly out of the taxpayers' pockets, so is it not more proper to say that this is a gratuity rather than an annuity?

Mr. GROSS. I cannot say that it is in full a gratuity.

Mr. JOHNSON of Colorado. Certainly not in full, but it certainly is not in effect an annuity as the term is understood in my part of the country. They are actually getting back more than they are entitled to, am I not correct, under this new program?

Mr. GROSS. Yes; in consideration of present law.

Mr. JOHNSON of Colorado. Mr. Chairman, let me ask the gentleman this:

If this bill passes, how can we avoid doing the same thing for military personnel and for other Government employees?

Mr. GROSS. The gentleman poses an excellent question which will have to be answered by a supporter of this legislation.

Mr. JOHNSON of Colorado. Under equity, it would seem to me that it would require this same sort of program be passed for every Federal employee.

Mr. GROSS. Of course, widows of servicemen do receive certain benefits.

Mr. JOHNSON of Colorado. Not to the same extent.

Mr. GROSS. Mr. Chairman, I am not qualified to speak as to the military retirement system.

Mr. JOHNSON of Colorado. Would that not be something we should bring up and consider at this time?

It would seem to me that equity would require that if this bill passes, we should consider the same benefits for military people.

Mr. GROSS. Yes; I think it is perfectly logical to make a comparison between the two.

Mr. JOHNSON of Colorado. Mr. Chairman, may I ask the gentleman this: Who would be qualified to give us that information, if the gentleman knows?

Mr. GROSS. I am not qualified, because I am not a member of the Armed Services Committee, and I do not know the facts concerning the military retirement system.

Mr. WHITEHURST. Mr. Chairman, I rise in support of S. 628 which has been favorably reported by a unanimous vote

of the House Committee on Post Office and Civil Service. I commend the committee for its excellent work and strongly urge the passage of this important measure today in order to correct the glaring inequities in the existing law and to provide a badly needed increase in income for our retired Federal employees.

The most important provision of the bill would eliminate the reduction in annuity that a retired Federal employee must now take in order to provide a survivor benefit for his spouse. Under existing law, a retiree suffers a reduction in his annuity of 2½ percent of the first \$3,600 and 10 percent of the remainder if he desires to insure that his spouse will continue to receive a portion of his retirement income after his death.

As the committee's report points out, these reductions amount to hundreds of dollars each year, with many older retirees having forfeited up to 25 percent of their annuity payments to guarantee survivor benefits for their dependent spouses. In some cases the cumulative amounts forfeited during the lifetime of the retiree exceed the total amount of annuity paid during the remainder of the surviving spouse's lifetime.

An even more obvious inequity in the present law occurs when the spouse predeceases the retiree or the marriage is terminated by divorce. A Federal employee must now make an election at the time of his retirement whether or not to accept the reduced benefit in order to provide for his spouse. The election is irrevocable, so that the retiree continues to receive a reduced annuity even if his spouse dies first or their marriage ends in divorce. By eliminating the reduction in annuities altogether, S. 628 insures against the recurrence of these most unfair denials of the full benefits which Congress intended to confer upon retired Federal workers and their spouses.

In addition to correcting some of the more patent inequities in the current law, S. 628 would also have the effect of substantially increasing the monthly checks received by retired civil servants. By passing several major increases in social security payments, the Congress has demonstrated its concern over the adverse impact that the rampant inflation we have experienced over the past few years has had on the elderly. Inflation is felt by all citizens, but it is particularly harmful to the retired elderly. Retired workers are often forced to live on relatively low fixed incomes. This makes them especially susceptible to the recent sharp rise in the cost of necessary goods and services, such as food, transportation, and housing.

While Congress has attempted to improve the plight of many retirees by increasing social security benefits and by relating increases in social security payments to increases in the cost of living, it has not devoted as much attention to retired Federal workers who do not participate in the social security system. As a result, the retired Federal employees are lagging behind social security recipients in the benefits they receive. Even before the recent 11-percent increase in social security payments, the average

monthly income of retirees from social security was \$294 as compared with \$277 received each month by the average civil service annuitant. Additionally, the civil service annuity is subject to Federal income tax, while social security payments are exempt from taxation.

Another major advantage of the social security system is that the recipient's spouse continues to receive benefits after the recipient's death, even though there is no reduction in the social security recipient's benefits during his lifetime, as there is for the civil service annuitant. Thus, S. 628 would place the retired Federal worker in the same position as the social security recipient by eliminating the reduction in his annuity.

Although the social security system and the civil service retirement system are not precisely parallel, I believe it is instructive to compare the benefits offered by both. The Congress has responsibility for the two systems, and I am sure that the Members of Congress want to insure that both social security recipients and retired Federal workers receive adequate benefits. By eliminating the retired Federal employee's reduction in annuity, S. 628 would help to attain equal treatment of social security recipients and civil service retirees and would provide badly needed income to the retired Federal workers.

I have heard from many retired Federal employees in my district and throughout the Nation in support of the House version of S. 628. Most of them believe that this legislation would be more beneficial to Federal retirees than any other civil service retirement proposal now pending before the Congress. I urge my colleagues to vote for final passage of S. 628 today.

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

Mr. BRASCO. Mr. Chairman, as the author of the committee amendment to S. 628, I rise in support of this legislation.

Most retiring married employees accept reductions in their annuities in order to guarantee continuing retirement incomes to their spouses after their deaths. In two out of three cases a male retiree predeceases his wife. However, in one-third of such cases, where the male retiree survives his wife, the Civil Service retirement law requires him to continue to suffer a reduction in his annuity—even though a survivor benefit may never become payable. Acceptance of the reduced annuity is irrevocable under existing law, with the reduced benefit continuing to be paid, notwithstanding the fact that the spouse may have predeceased the retiree or that the marriage may have been terminated by divorce.

As passed by the Senate, the bill would eliminate, during periods when such a retiree is unmarried, the reduction in annuity which he accepted at the time of his retirement so as to provide his surviving spouse a monthly annuity benefit. While the Senate-passed bill does not specifically so state, it is contemplated that in the event the retiree subsequently remarries, his annuity would again become subject to reduction.

During our consideration of the matter, it became apparent that the joint and survivorship provisions of the present retirement law contains an anomaly, and that the Senate proposal would create a further anomaly. To correct those anomalies the committee unanimously agreed to an amendment to S. 628 which makes several substantive changes in the law, as previously summarized by the gentleman from California (Mr. WALDIE).

Under existing law the eligible surviving spouse of a Federal employee whose death occurs while employed is granted an automatic survivor annuity. He is not required to make an election to provide such a benefit nor to suffer a reduction in pay in order to provide that survivor benefit. However, at the time he decides to retire, or it becomes necessary that he retire from active employment, he is not only in a position of having to live on but a portion of his normal earnings, but must suffer a further reduction in his income in order to continue to provide the survivor protection which the law automatically granted, without penalty, during his employment. The committee amendment will correct this anomalous situation.

In addition, it is the committee's judgment that the Senate-passed bill would create a further anomalous situation. Although it is realized that restoration of the full, unreduced rate of annuity would be a nice benefit for the annuitant whose wife predeceases him, we recognized that restoration of the full annuity would result in the payment of greater benefits to him alone than had been paid him while he had a dependent spouse. The resultant anomaly would grant the retiree more benefits at a time when his economic need becomes less—that is, when he would no longer have the attendant obligations of a dependent.

Your committee believes that its amendment, which will permit the retiree to receive his full annuity during periods of marriage as well as during periods when he may not be married, makes more economic sense than the other body's approach to the problem.

Mr. Chairman, I urge the adoption of this legislation.

I would like to make just one further comment.

I heard several people get up and talk about the taxpayers footing this bill. Well, my friends, the close to 3 million Government employees who will benefit by this legislation are also taxpayers and they contribute very heavily to the moneys that are being expended around here.

It seems to me every time we have a bill that comes up calling for the expenditure of money for the benefit of people so they will get some of their own money back through social security benefits or the Federal retirement system, somebody starts waving the red herring of the taxpayers footing the bill. These people who will be getting these benefits are also taxpayers, and some of them in your district will not be too happy about your considering them nontaxpayers.

Mr. JOHNSON of Colorado. Will the gentleman yield at that point?

Mr. BRASCO. I certainly yield to the gentleman.

Mr. JOHNSON of Colorado. Let me ask you, do you feel people who are among the higher paid employees of the country have no obligation to save money as they go along through life? And do you believe that their retirement should be funded through the Government paying for it and not through an annuity or a forced saving program? Do you believe that it should be funded, rather, through contributions by other taxpayers?

Mr. BRASCO. Let me say this: Part of what a Federal employee contributes goes to paying off the benefits to some of the people who are on social security and vice versa. I do not necessarily agree that they are the highest paid category of employee, either. In fact, I think we do less for our Federal employees than most private enterprises do for their employees.

Let me say this: I agree with what my good friend from Iowa (Mr. Gross) said. We are in a situation where there is inflation and economic pressures, but these people have to eat, also. All of the talking we do around here does not solve the fact that notwithstanding economic pressures everybody has to and should eat at the table. What we are trying to do here is to provide an adequate annuity to a man when he has two people to support; himself and his wife. The surviving spouse gets the same 55 percent as she gets now. We do not increase that. We are only saying when there are two people around to support that he ought not to be paying a penalty for having that annuity reduced. It just makes economic sense.

I think it is not just a matter of practicality but it is a humanitarian approach to a complicated problem, and I urge all of my friends to support this legislation.

Mr. JOHNSON of Colorado. Will the gentleman yield further?

Mr. BRASCO. I yield to the gentleman.

Mr. JOHNSON of Colorado. As inflation increases and as prices go up and the salaries that the individuals get go up in turn, then do they not contribute more under the present system and does not the Government contribute more on a matching basis? So the inflation that takes place in the way of salaries and contributions also covers the rising cost of living.

Mr. BRASCO. I suspect that that could be made into an argument, but I would rather not take this off the backs of the Federal employees. The gentleman from Colorado can make that argument more effectively when we are spending money on various programs which are not as worthy.

However, when it comes to basic necessities that we must give to the American workers I do not think we should get involved in the inflationary argument.

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

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

Mr. DERWINSKI. Mr. Chairman, I just want to point out to my dear friend from the committee that the gentleman innocently may have misstated a point.

Mr. BRASCO. I am sure I am innocent of it.

Mr. DERWINSKI. The gentleman said that we have not been liberal with the Federal employees. I think that the gentleman from New York will remember that when the gentleman helped pass the Postal Reform Act, we did retain for the postal employees the Federal retirement system since it is so excellent in its benefits that it exceeds anything that could possibly be set up for them. So that the gentleman from New York can well correct that statement to say that we are more than liberal in providing fringe benefits for our Federal employees.

Mr. BRASCO. I do not necessarily agree with that. I, along with some other people, would like to give Federal employees the opportunity to choose whether they want a Federal retirement system or social security. So that that is an argument, and I guess it is a fair observation if the gentleman wants to look at it that way, but I do not.

Mr. DERWINSKI. In principle I do not object to that sort of an approach.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I rise in support of S. 628, a Senate bill amended by our committee to provide for automatic surviving spouse annuities without reduction in the retired employee's annuity.

This measure was reported out by the Subcommittee on Retirement and Employee Benefits on which I am honored to be the ranking minority member and by the full committee by unanimous voice votes.

Through the years, the Congress has wisely amended the law to where in 1962 the reduction to provide survivor protection was reduced to 2½ percent of the first \$3,600 of the retiree's annuity, and 10 percent of the remainder. No further amendments to this law have been made since 1962.

Today, we are considering a bill which will further amend the law to provide for automatic survivor annuity benefits without a reduction in a retired person's annuity. This is a true liberalization—a liberalization which benefits every Federal employee, not just a select few.

It is claimed that we cannot afford this provision. This is incorrect. In fact, the contrary is true.

According to the Report of the Board of Actuaries of the Civil Service Retirement System, the estimated normal cost as of June 30, 1970, that is, the amount required to be paid and invested at interest, during active service to cover benefits in retirement, was 12.95 percent of payroll. This cost is now estimated at 13.1 percent of payroll. This means that employee and agency—Government—contributions of 74 percent each, or a total of 149 percent payroll exceed normal costs by 0.9 percent, almost 1 percentage point.

Federal employees are, therefore, contributing more to the fund than is actuarially necessary.

While passage of this bill will increase the normal cost by 0.37 percent of payroll, contributions will still exceed normal cost by 0.53 percent.

Mr. Chairman, I believe the time has come for adoption of such a liberalization in the Civil Service Retirement System. Further, as I have explained, it is affordable.

I urge adoption of the bill, as amended.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, while the proponents of this legislation make some interesting points in its favor, I believe there are at least two valid reasons why it should not be approved at this time.

First, the House Committee substitute was not the subject of public hearings, and so we actually have no public record of the arguments for and against it, or whether or not this legislation is the proper approach.

And second, the cost makes it prohibitive at a time when we cannot afford to stretch Government spending beyond what it already is.

For example, passage of this bill would increase the unfunded liability of the Civil Service Retirement System by \$5.85 billion, thereby obligating the Federal Government to 30 annual payments of \$362 million.

The unfunded liability of the Civil Service Retirement Fund as of June 30, 1973, is an estimated \$68.7 billion, and rather than increasing this sizable debt we should be seeking ways to decrease it.

In December 1973, the Civil Service Commission conducted a survey of 25 large private and public employers on their respective fringe benefit programs. The purpose of this report was to indicate how Federal employee programs relate to those offered by these other major employers.

The results, as they pertain to survivor benefits for spouses and children, are as follows, and I quote:

Civil Service Retirement requirements for survivor benefits are comparable to those for Social Security survivor benefits and much more liberal than the requirements under almost all private plans. Benefits are more liberal than those provided under all but one of the plans studied which provide a survivor annuity to survivors of other than older employees with long service.

Civil Service Retirement survivor benefits for widows with children are, on the whole, smaller than those received under social security except at the higher earnings and long service levels or in family situations involving more than two children.

On the other hand, provisions for widows (or widowers) without children, are much more liberal under Civil Service Retirement since benefits are payable immediately rather than at age 62. In addition, the Social Security benefit payable to a widow and children temporarily ceases when the last child loses entitlement while Civil Service Retirement survivor benefits continue until the widow dies or remarries (before age 60).

Mr. Chairman, I support the concept of comparability in regard to compensation and fringe benefits for Federal employees. But, I do not accept the thesis that the Federal Government should provide wages and benefits to Federal employees which are more liberal than those provided by an employer in the private sector. This, in my view, is unfair competition in the labor market.

In view of this Civil Service Commission report, I suggest that the bill S. 628 be disapproved and that the Committee on Post Office and Civil Service conduct hearings on the specific point of providing cost-free survivor benefits with the goal of establishing a complete public record on this important matter.

Mr. Chairman, noting the informal atmosphere prevailing this afternoon, I should like to digress for a moment from the subject and to ask for the attention of the gentleman from California, (Mr. WALDIE). I am wondering if the gentleman could advise me as an old friend how his campaign in California is coming along?

Mr. WALDIE. If the gentleman will yield, in response to the gentleman's question, not as well as I would wish.

Mr. DERWINSKI. I understand the gentleman is walking the state, which is a very effective technique, and I am wondering if it has generated the momentum he needs in the home stretch.

Mr. WALDIE. If the gentleman will yield, it gives me sore feet; I can tell the gentleman that.

Mr. DERWINSKI. If that is the case, perhaps it would be incumbent upon the gentleman to return to California for his stretch drive, so perhaps we will not have any more bills coming out of his subcommittee until at least the end of June; is that a proper observation?

Mr. WALDIE. It is a good possibility, although that is largely dependent upon whether the impeachment of the President is completed by that time. That probably will keep me here longer than I anticipated.

Mr. DERWINSKI. Yes, I remember the gentleman also serves on the Committee on the Judiciary, but I was not aware that any Member other than the chairman and the ranking minority member are really privy to any real information.

Mr. WALDIE. If the gentleman will yield further, that is not true at all.

Mr. DERWINSKI. I should think that everybody would want the gentleman to be free to campaign. I do not think this impeachment debate should hinder his great effort to serve the people of California. As the gentleman knows, there is not a Member on this side of the aisle who has more respect and affection and political sensitivity to his future than I have, and I want the gentleman to consider this comment as a backhanded endorsement.

Mr. WALDIE. I appreciate the comments of the gentleman, and I stand by my commitment that in the event success crowns my efforts that he be appointed the Fish and Game Commissioner of California.

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

Mr. DERWINSKI. I yield to the gentleman from Maryland.

Mr. HOGAN. I thank the gentleman for yielding.

Was the gentleman in his remarks, Mr. Chairman, alluding to the study by the U.S. Civil Service Commission entitled "Comparisons of Retirement, Life Insurance, Health Benefits, and Other Major Employee Benefit Programs" dated December 1973?

Mr. DERWINSKI. That is correct.

Mr. HOGAN. If the gentleman will yield further, Mr. Chairman, knowing the gentleman from Illinois' fetish about accuracy, I wanted to call to his attention that his quote from the report was not a precise one. I think he was quoting from page 27 of the report, and if my memory is correct, he quoted it as "Benefits are much more liberal than all other plans." What it in fact says, and I am reading from the report, Mr. Chairman, is:

Benefits are more liberal than those provided under all but one of the plans studied which provide a survivor annuity to survivors of other than older employees with long service.

Civil Service Retirement survivor benefits for widows with children are, on the whole, smaller than those received under Social Security except at the higher earnings and long service levels or in family situations involving more than two children.

Mr. DERWINSKI. And then I will continue reading the passage which follows:

On the other hand, provisions for widows (or widowers) without children, are much more liberal under Civil Service retirement since the benefits are payable immediately rather than at age 62.

I believe that is the following paragraph in the report.

Mr. HOGAN. That is precisely correct. I just wanted to give the gentleman in the well the benefit of the exact quotation rather than his paraphrasing of it.

Mr. DERWINSKI. If all Members of the House were as helpful to me as the gentleman from Maryland is, we would indeed be living in a happy world.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to S. 628. This legislation liberalizes an already very liberal provision of the Civil Service Retirement System. At this time, it cannot be justified.

As the Civil Service Commission expressed in its letter to the Chairman of the Committee on this legislation:

... the present reduction in annuity which a retiree takes in order to provide survivor benefits for a spouse represents an equitable sharing of the costs of survivor protection.

From the time survivor annuity benefits were established in the Civil Service Retirement System, the Congress has liberalized the law on four different occasions. Today, a retired employee's annuity is reduced 2½ percent for the first \$3,600 and 10 percent of the remainder.

Incidentally, this represents only a

fraction of the cost of the survivor protection. For this reduction, a spouse is entitled to receive an annuity equal to 55 percent of the amount used as the survivor base. By any standard, this is an excellent fringe benefit.

In recent years, Federal salary rates have been raised substantially because of the adoption of the comparability principle. Accordingly, these salary increases and retirement law liberalizations have increased the amount of the primary, as well as the survivor annuities. In addition, since 1962 the cost of living provision has resulted in annuity increases of 61.8 percent for primary and survivor annuities.

For example, the 6-month period from July 1973 to January 1974, produced a cost-of-living increase of 11.6 percent. Another increase of at least 4.6 percent is expected to be triggered in the next 3 months.

This record clearly shows that primary and survivor annuities have not only been increased since 1962, but also the purchasing power of all original annuities has been maintained.

Mr. Chairman, this legislation will increase the unfunded liability of the Civil Service Retirement Fund by an estimated \$5.85 billion, which will require an annual 30-year payment of \$362 million. Therefore, the total cost to the Government over 30 years amounts to over \$10.8 billion.

At a time when it is imperative for the Congress to hold down the cost of Government, and thereby halt the spread of inflation, it is foolhardy to contemplate an expenditure of this magnitude.

I urge rejection of this proposal.

Mr. WALDIE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. DOMINICK V. DANIELS), the former chairman of this committee and the author of most of the effective retirement legislation that is presently on the books.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise to express my full support of the legislation now under consideration, and to recommend its approval by the House.

In doing so, I would invite the membership's attention to the table appearing on page 5 of the committee's report on S. 628. You will note that when a survivor annuity option was initially incorporated into the civil service retirement law, effective January 1, 1940, it required a full actuarial reduction in the retiring employee's annuity. Reducing the retiree's annuity on the basis of full actuarial considerations imposed penalties so severe that relatively few retirees could afford to provide their spouses any degree of survivorship protection.

In 1948 the reduction factors were modified and surviving widows and children of deceased employees were granted automatic annuity benefits. It will be noted that on subsequent occasions the reduction factors were gradually modified and that the present reduction formula has been in effect since 1962.

The table illustrates the historical direction in which the option has been progressing toward providing automatic, cost-free protection for the surviving spouses of Federal retirees, and demonstrates the trend toward the ultimate policy of extending to retirees treatment comparable to that which the law presently provided in case of deaths occurring in active employment.

The policy embodied in this legislation is in consonance with similar developments in the private sector and will more nearly parallel the current related features of the social security law. Under the social security program a married individual not only receives his full pension benefit, but an additional 50 percent of that benefit for his spouse—or a total of 150 percent of his own entitlement—whereas, a married civil service retiree must accept an amount of up to 10 percent less than his earned benefit, with no dependency allowance.

Further, when the social security recipient dies his spouse is entitled not to the amount of the dependency allowance, but the deceased retiree's individual benefit; that is, 66½ percent of the total family benefit as opposed to a civil service survivor benefit of 55 percent of her deceased husband's earned annuity.

However, the bill does not propose granting the retired Federal employee such a dependent's "allowance," nor does it propose awarding his surviving widow the same annuity benefit to which he was otherwise entitled. It merely allows him to receive his full annuity, regardless of his marital status.

The vast majority of married retirees prudently accept substantial reductions in their annuities in order to furnish their surviving spouses a continuing retirement income. During their retirement years they give up thousands of dollars of needed income, so as to assure that subsequent to their deaths their dependents do not end up bereft of any means of financial support. Actually, in years past, when the reduction rate was more severe than it is today, the cumulative amounts forfeited during some retirees' lifetimes exceeded the total survivor benefits received by the surviving spouses during their remaining lifetimes. As a matter of fact, even under existing law, the widow of the average retiree must outlive him by at least 2 years to recover just the amounts of annuity he relinquished during his years of retirement. This legislation will remedy such an unfortunate circumstance.

There is a limited number of retirees still on the retirement rolls whose separations from Federal service occurred quite a few years ago—particularly prior to 1956—whose spouses will have no entitlement to survivor benefits when they eventually die. The reasons therefor are because the law then in effect either precluded their acceptance of reduced annuity for survivor purses, or their full annuities were so low and the penalty factors so substantial that they could not economically afford to accept further reductions in their retirement income. The bill would grant future survivor

benefits to their spouses, most of whom are, or will be, well advanced in years.

Mr. Chairman, I urge the adoption of this worthwhile legislation.

Mr. GROSS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I sought recognition so I could ask a question of my good friend, the gentleman from California, because I felt slighted. Knowing that I am considering running for Governor, I wonder why he did not include me in his criticism of the gentleman from California for being a champion of Government employees.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield, I will be glad to include the gentleman from Maryland (Mr. HOGAN) because I know he has even more Federal employees in his district. The gentleman from Maryland is even a greater champion for Federal employees than my colleague from California. Mr. HOGAN has, indeed, been a major advocate of Federal employee benefits.

Mr. HOGAN. I feel much better that he has included me in the same criticism.

Mr. Chairman, I thank the gentleman.

Mr. FRENZEL. Mr. Chairman, this bill will, I understand, cost \$362 million each year for 30 years. It adds \$5.85 billion to the unfunded liability of the civil service retirement system.

I further understand that present survivors' benefits under civil service are comparable now to social security and far better than private plans.

This bill will improve the lot of a relatively few, but worthy, survivors or retirees, but its inflationary impact on everyone in the country leads me to believe it should not pass.

Mr. NIX. Mr. Chairman, I rise in strong support for the committee bill, which will provide an automatic annuity to the surviving spouse of retiring civil service employees without any reduction in the retiree's annuity. The bill will pertain to current as well as future retirees.

Very simply, this bill represents the culmination of a long-term trend of reducing the annuity reduction cost to a retiree to provide a survivor annuity. As the committee report notes, the new system of automatic, cost free survivorship protection parallels trends in both private pension plans and the social security plan.

I have always believed that if we are to attract and retain first-rate employees in the civil service, we must provide a first-rate and progressive retirement system. This bill makes a logical and important improvement in that system. With today's high inflation, employees are more and more considering their eventual retirement benefits as an important factor in their career decisions. The bill before us today is a sound and forward looking measure, and I am happy to support it.

Mr. PRICE of Illinois. Mr. Chairman, I support S. 628, which eliminates certain inequities in the civil service retirement system. I have many retired Federal workers in my congressional

district, and they all agree with me that this legislation is desirable and fair.

Under existing law, the annuity a retired Federal employee receives is reduced by 2½ percent of the first \$3,600 and 10 percent of the excess unless the retiree expressly elects not to provide a survivor benefit for his or her spouse. If the spouse predeceases the retiree or the marriage is terminated by divorce, the retiree continues—inequitably—to receive the reduced annuity.

S. 628 would eliminate the reduction in annuity during the periods when the retiree is not married. Furthermore, the bill provides that any surviving spouse shall receive an annuity equal to 55 percent of the maximum annuity to which the deceased retiree would be entitled if he were alive.

Mr. Chairman, I know this Congress is concerned about fairness in retirement programs. Here is an effort to improve fairness in the Government's own system. I urge my colleagues to support this legislation.

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

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8339 of title 5, United States Code, is amended as follows:*

(1) Subsection (j) is repealed.

(2) Subsections (k) to (n), inclusive, are redesignated as subsections (j) to (m), respectively.

(3) The redesignated subsection (j), formerly subsection (k), is amended to read as follows:

"(j) (1) At the time of retiring under section 8336 or 8338 of this title, an unmarried employee or Member who is found to be in good health by the Commission may elect a reduced annuity instead of an annuity computed under subsections (a)–(l) of this section and name in writing an individual having an insurable interest in the employee or Member to receive an annuity under section 8341(c) of this title after the death of the retired employee or Member. The annuity of the employee or Member making the election is reduced by 10 percent, and by 5 percent for each full 5 years the individual named is younger than the retiring employee or Member. However, the total reduction may not exceed 40 percent.

"(2) An employee or Member, who at the time of retiring under section 8336 or 8338 of this title elects a reduced annuity under paragraph (1) of this subsection and later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after the marriage, an annuity computed under subsections (a)–(l) of this section. Such latter annuity is effective the first day of the month after such election is received in the Commission. The election voids prospectively any election previously made under paragraph (1) of this subsection."

(4) The redesignated subsection (k), formerly subsection (l), is amended by deleting "subsections (a)–(k)" and inserting in place thereof "subsections (a)–(j)."

(b) Section 8341 of title 5, United States Code, is amended as follows:

(1) by deleting paragraphs (1) and (2) of

subsection (a) and inserting in place thereof the following:

"(1) 'spouse' means the surviving wife or husband of any employee, Member, or annuitant who—

"(A) was married to the employee, Member, or annuitant for at least 1 year immediately before the death of the employee, Member, or annuitant; or

"(B) is the parent of issue by that marriage; and";

(2) by redesignating paragraph (3) of subsection (a) as paragraph (2) of such subsection;

(3) by deleting paragraphs (1) and (2) of subsection (b) and inserting in place thereof the following:

"(1) When an annuitant, except an annuitant who did not elect an annuity as provided in paragraph (2) of section 8339(j) of this title, dies and is survived by a spouse, the spouse is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(1) of this title as may apply with respect to the annuitant.";

(4) by redesignating paragraph (3) of subsection (b) as paragraph (2) of such subsection;

(5) by deleting ", widow, or widower" wherever occurring in paragraph (3) of subsection (b) redesignated as paragraph (2) of such subsection;

(6) by deleting "8339(k)" in subsection (c) and inserting in place thereof "8339(j)(1)", and

(7) by deleting in subsection (d) "widow or widower" wherever occurring therein and inserting "spouse" in place thereof.

(c) Section 8344(a) of title 5, United States Code, is amended by deleting—

"If the annuitant is receiving a reduced annuity as provided in section 8339(j) or section 8339(k)(2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341(b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor to be increased."

and inserting in place thereof—

"When an annuity is increased under paragraph (A) of this subsection, then the survivor annuity payable under section 8341(b) of this title is increased by 55 percent of that increase payable under such subparagraph (A)."

Sec. 2. (a) The annuity of a retired employee or Member who, immediately before the date of enactment of this Act, was receiving a reduced annuity in order to provide an annuity for a surviving spouse under subchapter III of chapter 83 of title 5, United States Code, or any prior applicable provision of law, shall be recomputed and paid as if the annuity had not been so reduced.

(b) The annuity of an employee or Member who separated under section 8338 of title 5, United States Code, or any prior applicable provision of law, prior to the date of enactment of this Act which has a commencing date on or after such date of enactment shall be paid as if the amendment made by paragraph (1) of subsection (a) of the first section of this Act had been in effect at the time of the employee's or Member's separation.

(c) The amendments made by paragraph (3) of subsection (a) of the first section of this Act shall apply to annuities commencing before, on, or after the date of enactment of this Act.

(d) The amendment made by paragraph (1) of subsection (b) of the first section of this Act shall apply in the cases of employees, Members, or annuitants who die on

or after the date of enactment of this Act, except that such amendment shall not apply to a spouse to whom an annuitant was married at the time of a retirement which occurred prior to such date of enactment.

(e) The annuity of a surviving spouse who, immediately before the date of enactment of this Act was receiving a survivor annuity under subchapter III of chapter 83 of title 5, United States Code, or any prior applicable provision of law, shall be recomputed, if necessary, and paid in an amount equal to 55 percent of the maximum annuity to which the former employee or Member was entitled at the time of his retirement or separation plus any annuity cost-of-living adjustments applicable to such survivor annuity which were authorized by law prior to the date of enactment of this Act.

(f) The spouse of an annuitant who retired or separated prior to the date of enactment of this Act and who dies on or after such date of enactment shall be entitled to an annuity in an amount equal to 55 percent of the maximum annuity to which the former employee or Member was entitled at the time of his retirement or separation plus any annuity cost-of-living adjustments applicable to the former employee's or Member's annuity which were authorized by law prior to the date of enactment of this Act. For the purpose of this subsection "spouse" means the surviving wife or husband—

(1) to whom an annuitant was married at the time of his retirement;

(2) to whom an annuitant was married for at least 1 year immediately before his death; or

(3) who is the parent of issue by the marriage to the annuitant.

(g) No annuity or increase in annuity resulting from the application of this section shall be paid for any period before the date of enactment of this Act or the commencing date of annuity, whichever is later.

Mr. WALDIE (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. DANIELSON TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. DANIELSON. Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DANIELSON to the committee amendment in the nature of a substitute: On page 3, line 20, strike the word "or". On page 3, after line 20, insert the following:

"(B) was married to the employee, Member, or annuitant at the time of the retirement of the employee, Member, or annuitant, and at the time of the death of the employee, Member, or annuitant: *Provided*, That such surviving wife or husband was married to the employee, Member, or annuitant for any period or periods of time totalling at least one year; or".

On page 3, line 21, strike out "(B)" and insert in lieu thereof "(C)".

Mr. DANIELSON. Mr. Chairman, the amendment which I have offered adds to the bill at the point designated on page 3, after line 20, a further clause to define the term "current spouse" as used in the bill.

Mr. Chairman, I would like to point out, first of all, that this amendment does not change in any respect the benefit that anyone would otherwise receive under the bill. It imposes no new qualifications. It grants no additional benefit. What it does do is provide for a rather rare and unusual, but not unique, situation in which a marriage of a person who would otherwise be qualified as an annuitant is interrupted following retirement and then is restored before death.

Mr. Chairman, a number of years ago I had an occasion, in a lawsuit in which I was involved, to meet exactly this situation. I found, to my surprise, that although the situation was a little unusual, it had happened from time to time, and it will happen again.

Unless this provision is put in the bill, inevitably we are going to have situations in which we are going to have private legislation or special legislation to cure what is otherwise an inequity.

Mr. Chairman, here is how the situation arose: A public employee had been married to the same spouse for approximately 30 years at the time of retirement. After retirement, when the annuitant remained at home most of the day, he and his wife found that they quarreled quite frequently. The inevitable happened. They got divorced. Thereafter they became lonely for each other. I imagine they found they were happier fighting together than they were in not being together, so they remarried. Shortly thereafter, the annuitant died, but he died within less than the period of time necessary for a second marriage to qualify the surviving spouse for a survivor's benefit.

Mr. Chairman, in researching the law on the subject, I found, to my amazement, that this happens every once in a while. I think we ought to provide for it in this legislation. My amendment simply provides that the spouse, within the meaning of the law, is a person who is married to the employee, member, or annuitant at the time of retirement and also at the time of death of the employee, member, or annuitant, provided that the surviving wife or husband has been married to the employee, member, or annuitant for periods of time totaling at least 1 year. Therefore, there is no difference in the ultimate effect of this bill. All I have done is provide equity in an unusual type of situation.

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

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

Mr. WALDIE. Mr. Chairman, we on the majority side have examined the amendment. We believe it to be worthwhile, and we, therefore, accept the enactment.

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

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

Mr. DERWINSKI. Mr. Chairman, I just wonder if any of the Members could answer this question for the RECORD. Certainly we are not objecting to the amendment, but I wish to ask this:

Does the gentleman have any idea as to how many people might be covered, how many unique cases of this nature might exist?

Mr. DANIELSON. Mr. Chairman, I can give the gentleman no statistics. I do know that it happens from time to time.

Mr. DERWINSKI. This, in effect, precludes the need of some exceptional work on a private bill?

Mr. DANIELSON. Yes; it would, and also the great delay that accompanies that sort of thing.

Mr. DERWINSKI. Basically, at the time of retirement, if a person is married and there is a subsequent divorce and then that same couple remarries, this amendment covers just that kind of human problem?

Mr. DANIELSON. That is exactly correct.

Mr. Chairman, I call it an interrupted marriage. There is a marriage; it is then stopped, and then it is started up again.

Mr. DERWINSKI. Mr. Chairman, if the gentleman will yield further, at the risk of seeming facetious, is it true that these kinds of things happen more often in California than they do in the other 49 States?

Mr. DANIELSON. Well, we find a lot of people move out to California from the Midwest, and so, therefore, on occasion we find this does occur frequently.

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

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

Mr. GROSS. Mr. Chairman, I will ask the gentleman this:

It is certainly true that Illinois can be considered as a State in the Middle West?

Mr. DANIELSON. Yes, sir, Illinois, and there are some surrounding States. I will state to the gentleman from Iowa that I am not referring particularly to Black Hawk County in Iowa.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

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

Mr. GROSS. Mr. Chairman, I do not believe this amendment will do any harm to an otherwise unacceptable bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON) to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. EVANS of Colorado, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the Senate bill (S. 628) to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made,

in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married, pursuant to House Resolution 1010, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

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

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 296, nays 102, answered “present” 3, not voting 32, as follows:

[Roll No. 178]

YEAS—296

Abdnor	Cochran	Gubser
Abzug	Cohen	Gude
Adams	Collins, Ill.	Gunter
Addabbo	Conlan	Hamilton
Alexander	Conyers	Hammer-
Anderson,	Corman	schmidt
Anderson, Calif.	Cotter	Hanley
Anderson, Ill.	Coughlin	Hansen, Idaho
Andrews, N.C.	Cronin	Harrington
Andrews, N. Dak.	Culver	Harsha
Annunzio	Daniel, Robert	Hastings
Aspin	W., Jr.	Hawkins
Badillo	Daniels,	Hays
Bafalis	Dominick V.	Hechler, W. Va.
Baker	Danielson	Heckler, Mass.
Bell	Davis, S.C.	Heinz
Bergland	de la Garza	Helstoski
Bevill	Delaney	Henderson
Biaggi	Dellums	Hicks
Biester	Dent	Hillis
Bingham	Diggs	Hogan
Boggs	Dingell	Holt
Boland	Donohue	Holtzman
Boring	Drinan	Horton
Bowen	Duncan	Hosmer
Brademas	Eckhardt	Howard
Brasco	Edwards, Calif.	Hudnut
Breaux	Elberg	Hungate
Breckinridge	Esch	Hunt
Brinkley	Eshleman	Johnson, Calif.
Brooks	Evans, Colo.	Jones, Ala.
Broomfield	Fascell	Jones, N.C.
Brotzman	Fish	Jones, Tenn.
Brown, Calif.	Fisher	Jordan
Brown, Ohio	Flood	Karth
Broyhill, Va.	Flowers	Kastenmeier
Burke, Calif.	Foley	King
Burke, Fla.	Ford	Kluczynski
Burke, Mass.	Forsythe	Koch
Burton	Froehlich	Lagomarsino
Butler	Fulton	Leggett
Carney, Ohio	Fuqua	Lehman
Carter	Gaydos	Lent
Cederberg	Giaimo	Litton
Chappell	Gilman	Long, La.
Chisholm	Goldwater	Long, Md.
Clark	Gonzalez	Lujan
Clausen,	Grasso	Luken
Don H.	Green, Pa.	McCloskey
Clawson, Del	Griffiths	McCollister
Clay	Grover	McCormack

McFall	Price, Ill.	Stubblefield
McKay	Pritchard	Stuckey
McKinney	Quillen	Studds
Macdonald	Rallsback	Sullivan
Madden	Randall	Symington
Madigan	Rangel	Talcott
Marszitz	Rees	Taylor, N.C.
Martin, N.C.	Regula	Thompson, N.J.
Mathias, Calif.	Reuss	Thone
Mathis, Ga.	Rhodes	Thornton
Matsunaga	Riegle	Tierman
Mayne	Rinaldo	Traxler
Mazzoli	Rodino	Udall
Meeds	Roe	Ullman
Melcher	Rogers	Van Deerlin
Metcalfe	Roncalio, Wyo.	Vander Jagt
Mezvinsky	Roncalio, N.Y.	Vander Veen
Mills	Rose	Veyssey
Minish	Rosenthal	Vigorito
Mink	Roush	Waggonner
Mitchell, Md.	Royal	Walsh
Mitchell, N.Y.	Ruppe	Wampier
Mizell	Ruth	Whalen
Moakley	Ryan	Whitehurst
Mollohan	St Germain	Widnall
Moorhead, Pa.	Sandman	Wiggins
Morgan	Sarasin	Williams
Moss	Sarbanes	Wilson, Bob
Murphy, Ill.	Schroeder	Wilson, Calif.
Murphy, N.Y.	Seiberling	Wilson, Tex.
Murtha	Shipley	Winn
Natcher	Shoup	Wolf
Nedzi	Shriver	Wright
Nichols	Sisk	Wright
Nix	Slack	Wyder
Obey	Smith, Iowa	Yates
O'Hara	Snyder	Yatron
O'Neill	Spence	Young, Alaska
Owens	Staggers	Young, Fla.
Parris	Stanton,	Young, Ga.
Passman	James V.	Young, Ill.
Patten	Stark	Young, Tex.
Pepper	Steed	Zablocki
Perkins	Steele	Zion
Pettis	Steelman	Zwach
Peyer	Steiger, Wis.	
Podell	Stephens	
Freyer		

NAYS—102

Archer	Flynt	O'Brien
Arends	Frelinghuysen	Pike
Armstrong	Frenzel	Posage
Ashbrook	Gibbons	Powell, Ohio
Ashley	Ginn	Price, Tex.
Bauman	Goodling	Rarick
Beard	Gross	Roberts
Bennett	Guyer	Robinson, Va.
Bray	Hanrahan	Robison, N.Y.
Broyhill, N.C.	Hinshaw	Rousselot
Burleson, Tex.	Huber	Runnels
Burlison, Mo.	Hutchinson	Satterfield
Byron	Ichord	Scherle
Camp	Jarman	Schneebeli
Casey, Tex.	Johnson, Colo.	Shuster
Clancy	Jones, Okla.	Skubitz
Cleveland	Kemp	Smith, N.Y.
Collier	Ketchum	Stanton,
Collins, Tex.	Kuykendall	J. William
Conte	Landgrebe	Steiger, Ariz.
Crane	Landrum	Stratton
Daniel, Dan	Latta	Symms
Davis, Ga.	Lott	Taylor, Mo.
Davis, Wis.	McClory	Teague
Denholm	McEwen	Thomson, Wis.
Dennis	Mahon	Towell, Nev.
Derwinski	Mallary	Treen
Devine	Mann	Ware
Dickinson	Martin, Nebr.	Whitten
Dorn	Michel	Wyatt
Downing	Miller	Wylie
du Pont	Minshall, Ohio	Wyman
Edwards, Ala.	Montgomery	
Erlenborn	Moorhead,	
Evins, Tenn.	Calif.	
Findley	Neisen	

ANSWERED “PRESENT”—3

Chamberlain	Dulski	Sebelius
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NOT VOTING—32

Barrett	Green, Oreg.	Patman
Blackburn	Haley	Pickle
Blatznik	Hanna	Quie
Brown, Mich.	Hansen, Wash.	Reid
Buchanan	Hébert	Rooney, N.Y.
Carey, N.Y.	Holifield	Rooney, Pa.
Conable	Johnson, Pa.	Sikes
Dellenback	Kazan	Stokes
Fountain	McSpadden	Walde
Gettys	Milford	Young, S.C.
Gray	Myers	

So the Senate bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Blackburn.  
Mr. Rooney of New York with Mr. Waldie.  
Mr. Holifield with Mr. Blatnik.  
Mr. Rooney of Pennsylvania with Mr. Conable.  
Mr. Barrett with Mr. Hanna.  
Mr. Carey of New York with Mrs. Hansen of Washington.  
Mr. Fountain with Mr. Brown of Michigan.  
Mr. Stokes with Mr. Gettys.  
Mrs. Green of Oregon with Mr. Quie.  
Mr. Haley with Mr. McSpadden.  
Mr. Young of South Carolina with Mr. Dellenback.  
Mr. Sikes with Mr. Milford.  
Mr. Pickle with Mr. Buchanan.  
Mr. Reid with Mr. Patman.  
Mr. Kazen with Mr. Johnson of Pennsylvania.  
Mr. Gray with Mr. Myers.

The result of the vote was announced as above recorded.

The title was amended so as to read: "An Act to amend title 5, United States Code, to provide for annuities for surviving spouses under the civil service retirement system without reduction in principal annuities, and for other purposes."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. WALDIE. Mr. Speaker. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate bill S. 628.

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

There was no objection.

#### PUBLIC SAFETY OFFICERS BENEFITS ACT OF 1974

Mr. EILBERG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11321) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11321, with Mr. NEDZI in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule the gentleman from Pennsylvania (Mr. EILBERG) will be recognized for 30 minutes and the gentleman from New York (Mr. FISH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

Mr. Chairman, the general outline and purpose of H.R. 11321 will be familiar to my colleagues since similar legislation passed both Houses of Congress during the last Congress. In fact, a conference report was filed on October 17, 1972, but its consideration by the House was prevented by the adjournment of the 92d Congress. Related legislation has already passed the Senate this Congress in the form of S. 15.

The purpose of H.R. 11321 is to provide a \$50,000 Federal payment to certain surviving dependents of public safety officers who die from injuries sustained in the line of duty. Its primary intent is to tide over the officer's survivors until they are able to economically adjust to the death of the family's breadwinner. Eligible public safety officers include reserve and professional law enforcement officers and firemen. The term "law enforcement officer" is defined broadly to include policemen, correctional officers, prison guards, probation and parole officers, and officers involved in programs relating to juvenile delinquency or narcotic addiction. While the range of occupations encompassed here is broad, eligibility for coverage is limited to those officers actively engaged in potentially hazardous activities at the time of the fatal injury.

As we state in the committee report, this legislation is predicated on the fact that there are certain dangerous, high-risk activities associated with law enforcement and firefighting. It is to these hazardous duties that this legislation is addressed. In the case of law enforcement officers, coverage is provided in the event of death in the course of duties relating to criminal activity, such as crime prevention, the apprehension of criminals, or the guarding of suspects, witnesses or prisoners. In the case of firemen, coverage is provided in the event of death in the course of firefighting. These activities are carefully delineated in the legislation, with the additional proviso that benefits will be provided to both law enforcement officers and firemen who sustain a fatal injury while engaged in other activities determined to be potentially dangerous pursuant to regulations issued by the administering agency, LEAA. The bill does not provide benefits in the case of accidental death occurring during the course of normal patrol activities of policemen or routine firehouse activities.

I would like at this point to comment briefly on the philosophy underlying this legislation and at the same time to briefly respond to some objections raised by opponents of this bill. The authors of the minority views on H.R. 11321 recognize—and I quote—

Without doubt, America owes a debt of gratitude to police and firemen who risk their lives for our comfort and safety.

In their opinion, however, "There is no good reason to single out police and fire-

men for special benefits and to neglect all others."

I disagree and firmly believe that the time has come to repay with more than words the debt of gratitude we as a nation owe to public safety officers who daily risk their lives for our protection. Insofar as this legislation does single them out for special benefits, it is in recognition of the uniqueness of, and the invaluable services provided by, the public safety professions. Unlike other State and local employees, public safety officers risk life and limb on a regular basis in order to preserve peace and protect society. It is precisely that aspect of the public safety profession which makes them unique in civilian life.

Law enforcement officers are charged with the difficult and awesome responsibility of maintaining our social order and firemen face the equally challenging task of protecting our citizenry from the hazards of fires. As a result of the dedication and vigilance of these officers, each of us is able to feel more safe and secure in his home. Consequently, it is certainly in the national interest to encourage the recruitment of quality personnel for these professions and most witnesses before the committee were in agreement that a uniform death benefit would greatly contribute to the accomplishment of that objective.

It should be noted that Congress has recognized the singular nature of these professions on several occasions in the past. For example, in 1968 Congress approved legislation to extend Federal Employees Compensation benefits to State and local law enforcement officers who are killed or injured while enforcing Federal laws. In addition, in 1970 Public Law 91-509 was enacted providing a \$50,000 lump sum payment to policemen and firemen in the District of Columbia who die in the performance of duty. It is, therefore, apparent that there is ample legislative precedent for singling out the public safety profession for special treatment.

Furthermore, the 1973 report of the National Advisory Committee on Criminal Justice Standards and Goals recommended special statutory benefits for State and local law enforcement officers killed in the performance of their duties.

I am prompted to make this point by those who argue that the Federal Government should not assume any responsibility in this area. Supporters of this legislation too have been sensitive to the possible implications of providing Federal payments to State and local employees, and this is an area which we have explored in some detail in the course of our hearings. I, for one, am fully satisfied that H.R. 11321 will not establish a precedent for similar treatment of other non-Federal employees, especially in view of the fact that the functions performed, and the dangers encountered, by public safety officers are distinguishable from other professions.

I am also convinced that the bill in no way endangers the autonomy of State and local public safety agencies. The lump sum gratuity approach embodied

in this bill is carefully designed to prevent any Federal interference with local public safety programs. Likewise, the bill will be easy to administer and, therefore, will not require the creation of an ongoing, complex Federal mechanism to implement the program. Since the administrative costs will be minimal, it will allow the major portion of the Federal funds to be expended for the welfare of the officers' survivors.

We are not breaking new ground with this legislation. Congress has acted many times in the past to provide assistance where States and localities have been unable or unwilling to respond or where emergent or tragic situations arise. I have in mind, for instance, the Federal assistance provided sufferers of black lung disease or the provision of unemployment benefits to workers displaced by national disasters as just two of many possible examples.

That there are compelling reasons for assuming responsibility in this area, I have no doubt. There is no question that those men and women who risk their lives for our protection should be provided with a certain minimum security regarding the future of their dependents in the event of their untimely death. The fact is that this minimum financial security is not being provided to many police and firemen across the country. This point was made repeatedly in hearings held by the committee in both the 92d and 93d Congresses. It was also made by the National Advisory Commission on Criminal Justice Standards and Goals which noted:

Present benefits for non-Federal law enforcement officers killed, injured or contracting disease in the performance of police duties having no connection with Federal jurisdiction are, in many cases, severely restricted. Frequently, officers rendering assistance to other nearby jurisdictions lose their eligibility for local benefits by merely crossing their own city or county lines. Smaller communities often lack the financial resources to provide a reasonable level of service-connected death, injury and illness benefits.

As a result, the Commission recommended "high priority Congressional attention" to extending uniform benefits "irrespective of jurisdictional considerations".

In conclusion, this is an important bill which allows us to discharge some little part of the debt we owe to the Nation's public safety officers. In the last Congress, similar legislation was unanimously approved by the House and I urge your favorable action again.

Mr. BRASCO. Mr. Chairman, will the gentleman yield for a question?

Mr. EILBERG. Mr. Chairman, I yield to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I notice that page 5 of the report specifically indicates that Federal public safety officers are not included in this legislation, and it says that the reason for this is that under the benefits provided by the Federal Employees Compensation Act, they are generally adequate and in many instances exceed the \$50,000 payment authorized by this legislation.

Mr. Chairman, my question is this: I do not have the statistics or the facts

with respect to that observation, but is it the gentleman's intention that if that particular statement in the last paragraph on page 5 is refuted, the committee will then entertain legislation to include at a future date the Federal law enforcement officers and firefighters?

Mr. EILBERG. Mr. Chairman, of course it is possible that we might consider some benefits for Federal agents, but it is the impression of the committee that the benefits are already substantial so far as Federal employees are concerned.

Mr. BRASCO. Mr. Chairman, I am talking about special circumstances. If the statement is ultimately refuted, would it be the gentleman's position that the Judiciary Committee would consider future legislation to cover those who might be inadequately covered?

Mr. EILBERG. Mr. Chairman, indeed it would. Again I say, it is our impression, frankly, that in many cases the beneficiaries, widows or families, would get more than \$50,000 under the provisions of the Federal Employees Compensation Act.

But obviously we have not thoroughly studied the benefits to Federal employees.

Mr. BRASCO. Mr. Chairman, I thank the gentleman, and I wish to commend him. I certainly support the legislation as it stands.

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

Mr. Chairman, I am pleased to join my colleague from Pennsylvania, Chairman EILBERG in support of H.R. 11321, the Public Safety Officers Benefits Act of 1974, as reported by our Subcommittee on Immigration, Citizenship and International law, and which I am pleased to have cosponsored.

This bill is the result of long and careful consideration by our subcommittee. As has already been mentioned, the House passed similar legislation during the 92d Congress, and the Senate also passed its version during the 92d Congress and again early in this Congress. I believe the bill that we have reported represents the best means to provide assistance to those widows and children left by public safety officers killed while protecting the lives and property of our citizens.

This bill would provide a \$50,000 Federal payment to the surviving dependents of State and local law enforcement officers and firemen who are killed as a result of the performance of hazardous duties. The bill broadly defines "law enforcement officer" and then restricts the eligibility for benefits to those members of that group, and firemen, who are engaged in specified hazardous duties—apprehension or guarding an alleged criminal, crime prevention, firefighting, or those other duties which LEAA—the administering agency—determines to be potentially dangerous.

The record speaks for itself. Over 200 policemen and firemen are killed annually while engaged in the public's business. Truly, they lay their life on the line each day, not knowing whether they will ever return to their families. This bill would provide some assistance to those loved ones who survive.

Law enforcement officers in this country have never been among the highest paid of our public servants. At the present time, dependents of most public safety officers killed in the line of duty must rely on a patchwork system of indemnification consisting of life insurance, whose premiums are quite often too high for the policeman or fireman to afford, and voluntary contributions by local citizens to a support fund. Indeed, though communities have responded often in the past to death of a public safety officer, there is absolutely no guarantee that a decedent's family will receive any contributions from any support fund. In addition, LEAA figures indicate that 30 to 40 percent of all salaried firemen and policemen are not covered by insurance either partially or completely funded by their employers. This lack of financial security for one's family may keep many otherwise enthusiastic candidates from entering this area of public service. This bill we hope, will aid in the recruitment of future public safety officers as well as improving the morale of those presently serving in these positions.

We have witnessed in recent years an increase in assault on police. Police deaths as the result of felonious criminal action rose from 37 in 1961 to 131 in 1973. We, the beneficiaries of the risks these individuals take to protect lives and property, should ensure that they are able to face their jobs knowing that, if anything happens to them, their families will not be left destitute.

All agree that crime is a national problem needing national solutions. This was the rationale for the enactment of the Omnibus Crime Control and Safe Streets Act in 1968. Congress reaffirmed its commitment to this all-out battle against crime when it renewed the authority of the Law Enforcement Assistance Administration earlier in this Congress.

In response to those who argue that this bill is an unwarranted intrusion into an area outside proper Federal responsibility, I submit that we have already joined with the States and municipalities in a cooperative effort to control crime in our country. During this 93d Congress, through the mechanism of LEAA, we authorized Federal funds to be used to assist in the recruitment, training and equipping of law enforcement and criminal justice personnel. We have already committed ourselves to assist in the upgrading of local law enforcement in this country. This bill is consistent with these efforts. H.R. 11321 carries out the concept of extending Federal benefits to local law enforcement officers killed in the line of duty, recommended in the recent report of the National Advisory Commission on Criminal Justice Standards and Goals.

It should be noted that title 5, United States Code, section 8191 now provides Federal benefits for State and local law enforcement officers killed while enforcing the Federal criminal statutes. The death benefit requires no complex Federal bureaucracy to administer it, as, for instance, a disability insurance plan would need. Rather, the program is designed for a minimum of Federal involvement in the State system of public safety. Section 7 of the bill permits delegation of

LEAA of administrative functions to State and local agencies.

The committee's amendments were drafted after discussion with representatives of LEAA, the agency that would administer this program, and are designed to facilitate the prompt payment of benefits.

To avoid development of a so-called "bar association" of lawyers who file questionable claims for benefits, with a high percentage of the \$50,000 as their contingent fee, one committee amendment provides that LEAA may, by regulation prescribe the maximum fee allowable for representing claimants.

The bill has bipartisan support. It was cosponsored by members of the Judiciary Committee from all parts of the country from both parties.

I urge my colleagues to support this bill as amended.

Mr. GILMAN. Will the gentleman yield?

Mr. FISH. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, I rise in support of this measure and I am pleased to join my colleagues in supporting this bill, the Public Safety Officer's Benefits Act of 1974.

This proposal, providing a \$50,000 Federal payment to the surviving dependents of State and local law enforcement officers and firemen killed in the line of duty is long overdue and is justifiable recognition by our Nation of the severe occupational hazards and risks confronting our dedicated policemen, firemen, and correctional officers and other public safety officers who daily risk their lives in the preservation of peace and public safety.

In 1973, our 130 police officers were killed and in the years between 1960 and 1970, close to 800 firefighters lost their lives. During the past year, three policemen in my district were killed, leaving fatherless children and struggling widows. This bill will immeasurably help to meet the financial needs of the surviving families of the public safety officers who are killed while courageously performing their duties protecting society. It will eliminate the existing disparity in survivors benefits which exists from State to State.

Mr. Chairman, I urge my colleagues to support this worthy legislation.

Mr. FISH. I thank the gentleman.

Mr. EILBERG. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey, the chairman of the full Committee on the Judiciary (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise to express my ardent support for H.R. 11321, a bill which provides benefits to the surviving dependents of public safety officers who die in the performance of duty.

I sincerely believe it is most appropriate and necessary for the Federal Government to compensate the grief-stricken widows and children of public safety officers when their provider is suddenly slain in the line of duty.

As a result of the dedicated services of these individuals, we are able to live

a little more peacefully, safely, and comfortably in today's turbulent society. We constantly expect an immediate response from a public safety officer whether it be the rescue of a drowning child or the capture of a fleeing felon. Yet little thought is given to the numerous instances when this response to the call of duty brings about a tragic death. Such a tragedy is too often forgotten the day after the funeral.

In many cases, the officer's dependents are left to rely on private and public charities or welfare. Indeed, our Government should not allow surviving dependents of a slain officer to rely on these avenues for assistance when that public safety officer gave his life preserving order and protecting society.

The legislative history of similar bills in the 92d Congress indicates that both the House and Senate are in basic agreement as to the desirability and necessity of this legislation. Similar legislation passed the House by unanimous consent on October 11, 1972. This legislation was similar to a Senate-passed bill (S. 2087) and a conference was held to resolve the differences between the Senate and House bills. A conference report was filed on October 17, 1972, but the adjournment of the 92d Congress prevented House consideration of the conference report.

In this Congress, after several days of additional hearings and mark-up sessions, the subcommittee and full committee has again favorably reported this legislation.

The Senate version and the administration's bill limit coverage to death in the line of duty as the result of a criminal act. I vigorously opposed such a proposal last year and believe that the firefighting profession should also be covered. The bill before us covers firemen if they are actually and directly engaged in fighting a fire or if otherwise engaged in the performance of this duty where the activity is determined by the administration to be potentially dangerous to the fireman. I am pleased that the committee bill has retained this broad scope of coverage. Now the Government can adequately compensate the surviving dependents of firefighters who bravely risk their lives in the protection of our communities from the disaster and tragedy often caused by fire.

My primary purpose in sponsoring this legislation is to discharge in a practical manner society's special obligation to public safety officers and their families when financial need occurs due to a sudden death of the breadwinner. Unfortunately, many States have not made any attempt to provide death benefits and where States do have compensation programs, they are usually inadequate. Many times public safety officers are underpaid or are otherwise unable to provide for the financial security of their families in the event of their untimely death. The many letters I have received and the testimony received by the committee reflect the truly sad financial situation confronting the survivors of public safety officers.

The public support for this legislation has been made evident to all Members. This bill is premised on the fact that law

enforcement and fire fighting are inherently dangerous activities and that it is in the national interest to upgrade and improve employment opportunities in the public safety field. Most witnesses before the committee in the last 2 years agreed that passage of this legislation will substantially improve the morale of public safety officers, enhance recruitment efforts, and provide some measure of security to the dependent survivors of those who gave their lives while safeguarding society.

I urge my colleagues to support this urgently needed legislation.

Mr. EILBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, I commend the gentleman from Pennsylvania (Mr. EILBERG) the chairman of the subcommittee and all of the members of the subcommittee and the full committee for perfecting this proposed legislation for enactment. This is historic and landmark legislation. Our Government, all levels of government, spend billions of dollars in preserving the rights and the imprisonment of the wrongdoers and it is time that we enact public law for people who do things that are right.

Policemen are our first defense of our freedoms. They enforce, execute, and defend the laws of freedom—laws enacted by the elected representatives of the people. They protect the innocent and pursue all wrong. They do the dirty work that others often avoid. They are targets of the enemies of decency, democracy, and society. The principle of the pending legislation is right. It is equally right for firemen. It is right for all citizens and it is right for our country. I urge the enactment of the legislation without amendment and without delay.

Mr. EILBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me.

Mr. Chairman, I wish warmly to commend the able gentleman from Pennsylvania (Mr. EILBERG) the chairman of the subcommittee, and all of the members of the Committee on the Judiciary, for bringing this bill to the floor of the House.

This bill proposes to amend the Omnibus Crime Control and Safe Streets Act of 1968, and is simply in furtherance of the objectives of that act, so as to try to provide for better and more effective law enforcement and fire prevention and control in this country by the assistance of the Government of the United States.

We are not taking over the total police and fire control responsibilities of this country, we are simply trying to help the States, the counties, and the local communities to provide better police protection, and better fire protection for all the people in this country including those who travel from State to State and from community to community. For instance, the citizens of Florida may travel to the State of Oregon, and they want to be protected in their lives and property by the police and firemen of that area. All the Federal Government is trying to do

in this legislation is simply to show a measure of its gratitude for those like the 131 law enforcement officers and firemen who died in 1973 performing their duties for the protection of the lives and property of the people of this country. I hope to see the time when we will extend this act to provide the benefits provided in this bill to those law enforcement personnel and firemen who become totally and permanently disabled in the performance of their duty, but this bill is a magnificent step in the right direction, and I hope the House will approve it.

Mr. EILBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, I thank the distinguished gentleman from Pennsylvania (Mr. EILBERG) for yielding to me, and I wish to congratulate the gentleman and the entire subcommittee on this long overdue legislation.

Mr. Chairman, as one of the original sponsors in the 93d Congress of the public safety officer's benefits measure before us today, I rise to express my full support for this just and compassionate legislation as amended by the Judiciary Committee.

H.R. 11321 will provide a \$50,000 Federal payment to the surviving dependents of policemen, correctional officers, prison guards, probation and parole officers, and officers involved in programs relating to juvenile delinquency or narcotic addiction who die as the direct result of a personal injury sustained in the line of duty.

I believe that it is only right and fair, indeed—only decent, that we consider the changing times—from the early sixties when crime, though a problem, had not yet reached epic dimensions to become one of the most demanding issues on the domestic scene today. We must admit that the public safety officer is a target for grievances against the shortcomings in our system of government, and in so doing, provide decent benefits for the men we expect to cope with these changing times.

Though this is small compensation, and certainly will not solve the major problem of crime or the unprovoked attacks on the police, it is the very least we can offer for the protectors of our society.

We must realize while considering H.R. 11321 that first-year salaries for all public safety officers range from \$4,575 to \$11,112. And benefits, such as they are, are poorly administered and weak.

In many cases, administrative redtape and procedures will tie up funds for years before any actual benefits are realized.

A question has been raised as to whether it should be the Federal responsibility to provide such death benefits to survivors of State and local law enforcement personnel killed in the line of duty.

I believe it is wise to establish a Federal standard for these benefits that survivors of public safety officers have a right to receive, since several States offer virtually no financial assistance and other States have only spotty programs in this regard. Testimony before the committee also indicated that this legislation will significantly increase the morale of law enforcement personnel

and greatly assist State and local governments in their recruiting efforts.

On April 19, 1968, Congress passed Public Law 90-291 authorizing dependent's compensation for police officers killed in the line of duty while enforcing Federal laws.

On June 16, 1968, Public Law 90-351 amended the April law to allow compensation for non-Federal officers killed in the line of duty if the crime was even suspected of being a Federal offense.

Although Federal legislation for public safety officers has been commendable, when we talk about providing benefits to only those State officers who happen to be injured while pursuing a Federal offender we are not covering a very broad spectrum of the dedicated men who serve so ably in the enforcement of our laws.

Consider the fact that in 1973 a total of 131 local, county, and State law enforcement officers were killed in the performance of their duty to protect their communities. With no comprehensive benefit program provided to the survivors of these young men, many widows and young children of the slain officers have suffered very real financial hardships. That is not to minimize the factor of fear that must be felt by all those related to a man who has chosen law enforcement as his profession. His family must live with the realization that every time he dons his uniform and leaves his home to report for his shift, he runs the risk of becoming another statistic.

Mr. Chairman, I strongly urge the favorable action of my colleagues on H.R. 11321 which would provide more security and peace of mind for all public safety officers who must take risks in the pursuit of a safer society. We must not and cannot, in good conscience, turn our backs on the anguish and poverty suffered by the survivors of law officers slain while protecting our rights and liberties.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. FROELICH).

Mr. FROELICH. Mr. Chairman, I rise to express my strong support for H.R. 11321, the bill to provide benefits to the survivors of certain public safety officers who die in the performance of duty.

Law enforcement and public safety are hazardous professions. The American people have been shocked by the sharply increasing numbers of law enforcement officers killed in the line of duty, and they would be shocked if they realized the number of firefighters who die each year protecting our lives and property.

The Committee has found that, "Notwithstanding the severe occupational hazards which confront policemen, firemen, correctional officers, and other public safety officers, many States have failed to provide sufficient death benefits for their survivors" when they die suddenly in the line of duty. Under these circumstances, Government has an obligation to provide reasonable compensation to the survivors of public safety officers who die in action. This bill seeks to accomplish that objective.

In recent years, the Federal Government has poured millions—indeed, bil-

lions—of dollars into the effort to improve law enforcement in the United States. Assuring reasonable death benefits for men and women who are killed in law enforcement is one small, unpleasant, but essential means of encouraging good people to enter this field. Hence, I am not impressed by the argument that the payment of these death benefits "is not a Federal responsibility." If it is proper for the Federal Government to finance the recruitment and training and outfitting of policemen in order to improve the quality of law enforcement, I think it is also proper for the Federal Government to assist the families of those same individuals if they are killed in the line of duty.

This bill is long overdue, and I support it wholeheartedly as a desirable and necessary measure.

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

Mr. FROELICH. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

Mr. Chairman, I am happy to speak in support of this legislation, and I am particularly pleased that firemen have been included under the provisions of the bill.

Mr. Chairman, I rise in support of this bill to provide a \$50,000 Federal payment to the surviving dependents of public safety officers who die as the direct and proximate result of personal injury sustained in the line of duty.

A quick review of the rationale behind the introduction of this measure persuades us to take a long, hard look at the situation facing us today. Between 1961 and 1973, a total of 1,002 police officers died as a result of injuries sustained during the performance of their duty. Since the figure for 1961 was 37 service-connected law enforcement officers killed and the figure for 1973 was substantially higher at 131, it is readily apparent that members of this profession are being singled out by militant individuals as symbolic targets for demonstrating their dissatisfaction with society.

A mention of statistics on this matter would not be complete without including the number of deaths among firefighters. During the period from 1960 to 1970 and estimated 790 firemen died while fighting fires. It has been indicated that the number killed while fighting fires in 1971 was 170. One has only to observe these facts to easily surmise why the Department of Labor has officially determined that firefighting is now the most hazardous profession in the United States.

Because of the ever-increasing number of police killings, the administration originated the death gratuity concept in the late spring of 1971. The Attorney General was directed at that time to submit legislation to the Congress which would provide financial protection for the survivors of law enforcement officers killed as a result of their duty. This was found to be the most appropriate Federal response to these killings from meetings with police officials from across the country.

From the discussions with these offi-

cially it was evident that great disparity exists between the States as to the death benefits provided by each for survivors of public safety officers. In fact, many States provide no benefits whatsoever; and the insurance coverage allowed is inadequate more often than not. So it is apparent that this situation obviates the need for the benefits which this legislation will provide.

Looking to yet another favorable impact which H.R. 11321 will have, we can certainly envision the improvement in the morale of public safety officer personnel. This bill will upgrade employment opportunities in the dangerous, high-risk activities that are so vital to the national interest. Recruitment of young men and women into the law enforcement field will be enhanced greatly if those potential employees are hired with the knowledge that if they die in the line of duty, their dependents will be protected from financial hardship. Thus, the passage of this legislation today will offer substantial assistance to State and local governments in their efforts to obtain competent, motivated individuals.

With respect to the effective date in the bill, October 11, 1972, there is ample justification for maintaining this date. When we review the legislative history of the act, we find that this legislation passed the House by unanimous consent on October 11, 1972. Since the Senate also had passed a similar bill, the two versions went to conference. A conference report was filed, but the adjournment of the 92d Congress prevented House consideration of the conference report. Realizing now that the death benefits afforded in this measure were to have been allowed those survivors of public safety officers who died while on duty after October 11, 1972, but for the adjournment of Congress, it seems absolutely imperative that we Members of the 93d Congress maintain that same effective date. Mr. Chairman, I feel we are morally committed to the dependents directly affected to make this act retroactive to October 11, 1972, the date presently in the bill.

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

Mr. RONCALLO of New York. Mr. Chairman, I rise in strong support of this legislation. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Public Safety Officer's Benefits Act of 1974. This bill will assure that when the supreme sacrifice is made by those who day in and day out risk their lives on our behalf, their survivors will not suffer undue financial deprivation.

In the last 10 years 862 law enforcement officers have been killed as a result of felonious criminal action. Last year was the highest ever at 133 killed. Similarly, between 1960 and 1970, fires took the lives of 790 firemen. At least 170 of these heroes lost their lives in 1972, leading the Department of Labor to determine that firefighting is the most hazardous profession in the United States.

I am particularly pleased that this legislation recognizes unpaid volunteers serving their communities in an official

capacity as well as those who have made our protection their profession. Our volunteer firemen, for example, leave their homes and businesses at all hours of the day and night to risk their lives with no thought in mind except to render service to their neighbors.

There is no way we can adequately compensate the families of these brave people for the loss of their loved one. Since their untimely deaths are incurred for the benefit and protection of society, however, we have the moral duty to do what we can to ease the financial burden of those who have been dependent on them. In these inflationary times, \$50,000 is not much when spread over the years during which the officer would otherwise have been supporting his family, but it is the least we can do.

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

Mr. LENT. Mr. Chairman, as one of the original cosponsors of this legislation back in 1972, I rise in support of the Public Safety Officers Benefit Act of 1974.

This important bill, which is long overdue in coming before us for action, would provide a \$50,000 Federal payment to surviving dependents of policemen, and both volunteer and salaried firemen who die as the result of personal injury sustained in the line of duty.

Mr. Chairman, during the past several years an ever-increasing number of policemen have died as a result of violent action at the hands of criminals who have made them symbolic targets for their dissatisfaction with society. Last year alone, 131 policemen were killed in criminal assaults, many of them unsuspecting officers carrying out routine patrol.

Likewise, hundreds of firefighters are killed each year while engaged in fighting fires. Seventy-nine percent of all our firemen are volunteers, who receive absolutely no compensation for giving of their time and effort protecting the homes and business establishments of their neighbors. We in Nassau County are almost entirely served by volunteer fire departments that perform their duties in an exemplary manner. Every year, several of our volunteers are tragically killed in the line of duty—most of them leaving grieving widows and small children. Existing death benefit payments for these volunteer firemen do not even cover burial expenses.

It is indeed gratifying that we are today recognizing that Government has an obligation to the families of these police and firemen who daily risk their lives to preserve peace and to protect the lives and property of others. This legislation has my wholehearted support, and I urge its passage without amendment.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I rise to support H.R. 11321. This bill, the Public Safety Officers Benefit Act, provides for a \$50,000 gratuity payment to the survivors of a public safety officer who dies from in-

juries sustained in the performance of his duties. I favor the enactment of this legislation for a number of reasons.

First, I think this is a small price to pay for the years of dedicated service which the public receives from these officers. Neither crime nor fires take holidays, and it is these public safety officers who spend their holidays and weekends seeing that the rest of us are protected.

Second, I believe this payment will enable the officers to serve more efficiently. Their minds will be free from some of the worries they must have as they think of the dangers they constantly face and wonder how their families would survive if they should fail to return from a mission.

Third, it will give the officers' families themselves a sense of being protected. Because of the high-risk jobs, a public safety officer is often prohibited from carrying an insurance policy that would provide education for his children, as well as security for both his wife and his children. At the very least, this gratuity payment will assure that their basic needs will be met.

In addition, the payment will allow the officer's family to be independent. The money they receive will be theirs to spend. They will not be forced to look to the county or to the State for their financial support. Their self-respect will remain intact.

All of these things should add up to "peace of mind" for the officer. I believe we owe him that much.

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

Mr. GROVER. Mr. Chairman, I thank the gentleman from New York for yielding this time.

Mr. Chairman, I too rise in support of this legislation. As the son of a man who was a policeman for 33 years, and a man who knew law and order firsthand, I am happy to support this measure.

Mr. Chairman, I may say that I, along with the gentleman from New York (Mr. BIAGGI), am a cosponsor of another piece of legislation which I think deserves the early attention of the Congress. It is the national law enforcement heroes monument legislation. I hope that the committee and the Members will get behind that legislation so that we can pass it to do true justice to the heroes in blue.

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

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman for yielding. I probably should not be speaking at this time. There seems to be a rush of people who have a lot of friends among their local police and firemen. However, when the time for amendment comes, when the bill is read for amendment, I am going to offer as an amendment H.R. 6449, which was one of the original bills introduced. Briefly, it differs from H.R. 11321 which we are now considering in that H.R. 6449, which I shall offer as an amendment, would pay the \$50,000 gratuity to any public safety officer, including firefighters, who have been killed in the line of duty and the proximate cause

of such death was a criminal act or apparent criminal act.

H.R. 11321 which we are now considering would pay the \$50,000 gratuity to an eligible public safety officer who has died as a direct and proximate result of personal injuries sustained in the performance of duty. I suspect that, since there has been a considerable show of support for the gratuity, the Federal gratuity provided in H.R. 11321 to the local police and firemen, the chances of accepting my amendment are not very good; but at least I will offer it as a fall-back position to some of those who may feel that the present bill goes too far.

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

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

Mr. MCCLORY. I thank the gentleman for yielding.

Mr. Chairman, I wish to indicate my support for the amendment that will be offered by the gentleman from New York (Mr. SMITH). The general and original intent and purpose of this legislation was and is very good. Through the amendatory process and by broadening the whole scope of this legislation we have gone beyond the original purpose. I think we have run the risk of not having any legislation at all.

Mr. Chairman, I intend to support the gentleman's amendment and hope, indeed, that the amendment will be adopted by the committee. If it is, I think we will have a good piece of legislation which will survive in the other body and also survive a possible veto. I urge the Members to give very thoughtful and careful consideration to it.

Mr. Chairman, I was pleased to sponsor H.R. 6449, one of the several proposals that the Judiciary Committee considered when reporting the bill now before us. The purpose behind the bill which I introduced was to provide a \$50,000 Federal payment to the survivors of State and local public safety officers "killed in the line of duty as a result of a criminal act." Such legislation is needed, because of the growing risk of death that public safety officers, including firemen, face while carrying out their duties. In spite of the severe occupational hazards which confront policemen, firemen, correctional officers, and other public safety officials, many States have failed to provide sufficient death benefits for the survivors. For example, a study conducted in October 1970 reported only 18 States provided such financial assistance, and even some of those were inadequate.

Violent street crimes increased at an alarming rate during the decade of the 1960's. In addition, more deaths of safety officers have resulted from the pre-meditated design of violent dissenters who have chosen public safety officers as a symbolic target for demonstrating their dissatisfaction with society.

Mr. Chairman, while I have supported this legislation fully in the past, recently the scope of the legislation has been broadened considerably to apply to virtually all activities of public safety officers. In its broadened form, the legislation is bound to encounter serious opposition. The purpose of my bill was to provide payment in the form of a gratuity to survivors of public safety officers who died in the performance of a duty as the direct and proximate result of a criminal act. Criminal act as contemplated in H.R. 6449, would mean any crime under the laws of the United States, a State or unit of local government. Performance of duty contemplates all service within the scope of employment. On the other hand, the measure which I have sponsored was limited to an officer who is killed in the line of duty as the proximate result of a criminal act or apparent criminal act before eligibility attaches.

The bill we have before us today, however, adopts the "hazardous duty concept." This provision may be too broad and is not what was originally contemplated. It is not conceivable that in this broadened form, individuals not associated with public safety may become eligible for benefits originally intended for a limited class of people.

Moreover, the effective date of October 11, 1972, might be questioned, particularly in view of the report that retroactive payments would cost approximately \$26 million.

Mr. Speaker, I question the wisdom of this legislation in its broadened form both in terms of its retroactivity and future costs, even though I am in general agreement with the principle of this legislation. In supporting the amendment to be offered by the gentleman from New York (Mr. SMITH), I intend to act in a manner consistent with the original concept—to protect police officers against the hazards originally intended.

Mr. EILBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the measure.

Mr. Chairman, as a sponsor of similar legislation in the 92d Congress, I am pleased to express my support for H.R. 11321, the proposed Public Safety Officers' Benefit Act of 1974. The purpose of the bill is simply to provide widows of children of local police and firemen a measure of compensation for the tragic loss of their fathers and husbands in the line of duty. The \$50,000 lump-sum payment authorized by the bill would be a small recognition of the acknowledged Federal responsibility to these survivors.

This is a familiar subject, Mr. Chairman. In 1971, I joined with more than a hundred other Members of the House in sponsoring legislation similar to H.R. 11321. The result in 1972 was House passage, by unanimous consent, of legislation providing benefits essentially identical to those in the pending bill. Conference resolved differences between House and Senate versions of the bill, but due to insufficient time final action in the House was not taken.

The need for this legislation is seen in the statistics provided by the committee report: In 1973, a total of 131 local, county, and State law enforcement officers were killed in the performance of their duty as a consequence of felonious criminal action. This represented an increase of 19 over the number killed in 1972. In the first 2 months of this year,

15 law enforcement officers were killed. In recent years, more and more violent dissenters have chosen public safety officers as symbolic targets for demonstrating their dissatisfaction with society.

Likewise, firefighters have been subjected to the violence of felons. In the 10 years between 1960 and 1970, it has been estimated that 790 firefighters died in line of duty.

Because of the increasing hazards which face public safety officers, and because many States have failed to provide properly for the dependent survivors of those killed in line of duty, morale and recruiting have become serious problems, with which the States need Federal assistance to cope. A Federal payment of \$50,000 to the officer's survivors, as provided in the pending legislation should help to alleviate these problems. While money can never fully compensate anyone for the loss of life itself, it can at least help to ease the practical financial problems of the survivors. This prospect could in turn serve as an incentive for prospective recruits.

Inordinately high life insurance premium rates make it almost impossible for law enforcement and public safety officers to provide for their own private insurance.

Mr. Chairman, H.R. 11321 would fill an existing void at minimal cost, and I urge its passage.

Mr. EILBERG. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, I rise in support of H.R. 11321.

Law enforcement and firefighting are 24-hour-a-day responsibilities.

At one time in the early development of this Nation, there was little doubt that crime was essentially a local problem and law enforcement was a local function, but today criminals and felons travel from city to city, from one State to another, with remarkable speed.

The function of law enforcement personnel is to help maintain the social order of our society, thereby insuring peace and tranquility for the citizen of this country. It is imperative, therefore, that we strongly support H.R. 11321.

I believe, Mr. Chairman, that when a State or local public safety officer is killed doing a job that is essential to the well-being of the whole country, the Federal Government has a responsibility to the survivors of that deceased person who died performing his essential duties.

The increasing rate of senseless crimes in recent years has aroused public opinion and has caused a reorganization of the tremendous responsibility assumed daily by public safety officers. Even today, published reports in the newspapers demonstrate that their already hazardous work is made even more difficult with new threats to their lives. Demands for more police protection are causing State and local governments to increase their recruitment programs.

Recruitment problems are aggravated by occupational dangers, low salaries, minimal benefits and long working hours. Law enforcement and firefighting are difficult and often frustrating and discouraging fields, but fortunately there

are men and women who will undertake these occupations which serve the general welfare.

H.R. 11321 provides a \$50,000 lump sum to the surviving dependents of a law enforcement officer who is killed as the proximate result of an injury sustained in the line of duty. Since the salaries of many police and firemen or individuals employed in crime prevention activities are not adequate, they fail to acquire the necessary life insurance to provide for their families should they face an untimely death. I reiterate that it is because of their unique value and the important services they provide that this minimal compensation should be provided to their surviving dependents.

Even in those States that have compensation programs, there is wide disparity in coverage and an individual officer may or may not be covered.

The men and women who put their lives on the line each day for the protection of society deserve no less than the assurance that their dependent survivors will be taken care of financially.

This is a good bill and I urge all my colleagues to rise in support.

Mr. EILBERG. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I rise in support of this bill. I recognize the very high test in personal courage that is required by so many members of the police and fire department. Coming from an area that is known for many of the fires because of the dilapidated housing, as well as an area that has been classified as a high-crime area, I cannot help but think about what must be running through the minds of the wives as very often their husbands leave, not knowing when they will return.

I know that all of us must have personally experienced in campaigns or in going back and forth from our districts to Washington many times when our children and our wives, or for the lady Members of Congress their husbands, have asked us: "When are you coming home?" And because of the campaign or because of our political responsibilities we cannot always give an answer to them. I do not know how it is handled by the wives of the dedicated people who are involved in firefighting and crime fighting, but it seems to me there must always be a heavy burden and a heavy worry as to whether or not the breadwinner will return.

There is no question in anybody's mind that the money we are providing for in this bill can replace the loved one who has given his life.

It seems to me all of us whether in the military or indeed in politics from time to time do have to display on occasion great courage. Fortunately for all of us those moments do not come very often. But we are asking these public servants to take on this responsibility on a basis of 24 hours a day duty, to go into places where crime is prevalent or to go into flaming buildings where children may be saved perhaps at the cost of one's own life. It is not asking too much to give that family some security so they will not need to go on welfare if they suffer a loss.

Some people believe we should restrict

the method by which we pay as a result of death, but if the New York City rules were applicable in other areas of this country those people who are on duty 24 hours a day and who must respond would be covered. The firemen in the great city of New York endanger their lives by duties other than just firefighting.

I think this type of thing will encourage people engaged in these duties, so their widows will be protected, and it will give their families the type of security that all of us have to provide for our families, but this only goes a short way toward providing some of that security.

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, first, I too would like to pay my respects and extend my congratulations to the chairman of the subcommittee for taking a bad bill and making it a little bit better; but unfortunately it remains a miserable piece of legislation which is unworthy of the support of the Members of this body.

I am told that an "aye" vote is good politics and I judge by the Members who have rushed to the well to support the bill that there may be some validity to that observation; but in the long run, this is very bad legislation for the people of the United States and I urge the Members to swallow their political instincts and in this case vote for what is right.

This bill provides a \$50,000 gratuity—a gift—to the survivors of State and local public safety officers who are killed in the performance of their duties. Without question survivors' benefits are part of the normal compensation package which an employer may owe to an employee. But we are not the responsible employers for State and local public safety officers. Our responsibility does not extend to these people and we should not instigate a brand new program, which at the outset is going to run only \$17 million but which I assure Members will run a great deal more in the long run, unless there is ample justification for our intrusion into this area of local responsibility.

In doing for the State and local employees what is provided for in this bill, we are going far beyond what we do for our own employees. Take the military. I hope the Members will agree they are engaged in or may be engaged in hazardous activities. Do we give the survivors of our servicemen a \$50,000 gratuity? We certainly do not. They have to pay for their insurance. They pay for it out of their meager pay. They can get national service life insurance if they buy it. Maximum benefits are \$15,000.

We do not provide this gratuity to our FBI men. We do not provide this gratuity for our Secret Service men. Why in the world do we accept this responsibility with respect to others and deny benefits to our own employees?

Let me give you some of the rationalization for the bill. These are not reasons; these are rationalization. First of all, it has been alleged here this afternoon that this will in some way affect our fight against crime. Now, that is a totally specious reason. A bill that provides for death benefits for survivors has nothing to do with the prevention of crime. We

ought to reject such a rationalization right at the outset.

It has been alleged that State and local governments are unable to take care of their employees in this regard. The cost of group life insurance which would pay a gratuity to the survivors of a police officer who is killed for the narrow reasons defined in this bill would be minimal.

We are talking about a pittance, not a significant sum, and well within the capability of every city and hamlet in this Nation.

It has been alleged that we owe this to the survivors of police officers out of sympathy for them. To pay benefits to such a category of survivors is a grossly irrational classification. Can we say that the family of a post office worker who dies of a heart attack in his bed, is entitled to any less sympathy than the family of a police officer? The widow of a deceased postal worker has all the problems of any other widow. The occupation of the deceased is irrelevant to the issue of sympathy or need.

Moreover, this bill is irrational in that it is unrelated to need. \$50,000 is laid on the line in a lump sum to the widow of a police officer, even if there are no children, and even though she may remarry the next day, even remarry the man who shot her husband. It has nothing to do with the need of the beneficiary. That is an irrational classification.

It has been alleged that this will aid in morale and recruitment. We have had some experience with recruitment in this Congress. We have been trying to recruit an all-volunteer army and yet we have rejected an increase death benefits as an aid to recruitment. In fact, we have recognized that the best way to recruit firemen, policemen, soldiers and sailors, is to give them more pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISH. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. WIGGINS. Mr. Chairman, that explanation is also irrational and, I might say, unsupported by the record.

When asked during the hearings what the State and local communities would do with the money if it were made available without strings, they did not say they would put it into death benefits; quite to the contrary, they said they would spend the money in a different way.

Now, having said that none of these rationalizations can explain this bill, what then is the reason for it? Well, it ought to be obvious. This is 1974. This is an election year. This is simply pure politics. That is the only reason for this bill. It was promised in 1972 by President Nixon and it is an illustration of gross over-promising by a candidate in an election year. To the extent that a commitment has been made to these people, it was a commitment that should not have been made and one that this Congress should not honor.

I urge a "no" vote on this unsound legislation.

Mr. EILBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, I re-

April 24, 1974

luctantly follow the gentleman from California who makes sound arguments all the time. His arguments on this might be persuasive, indeed, except for one thing, that is the good that will be done by this bill.

I cosponsored this legislation, and I strongly support it. I ask my colleagues to support it as well.

Some of the arguments against this bill suggest that it is contrary to State's rights. It is said that we have the Federal Government invading what should be the province of State and local governments.

I would say to that argument, from whatever source it might come, that this is not an invasion of States' rights, that this is carefully drawn legislation which merely establishes, as has been said, a Federal gratuity to the survivors of law enforcement and fire officers who are killed in the line of duty.

It should not, in my judgment, Mr. Chairman, be restricted to those who are killed by criminal act in line of duty because there would create too much arbitrariness. The line of duty is the restriction that we have written into the bill, and the one that should prevail.

Mr. Chairman, the other main argument that has been advanced against the bill is that it is a terrible precedent and that we are opening an age-old Pandora's box to other legislation of this sort.

Mr. Chairman, it may be a precedent, but we break precedent here in this chamber almost daily. If we must break precedent in order to do a great good that we will do by passing this bill and putting it into the law, then let us break precedent in this instance.

Mr. Chairman, the great thing about this legislation is what can be accomplished with a small amount of money in terms of what we spend daily on a Federal scale. I am told that some 300 to 350 deaths occurred in the last fiscal year that would be covered by this bill. This would cost the Federal Government somewhere in the neighborhood of \$17 million on an annual basis. I say that this is small payment indeed for raising the morale of public safety officers throughout our country.

Mr. Chairman, this is a chance for the Federal Government to do something to upgrade morale at that level. It is something that I do not think can be done by the local and State governments and probably would not ever be done. A Federal standard should be set by us here today in this way, by passing H.R. 11321.

During hearings in both the 92d and 93d Congresses, I was extremely moved by the extensive testimony received by the committee regarding the difficult economic situation confronting the dependent survivors of public safety officers who are killed in the line of duty. Often the grief-stricken widows and children of these officers are forced to rely upon public and private charities or even welfare following the tragic death of the breadwinner.

Law enforcement officers regularly encounter human violence and danger and firefighters are continually engaged in extremely hazardous duties. As a result,

these occupations certainly deserve Federal support and testimony before the committee established that a death gratuity would not only raise the morale of public safety officers but also assist in recruitment efforts.

Some have argued that the Federal Government should not be in the business of providing death benefits to State and local employees.

In response, I wish to state my firm belief that this legislation will not, in any manner, interfere with State and local affairs nor affect the operation of non-Federal public safety programs. The gratuity approach embodied in this bill has been carefully drafted to preclude any unwarranted intervention into local matters. In fact, it is intended to supplement, rather than displace or preempt, local efforts to solve this serious, human problem. I wish to emphasize that the committee has given careful and detailed consideration to this legislation—including numerous days of hearings and markup sessions—in order to perfect the language of this bill.

The primary purpose of this legislation is to meet the immediate financial needs of the officers' survivors and to assist them until they are able to economically adjust to the death of the breadwinner in the family. The needs of these individuals are not presently being met by State and local programs and I believe it is most appropriate that the Federal Government provide this measure of assistance. The committee has reported this legislation after considering several other proposals—group life insurance, disability benefits, extension of Federal employees compensation benefits—and I am convinced that the bill is the most equitable and workable system that could have been devised.

This bill represents a partial payment of the great debt which we owe to public safety officers for the invaluable services and protection they provide.

While detailed consideration has been given to the inadequacies of the process by which our legal system deals with criminals, too often little attention is focused on the men and women who are responsible for enforcing our laws and preserving public safety. As a result of the dedicated services of these individuals, we are all able to live a little more peacefully, safely and comfortably in today's turbulent society.

The difficult job of a public safety officer requires that certain duties be performed without regard to his own personal safety and this officer deserves to know that his family will be provided for in the event of his death. In short, if we expect these hard-working and loyal men and women to put their lives and safety on the line, day after day, then the least we can do is to provide some degree of financial security to their families.

Mr. Chairman, I urge my colleagues to support this worthwhile legislation which recognizes in a practical manner our appreciation for these individuals who daily risk life and limb in order to enforce our laws, protect our homes and businesses from fires, and maintain order in society.

Mr. EILBERG. Mr. Chairman, I yield

3 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I appear as a cosponsor of this legislation. It has been a piece of legislation that I have been working for during the last several years. It is one that I am grateful to have been part and parcel of.

Mr. Chairman, I offer not simply my experience as a Member of the Congress, but my experience of 23 years as a police officer. It astounds me that here we are on the floor of the House of Representatives with our colleagues articulating opposition to a bill that could produce so much gratuity, if you will, compensation, if you prefer to use that term, or whatever name you choose to call it.

Mr. Chairman, it is the satisfaction of a moral compulsion. I have attended funeral after funeral which public officials have attended, and they wept those crocodile tears and they voiced those sermonlike mouthings. They have given condolence to the widow and the family and walked away to do their daily work.

Mr. Chairman, they had opportunity through their own local legislative bodies to provide assistance. They chose not to. Here we are: For whatever reason, the localities are unable, or the localities are unwilling, it is of no moment.

Jurisdiction—hogwash. We have transcended jurisdiction in this Congress since time immemorial. In the field of civil rights—every State should have done it; every locality should have done it. They did not. The Federal Government interceded. As for the minimum wage, the local governments should have done it. They did not. The Federal Government did it.

LEAA, the Law Enforcement Assistance Act, does it every day. There was an illustration that really does disservice to the gentleman from California, although I respect him greatly—that the widow may well marry the man who killed her husband.

Mr. Chairman, that is hardly an argument to offer against a bill that deals with so grave a situation. And it is a grave situation. If that be the case and we must refer to such an isolated incident, it is not sufficient reason to kill this bill.

The bill is a good bill. Is it good politics? Sure, it is good politics.

Is it good human relations? Sure, it is.

The gentleman from California impugns my colleagues who rose in support of this bill. He said, "That is the reason they rose. It is good politics."

Mr. Chairman, it is good sense, it is humanity, it is compassion, it is judgment, and it is justice at last arrived at here in the House of Representatives, the greatest forum in the United States. I urge each and every one of the Members to vote for passage of this bill as it is, with no amendments.

I will say to the Members that I represent the will and the sentiment of policemen, of firemen, of correction officers, of parole officers. Yes, I would like to talk about auxiliary police, too. I predicted one day that auxiliary police would be killed. Two of them were killed a month ago in New York City. Who are they? They are citizens who give their

time to law enforcement. They are given uniforms by the city, and they go out hour after hour and patrol without guns.

To say the job of the public safety officer in this Nation is a hazardous one, is almost a crude understatement. Statistics in their cold way bear out the true extent of this fact. So far in the short time 1974 has been upon us, 34 law enforcement personnel have already been killed, the most recent being a policeman killed over the weekend in Flint, Mich. These tragic figures come on the heels of the 1973 figures, which showed the largest number of law enforcement personnel, 131, killed in the line of duty. Overall, our law enforcement deaths have risen over 200 percent in the last 10 years.

While these statistics point out the extent of the problem numerically, they do not even begin to explain the suffering and anguish endured by the families of these men. They cannot explain how a happy and proud wife and family suddenly—by virtue of an assailant's bullet or knife, find themselves perched at the brink of poverty with no assistance forthcoming. I have seen it happen, and often times feared what might have happened to my own family, had I been murdered while a policeman. I carried this concern with me when I entered the Congress, and this legislation today represents the culmination of this personal commitment and concern. This legislation goes right to the heart of the problem. No longer is it enough for us to bestow awards on the grief stricken wives and children of these men. Rather, we need to express our appreciation in more practical terms, and this we can do by passing this legislation which will provide financial security to these individuals.

What this bill will do is provide a \$50,000 lump-sum death benefit to the surviving dependents of public safety officers killed as a result of personal injuries sustained in the line of duty. This represents the kind of realistic financial commitment we need to provide these individuals if they are to survive this difficult time.

The issue of what constitutes a public safety officer was a subject of intense controversy during the hearings which were conducted on this legislation this past summer. I am pleased that the final bill which emerged covers the problem most comprehensively by providing benefits for the following: policemen, correctional officers, firemen, volunteer firemen, prison guards, probation and parole authorities.

It astounds and offends me personally that there are so many objections being leveled at this bill. To quibble over questions of jurisdiction, and retroactivity represents an inexcusable insult to the thousands of public safety officers who have so patiently awaited our actions on this bill. Do we act responsibly on this bill, or let it die in a maze of frivolous technicalities?

How can this same Federal Government which is willing to assist those in this country who would rather be welfare parasites than contributors, be reluctant to provide the widows and children of men who risked their lives working to

enforce the laws of this land, with financial assistance? Let us not again demonstrate our sense of distorted priorities.

I have long been outraged at the "second class citizenry" status which law enforcement personnel are afforded in this country. They find themselves denied the same rights which they are supposed to protect for other citizens. A good case in point can be seen in the following example.

Several days ago, I was honored by the International Conference of Police Associations for my work on behalf of policemen, as a conferee on the minimum wage bill—which recently was signed into law by the President. I was literally stunned at the level of gratitude and appreciation expressed to me by these men, on an issue which I feel should never have been a source of controversy, namely including policemen in the overtime provisions of the bill. I was both appalled and disheartened at the struggle which took place over this issue in conference, especially in light of the fact that other segments of the population were unquestionably granted this protection under the law.

My fellow colleagues, we are confronted today with a challenge, a challenge aimed at correcting years of neglect and injustice to our public safety officers. It is time for action on the part of those in the House who are willing to heap high praise on law enforcement personnel as they are being lowered into the ground, but grown strangely silent when given an opportunity to provide a meaningful show of gratitude.

Mr. Chairman, I wish to take this opportunity to commend the gentleman from Pennsylvania (Mr. EILBERG) for his outstanding work on behalf of this bill. Thousands of policemen are grateful for his efforts. I have enjoyed the opportunity to speak on behalf of my brothers in law enforcement. I salute them, I praise them, and I thank them for the excellent work they do. While it is true that not all of you will have the opportunity to speak, there is one way in which you can make your voices heard in support of law enforcement, that is by voting for passage of this bill. Let us make this a banner day for public safety officers across this great Nation. I implore you to vote for this bill not only for the sake of those it will benefit, but also for the millions of Americans who feel it is high time that we in the Congress begin to meaningfully support and assist the brave dedicated men and women of law enforcement who so ably serve the interests of this Nation.

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, while the fight to halt crime is being waged, something must be done to protect the families of those who daily risk their lives in the line of duty.

Recognizing the above situation, I have cosponsored the bill before this body, H.R. 11321, which provides benefits for the survivors of public safety officers killed in the line of duty. The legislation is premised on the fact that

there are certain dangerous, high-risk activities associated with law enforcement and firefighting and it is in the national interest to compensate the widows and children of police and firemen killed in the line of duty.

As a member of the District of Columbia Committee during the 91st Congress, I supported a measure which instituted a similar benefit for the dependents of District of Columbia police officers killed in the line of duty. The proposal for the District of Columbia is now a provision of Public Law 91-509.

Because of the disparity in survivors' benefits throughout our 50 States, I think it is fitting that the Federal Government provide this payment to the families of these police officers who have made the supreme sacrifice for their fellow men. This stipend would serve as a floor for survivors' benefits and would be in addition to any other benefits due the family. Because the security of the United States is involved in attacks on police officers, I think there is ample justification for Federal legislation in this area.

The public safety officers of this Nation are in dire need of a boost of morale and there is no better way that this could be accomplished than by having the Congress enact the legislation presently before this body.

I am sure that this would bring back to the firefighter and police officer the feeling of being needed and of being appreciated by those people whose lives and property they strive daily to protect. I feel positive that the benefits derived by the people of this Nation from the enactment of such legislation would far offset the cost factor involved.

The \$50,000 benefit legislation is, I think, necessary to encourage people to come into police work and fire work. It would give assurances that his or her survivors would be adequately protected in the event of his death.

I am hopeful that this legislation would indicate to these families and officers that most Americans do care and that, as a society, we are grateful that there are men and women who will take the ultimate risk in order to protect our society from criminals.

Mr. Chairman, the dangerous situation that exists for public safety officers is a national crisis which calls for congressional action to provide for some type of compensation for those who are called upon, by us, to sacrifice both life and limb. Most of the attacks and injuries occur against local and State public safety officers. Bullets do not discriminate. The irrational, misguided individuals who, in their blind hatred or fear lash out at public safety officers, do not discriminate between Federal and non-Federal officers in their assaults. The time has come for this Congress to reflect the feelings of the people of this Nation by providing compensation for the families of these courageous protectors of our society.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from New York (Mr. Blaer). The gentleman very eloquently answered some of the arguments made against the legis-

lation and fostered by the gentleman from California (Mr. WIGGINS). I would like to address myself to some of the others.

The gentleman from California said that we do not do this for FBI agents or for other Federal officers. Although this is not completely erroneous, it does, I think, confuse the issue because under the existing law, in the event of the death of a Federal public safety officer, the officer's widow receives 45 percent of the deceased officer's monthly pay as long as she lives, that is, if she has no children. If there is a child or if there are children eligible for benefits, she would receive 40 percent of the monthly pay and each child would receive an additional 15 percent. The possible benefit that she could get is 75 percent of her husband's salary with no limit on the number of years she would receive this money. This is far more generous than what we are proposing in this legislation today.

Mr. Chairman, the gentleman from California said that this would not aid in recruitment. Although I do not mean in any way to degrade the gentleman's knowledge of police or fire work, the subcommittee did receive substantial testimony during its hearings that this would in fact aid in recruitment and would provide a lift in morale for officers throughout the country. If the potential public safety officer knew that he or she would be protected in the event of his or her death, and that their survivors would be protected, it seems only logical that this would help in recruiting.

I think that is only commonsense.

The gentleman from California also asked, "Why do we not use insurance as we do with our military personnel?" Well, the fact of the matter is that legislation is pending before the Congress which would set up such a plan, but the cost of administering an insurance program would exceed the payments anticipated under this bill.

Mr. Chairman, this very week the administration wrote a letter to the Committee on the Judiciary opposing enactment of the Senate bill, S. 33, which would assist the States in providing group life insurance for public safety officers. In that letter the administration reaffirmed its support for a \$50,000 gratuity as a more acceptable alternative. The administration does not specifically support this bill in its present form, but it does favor the \$50,000 payment.

Mr. Chairman, at this point I include the letter, dated April 22, 1974, from the Assistant Attorney General to the chairman of the Committee on the Judiciary:

DEPARTMENT OF JUSTICE,  
Washington, D.C., April 22, 1974.

HON. PETER W. RODINO, Jr.  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington,  
D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on S. 33, the proposed "Public Safety Officers' Group Life Insurance Act of 1973."

The purpose of this legislation is to establish a group life insurance program for State and local law enforcement officers with the major risks being assumed by compensated commercial insurance companies. Under the terms of the bill, the Administrator of the Law Enforcement Assistance Administration

may determine the amount of the Federal contribution to the program, but not in excess of one-third of the cost for each officer's coverage.

There is presently no Federal insurance program for local law enforcement personnel. However, in March, 1973, the Attorney General submitted to the Congress draft legislation to provide for a \$50,000 death benefit for families of police officers killed in the performance of duty. This was introduced as H.R. 6449.

We are strongly opposed to enactment of S. 33. The lump sum provision of H.R. 6449 would be easier and less expensive to administer. Studies have indicated that the annual cost of administering S. 33 would be in excess of 20 million dollars. Moreover, there are existing group life insurance plans available to police officers, and there is no existing impediment to the expansion of this concept at the State and local level. The Administration's bill would provide a type of compensation that is not always available from other sources. The \$50,000 death benefit would establish a floor, on a national basis, to the benefits which would accrue to the survivors of these public safety officers.

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

Sincerely,

W. VINCENT RAKESTRAW,  
Assistant Attorney General.

Mr. WIGGINS. Will the gentleman yield?

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

Mr. WIGGINS. Is it not a fact that the benefits payable to the survivors of an FBI agent are paid for in part by the agent himself?

Mr. HOGAN. That is only partially true. I think we are talking about two different things. There is an insurance plan—

Mr. WIGGINS. To which he contributes.

Mr. HOGAN. Yes, for which he pays premiums, but all Federal employees receive under the Federal Employees Compensation Act a certain percentage of their salaries are continued to their widows and surviving dependents for life.

Mr. WIGGINS. But they pay in for that.

Mr. EILBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I rise in strong support of this legislation. I want to commend the distinguished chairman of the Subcommittee on Immigration, Citizenship and International Law (Mr. EILBERG) for his excellent leadership in the field of public safety officers' benefits. His grasp of the complex issues has been a source of satisfaction and inspiration.

I also want to commend the distinguished chairman of the Judiciary Committee (Mr. RODINO) for his continued commitment to this legislation and to improving the life of public safety officers and their families whenever possible. A year and a half ago, I served with the gentleman from New Jersey on the Conference Committee which approved a public safety officers benefits bill in the final days of the 92d Congress.

That bill should be law today. The House overwhelmingly had approved a version of the bill, as had the other body.

Unfortunately, there was an objection raised to bringing up the conference report in the House on the last day of the 92d Congress, so the bill was not finally approved.

Since that time in October 1972, at least 189 policemen have been killed in the line of duty, and at least 123 firemen have been killed fighting fires. Just 4 days after the adjournment of the 92d Congress, a patrolman in my district was shot to death in a struggle with a traffic offender who was being sought in connection with another crime. That policeman left a pregnant wife. Altogether, Ohio has lost 8 policemen and 10 firemen since October 1972. I can show every Member how many public safety officers in his State have died since that date.

That's why this bill has a provision making the coverage retroactive to the date the House originally passed the predecessor to this bill. Both Houses had clearly expressed their wills, and I think that it would be very unfortunate for Congress to turn its back on the families of those policemen and firemen who have died in the line of duty since October 1972.

Now, Ohio, unlike some States, provides for survivors of slain policemen and firemen, because it awards workers' compensation. In Akron, we have a "Blue Coat" organization, which is similar to the "100 Clubs" which some other cities have. These organizations receive periodic contributions in the form of dues of the members, and whenever a policeman is killed or wounded they assist his family immediately. They do what they can to make sure that financial problems are not part of the personal tragedy the family faces. The work of these organizations is highly commendable, but many cities and smaller communities do not have such an organization. And that points to one of the major reasons for the legislation—the fact that there is no uniformity and that some families are left out in the cold world without any help, despite the willingness of the policemen and firemen to risk their lives daily to help other people.

But we should not leave to the possibilities of private charity the provision of essential incentives for effective law enforcement. When we passed the Omnibus Crime Control and Safe Streets Act, we recognized that crime and effective law enforcement are national problems.

There have been threats of urban guerrilla warfare for several years, and the fears have been renewed by a note claiming to be from a member of the "Symbionese Liberation Army" threatening the lives of policemen. Whether or not that note reflects the views or tactics of the SLA, it does remind us that policemen are prime potential targets of urban violence. While they may be willing to risk their own lives, the lack of adequate protection for their families will certainly cause many law enforcement officers to reevaluate their situation to decide whether to remain on the force or seek other employment. If there ever are renewed killings of policemen and firemen, as occurred in the troubled years of the late 1960's, there are likely to be wholesale resignations by law en-

forcement officers, caused in part by the inability of policemen and firemen to adequately provide financial security for their families in the event of their death.

The Subcommittee on Immigration, Citizenship, and International Law heard testimony to that effect by several witnesses. Mr. John Cassese, president of the National Union of Police Officers, AFL-CIO, had this to say:

Would such a bill increase the recruiting of policemen? The answer is "yes". However, it is difficult to say to what degree. When an applicant decides to become a policeman, you can rest assured that he looks at all aspects of the job (i.e. salary, working conditions, fringe benefits, etc.). Years ago, a young recruit wasn't concerned with death benefits because he was young and healthy, and death was the furthest thing from his mind. However, today, the policeman's job is much more dangerous what with ambushes, snipers, etc. Thus, a meaningful death benefit would make a substantial difference in recruiting a potential policeman.

I have been told by Lt. Robert George, national trustee for the Fraternal Order of Police for Ohio, that young people considering a career in the police are very concerned about the pension programs and about any programs to take care of their families in the event they are killed in the line of duty. Lieutenant George believes that a Federal survivors' benefits program would be an important factor in the recruitment and retention of policemen.

Accordingly, while one purpose of the legislation is to assist the families of public safety officers who die in the line of duty, a second purpose is to assist our State and local governments in recruiting and retaining highly qualified personnel. Only a small percentage of the families of policemen and firemen will ever receive the gratuity under this program, but the program tells every policeman and every fireman that the Federal Government will protect his family from financial disaster in the event of his death.

Every American has an interest in having our police and fire departments manned by the best personnel possible. With top notch public safety officers, State and local governments will be able to fight crime more effectively and they will be able to minimize the loss of life and property as a result of fires.

The importance of this bill was recognized last year by the National Advisory Commission on Criminal Justice Standards and Goals. The Task Force on Police recommended that Congress enact legislation authorizing benefits to the survivors of State and local law enforcement officers killed in the performance of duty.

Mr. Chairman, the bill is intended to apply to all policemen and firemen, whether paid or volunteer, and whether regular or reserve. It is intended to cover prison guards, corrections officers, and certain other public safety officers, as the gentleman from Pennsylvania (Mr. EILBERG) has indicated. I think that there would be a very strong presumption of coverage whenever a public safety officer dies as the result of a criminal act. It is my belief that National Guardsmen would be covered if they die in the line

of duty while acting as a State law enforcement arm. But in every case there is an important limitation; that is, that the law enforcement personnel must be engaged in a dangerous or potentially dangerous activity in line of duty. Clearly, the mere fact that a person is a public safety officer on duty is not such an activity. His particular duty must be more than usually hazardous.

Certainly it is entirely appropriate for LEAA to make determinations of eligibility in specific cases within the guidelines laid down in the act.

This is a carefully drawn bill. It will serve the national need for more effective law enforcement. Two years ago the House expressed its will and passed the predecessor bill. It is time we made good on our expression of intent and passed this bill.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman and members of the Committee, it so happens that I spent 4 years as a State's prosecuting attorney, approximately 1 year as a military prosecutor, and I have also done some criminal defending, and in all these cases I have worked closely with police officers, and I like police officers, and I respect police officers, and I have every admiration for the type of work they do. So I hope that nobody will say that because I am opposed to this bill, which I think is completely unsound legislation, that I am opposed to police officers. I am not. They are great people.

But that does not have a great deal to do with what we are talking about today.

Paying the survivors of local police officers benefits is not the proper job of the Federal Government. The local and State governments which employ those police officers ought to take care of that, and they can take care of that. Any State or city that is entitled to have a police force at all has got money to take care of that, and they ought to do it. If they do not do it, it is a reflection on them, and the police people ought to go to those local people and see to it that they do it.

There is no excuse, really, for coming in here for what is properly a State and a city responsibility.

The danger of this is that it is a step toward—although not maybe a big step—but it is a step toward the federalization of our police, because when you hold the purse strings you are the boss. That is something I am opposed to. Every Member of this body, liberal or conservative, ought to be opposed to it, too.

In addition to that, Mr. Chairman, this is far too broad a bill. It does not confine it to death from fighting crime or death from fighting fire; it includes any death in the performance of a duty which the Administrator has determined is potentially dangerous—whatever that means.

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

Mr. DENNIS. Not just at this minute, because of the briefness of the time that has been allotted to me. Otherwise I would yield to the gentleman.

Further, Mr. Chairman, there is no standard in here to guide the Administrator. I question if that is even a constitutional provision. The bill is discriminatory because, as it has been pointed out here, the policeman who dies in bed, that man's wife is just as entitled to help and sympathy as the wife of a man who dies fighting crime or fighting a fire.

The soldier or the Federal official is more our responsibility than the local policeman.

Finally, and most unusually, this is not prospective like legislation usually is, and ought to be—it is retroactive to October 11, 1972, for some reason. Look, I have lots of policemen who were killed in my State early in October 1972, and in September, 1972, or in 1971. What in the world is the excuse of taking an arbitrary date like that, and giving everybody thereafter \$50,000, and then excluding the people who died before?

That is the kind of bill that this is.

It is an unsound bill. It is unsound in political theory, in economics, in logic, and because it is preferential and unfair. Therefore I am against the legislation.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I would just like to add how pleased I am the House is now considering H.R. 11321, legislation I have sponsored to provide a \$50,000 death gratuity to the survivor of public safety officers killed in the line of duty. This bill is based upon the premise there are inherent dangers in being a public safety officer, and these officers should not be asked to run the ultimate risk of society's security if that same society is not genuinely concerned about them and their families.

Between 1961 and 1973, more than a thousand police officers died in the line of duty. In 1973 alone, 134 police officers lost their lives while fighting crime. Most of these individuals were in their mid-20's at a time when family responsibilities are great and savings are low.

Between 1960 and 1970, nearly 800 firemen died while fighting fires. The Department of Labor now lists firefighting as the most hazardous profession in our country. Social strife and civil disorders have also created new hazards for firefighters. In recent years, these men have become the targets of sniper fire and the victims of physical violence and harassment while trying to do their jobs.

Correctional personnel are still another group of public safety officers who are exposed to dangers in the performance of their duties. The violent outbreaks at Attica and San Quentin all too well dramatize the risks such men must take. In 1971 and 1972, 20 correctional officers were killed.

The families of these professional men and women are left heartbroken and virtually alone with all the major financial problems which tend to snowball when the breadwinner dies. Since public safety officers are often underpaid, their families are seldom assured of financial security if they meet an untimely death.

Despite this fact, many States do not provide sufficient death benefits to the survivors of public safety officers. Eighteen States provide no financial assistance at all, and the benefits that are extended in other States are woefully inadequate.

I believe we must demonstrate our appreciation for the services the public safety officer renders, and must take up our responsibility to his family who will be so tragically affected if he should die while performing his duty. Passage of H.R. 11321 will assist in fulfilling our obligation to those brave men and women who daily risk their lives in order to do something meaningful about crime and safety in our country, and to their families who provide them with such vital support. I urge immediate enactment of H.R. 11321.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I rise in support of H.R. 11321. I believe I can say at the outset that I am the senior member of the former law enforcement group that is sprinkled throughout this House when all our Members are present. I have put in some 30-odd years in the field of law enforcement, and I just simply cannot understand some of the statements that have been made here today.

I rose from the ranks of a young trooper in the New Jersey State Police to the commanding officer of the best criminal investigation section the State ever had, in my estimation, and with some of the greatest fellows I ever worked with. I wonder how some of my colleagues would feel today if they were me in 1932. My partner, a young gentleman by the name of Francis O'Brien, a member of the New Jersey State Police with 2 years of service, married, with a young son, went into a dwelling fire, sustained injuries, and as a result died a few years later, leaving a widow with his child to raise. The insurance was very meager. Insurance in the State police comes at a high premium in a group form. That was very shortly exhausted because from that meager insurance money that she received, she had to bury her husband.

As a result, a fund was formed in the New Jersey State Police by troopers on the road who still contribute to the expenses of the widows and children so that their children might receive a comparable education with that of the ladies and gentlemen who are Members of this House.

We contribute to it personally. We have no other way of performing an act of financial assistance to the family of the deceased trooper.

How many of the Members here have ever ridden in a police car and had a partner killed alongside of them, and had to go tell his wife with three children what happened, and then help to buy food for those kids for the next 2 or 3 months until the insurance check came?

My colleagues simply do not know what they are talking about. They are speaking of \$50,000 as though they are speaking of the foreign aid bill, as though

they are speaking of something in a budget. They come to this Chamber and vote for a Federal ceiling of \$380 billion, and keep on raising the price by spending more money for incidentals so they can pay out next year \$29 billion in interest for the money they spent. And then they begrudge the widow of a policeman or a fireman who has given his life in the service of his community or his State a mere pittance of \$50,000. They should be ashamed of themselves.

Some call this a miserable bill. I do not call it a miserable bill. Let me tell the Members there about other people in this world. There are two kinds of peculiar people I have met. One kind are the men who get up early in the morning and go duck hunting hoping for rough weather. The others are those men who get up all hours of the night, who work all hours of the day in all kinds of weather, to fight fire in their neighbors' homes and communities, who are known as volunteer firemen, who do not get 10 cents remuneration for their jobs nor for the way they sacrifice themselves for the general public. Yet there are firemen in this country who are volunteer firemen. They are a strong breed—they deserve more credit than they get.

The Members talk about getting a volunteer Army. Try to get a volunteer fireman today. My colleagues must be out of their cotton-picking minds to deprive their families of \$50,000 in case of their death while performing an official duty.

I cannot think of anything better than this particular bill today. I intend to fight any and all amendments on this floor, from personal knowledge as to what has occurred in the ranks of policemen and law enforcement officers and firemen. Today I intend to fight any change anyone tries to make.

How many Members in this room, except a few of us, have ever faced a man with a knife or been shot off of a ladder with fire? Think carefully and support the bill, H.R. 11321.

Mr. Chairman, I cannot further indicate how strongly I feel about this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISH. Mr. Chairman, I yield one-half minute additionally to the gentleman.

Mr. HUNT. I thank the gentleman for yielding.

Mr. Chairman, I cannot tell you how strongly I feel about this measure. I am the sponsor of a bill exactly the same as this with a different number. I could not testify before the committee because they moved their quarters for the meeting of their hearings and did not notify me. But today I have had my say on the floor and I urge all Members to support the bill in its entirety without any amendments.

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

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of this legislation that recognizes the great sacrifices made by our law enforcement officers in our Nation and also our firefighters. In 1973, a total of 131 local, county, and

State policemen were killed in the performance of duty as the result of felonious criminal action. These men and women put their lives on the line every day. During recent years an increasing number of public safety officers have died as a result of the premeditated design of violent dissenters who have chosen them as symbolic targets for demonstrating their dissatisfaction with society. The policeman is in the front lines protecting the lives and property of the American people.

During the year 1972, 170 firefighters died in the line of duty. Furthermore, it has been officially determined by the Department of Labor that firefighting is now the most hazardous profession in the United States.

I support the committee's recommendation that the sum of \$50,000 should be provided to meet the immediate financial needs of the officers' survivors. I also support the committee's recommendation upon a showing of need and in a case where a benefit will probably be awarded, that an interim benefit payment not exceeding \$3,000 be awarded to assist the individual during this time of hardship. Such an interim payment will be deducted from the final amount if and when awarded.

In addition to providing direct financial compensation to the families of deceased officers, testimony before the committee indicates that this legislation will also significantly increase the morale of law enforcement personnel and will greatly assist State and local governments in their recruiting efforts.

This is no time for our Federal Government to be scrimping in the area of Federal expenditures. When one stops and thinks of the billions of dollars that are spent in foreign aid, when one stops to think about the billions of dollars that multinational corporations save through tax loopholes, then in all good judgment we should do something for those in America who lay down their lives for their fellowman.

I respect and honor the law enforcement officials in our Nation. I hold in the highest esteem our firefighting forces of our country. I support this legislation and conclude by saying it is long overdue.

The CHAIRMAN. The gentleman from Pennsylvania has 1 minute remaining.

Mr. EILBERG. Mr. Chairman, I yield the final 1 minute to the gentleman from California (Mr. DANIELSON).

Mr. FULTON. Mr. Chairman, as a co-sponsor of this legislation for the 92d and 93d Congress I would like to express my gratification over the fact that the House is going to vote on the matter today. This day has been long in coming and is, for me, most of our colleagues, and the public safety officers and their families of this Nation, most welcome.

On this occasion I will make my remarks brief because I believe this legislation speaks for itself in justification of need while human understanding really obviates the necessity for explicit justification at all.

In reporting out this legislation the Judiciary Committee stated society has a moral obligation to compensate the

families of those individuals who daily risk their lives to preserve peace and protect the lives and property of others. What more need be said.

Hopefully the benefits offered by this legislation might never be drawn upon. Realistically, however, we know that there are tragically too many widows and surviving children who desperately require them right now.

Mr. Chairman, nothing can compensate these unfortunate survivors for the loss they have suffered, a loss which is felt and shared by society at large. However, this bill can and will provide at least some monetary compensation for these persons and I respectfully urge its passage.

Mr. STEELE. Mr. Chairman, I would like to join in supporting H.R. 11321, legislation providing authority to LEAA to make \$50,000 payments to surviving dependents of certain public safety officers slain in the line of duty. As a cosponsor of almost identical legislation, I feel this bill is of particular importance to our Nation's dedicated servants who daily lay their lives on the line to protect the public from the dangers of crime and fire.

Specifically, the bill would cover policemen, correctional officers, prison guards, probation and parole officers, and officers in programs dealing with juvenile delinquency and narcotic addiction, as well as full-time and volunteer firefighters. In the event of death while in the performance of their duties, the family of a slain officer would receive an interim benefit payment of \$3,000 with a final award of \$50,000 to meet the immediate financial needs and cushion the hardships sustained by the dependents.

As my colleagues have so clearly demonstrated, this legislation is of great importance to the thousands of law enforcement officers who place their lives in jeopardy regularly as part of their dedication to public service, and I want to wholeheartedly endorse this viewpoint. At the same time, I believe the extension of the bill's benefits to include firefighters deserves special mention.

All of us know instinctively how great the dangers of firefighting are. The statistics clearly show that firefighting is the most dangerous profession in the country. For example, during 1972 firefighting took the lives of 170 men. This is a rate of 87 accidental work deaths per 100,000 workers—the highest rate of any occupation.

Yet all too often Congress has overlooked our Nation's fire service. While our attention has been focused on the crime rate, with Congress generously providing needed financial assistance to law enforcement agencies amounting to \$1.6 billion from 1969 through 1972, we have tended to neglect the sacrifices and unselfish dedication members of the fire service have shown. However, with this bill and with the Fire Prevention and Control Act, which is scheduled for House action tomorrow, we are about to turn the corner.

Since I introduced the first comprehensive fire prevention and safety legislation in February 1972, I have frequently spoken out about the need for the Federal Government to use its resources to help our Nation's fire service keep

pace with the dramatic and rapidly changing nature of the fire problem. To meet the new challenges, the fire service needs new, innovative equipment as well as special training and educational programs, and these are the goals behind my fire package and the major fire bill we will consider tomorrow.

However, the most exotic equipment and advanced training programs are not enough. What the fire service needs most of all is men. Men dedicated to preserving life. Bold, imaginative men to maintain the "esprit de corps" and pride so essential to the fire service. This is where the bill before us now—the Public Safety Officers Benefits Act—is so important. I am confident that, by showing our firefighters how concerned Congress really is about their welfare, this bill will build morale among firefighters and will serve to assist greatly in recruiting efforts.

Moreover, we should not overlook the needs of rural and volunteer fire departments and the increasing difficulty they experience in attracting volunteers. Many volunteer fire departments are hard pressed to obtain adequate operating funds. Yet, because of continuing urban expansion, these fire departments are having to use the bulk of their funds for purchasing new equipment or enlarging existing stations. With a new pumper costing at a minimum of \$30,000, many volunteer fire departments simply cannot afford the additional financial burden of providing group life insurance. This bill provides a solid backstop in cases such as these.

I feel strongly that Congress does have a responsibility to provide incentives needed to maintain strong, responsive firefighting organizations—and strong crime detection and prevention agencies. This bill is a sound step in that direction.

Let me also point out that legislation similar to the Public Safety Officers Benefits Act has already been approved by the House. On October 11, 1972, by unanimous consent, we accepted a similar bill, only to see our efforts short-circuited when Congress adjourned before considering the conference report.

I urge my colleagues to join me in voting for this important and meaningful bill.

Mr. OWENS. Mr. Chairman, as a cosponsor of H.R. 11321 and a member of the Judiciary Committee, I urge my colleagues to join me in support of the Public Safety Officer's Benefit Act of 1974. This legislation provides a \$50,000 Federal payment to the surviving dependents of public safety officers who die as the direct and proximate result of personal injury sustained in the line of duty.

In 1961, a total of 37 local, county, and State public law enforcement officers were killed in the performance of their duty as a result of felonious criminal action. In 1973, 131 officers were killed. It has been estimated that 790 firefighters died in the line of duty between 1960 and 1970.

Public safety officers are expected to possess a broad range of attributes. They are required to endure long periods of monotony in routine patrol and administrative duties, yet react immediately to serious problem situations. They are assumed to know the physical and social

characteristics of the area they serve. They must exhibit initiative, problem-solving capacity, effective judgment, and imagination in coping with the numerous complex situations they are called upon to face.

Public safety officers must make prompt and effective decisions, sometimes in life-or-death situations, based on their ability to size up a situation quickly and take appropriate action. They must demonstrate critical awareness in discerning signs of out-of-the-ordinary conditions. They must possess a number of complex psychomotor skills, such as driving a vehicle in an emergency situation, showing facility in self-defense, and maintaining strength, agility, and endurance.

Public safety officers must be able to perform the communications and recordkeeping functions of the job. It is essential for them to act effectively in extremely divergent interpersonal situations. They must endure verbal and physical abuse from citizens and offenders and be capable of restoring equilibrium to social groups. They must possess leadership qualities, and be able to work under both loose and strict supervision.

Public safety officers must tolerate stress in a multitude of forms, exhibit courage in the face of dangerous situations, maintain objectivity, and demonstrate a high level of personal integrity and ethical conduct.

Where is society expected to find such demi-gods?—for an average of less than \$8,000 a year?

In the first place, the failure to pay adequate salaries has a direct effect on recruitment of public safety officers. Low salaries and allowances are interpreted by public safety officers as evidence of the contempt in which police are held by the public and politicians. One dimension of this problem is that policemen, firemen, correctional officers, and other public safety officers work under severe occupational hazards, and many States have failed to provide adequate death benefits for their survivors.

The quality of the entire criminal justice system depends on the quality of the police. In addition to providing direct financial compensation to the families of deceased officers, this legislation will also assist State and local governments in their recruiting efforts and will increase the morale of law enforcement personnel.

Mr. Chairman, the work of public safety officers is an inestimable social benefit to all citizens. These men perform for the public the dangerous, high-risk activities associated with law enforcement and firefighting. It is clearly appropriate for the Congress to provide a measure of security for the families of those public safety officers who lose their lives while pursuing public duties. We must enact this legislation today for the men who provide one of the most sensitive and important functions in our society.

Mr. JOHNSON of California. Mr. Chairman, the Public Safety Officers Benefits Act, H.R. 11321, is one of the most important bills to come before the House of Representatives in the 93d Congress in the field of law enforcement.

Unfortunately, we have not acted early enough on this legislation, for the needs of our law enforcement officers are well known to many of us.

The American public depends heavily on its law enforcement officers. These officers are besieged however with a growing number of problems. Their morale is low. Recent court decisions have protected the rights of the accused, but at the same time, have made the law enforcement officer's job much tougher. To further compound the problem, the officer's rights are not similarly protected. This legislation which we have before us today, Mr. Chairman, would go a long way to correct this inequity.

Today the policemen's rights are protected in official court hearings. However, the case is quite different in administrative and grievance hearings. This is the primary scene of the trouble we seek to correct today.

New grievance procedures would be established to insure the rights of policemen. Policemen would be assured the right to have their peers sit on various judgment panels. A law enforcement officer's rights while off duty would also be outlined. Other rights would be better defined so that not only the policemen but also his supervisors would be guided in their relationships with one another.

Whether they are patrolmen on the local beat or specialized Federal agents, we can be proud of the job being done by our law enforcement officers. They are regularly called on to make sacrifices to insure the protection of us—the citizens. I think they deserve to have the same guaranteed rights shared by the rest of the population. Therefore, I urge my colleagues to join in supporting this legislation.

This bill has the expressed support of over one-fourth of the Members of this body. It is also widely supported by the various law enforcement associations around our great Nation.

Our helping the law enforcement officers will help them to do a better job for us. With the assurances that they will receive fair and just treatment for all they undertake, their behavior, attitude, and performance will all improve, bringing us improved service and protection. This bill, today, will give us the opportunity to make those assurances.

Mr. KASTENMEIER. Mr. Chairman, as a cosponsor of H.R. 11321, I rise in support of this legislation which provides benefits for surviving dependents of public safety officers who die as the direct and proximate result of an injury sustained in the line of duty.

The quality of our law enforcement personnel is a reflection of our Nation's attitude toward the meaning and enforcement of our laws. When considering a career in the law enforcement or firefighting professions, a highly qualified person with dependents might be more inclined to consider this area as a career knowing that, if a death occurs, this benefit will be of assistance. This bill would have the effect of improving recruitment efforts and would be a symbol of the respect that our Federal Government has for its laws and the men and women who enforce them.

I am particularly pleased that the Judiciary Committee adopted an amend-

ment to this bill which I first offered back in 1972 to specifically include corrections officers, and probation and parole personnel within the definition of public safety officers whose families are eligible for benefits under the provisions of this measure.

There are many who feel that it is the State's responsibility to adopt compensation programs for law enforcement officers. However, for whatever reasons, the majority of State legislatures have not created compensation programs. Further, the efforts of the small private charities that exist throughout the country to assist the struggling families of slain public safety officers are clearly insufficient. Crime knows no State boundaries and, therefore, the economic plight of the dependents of public safety officers ought to be a national concern.

There is a real need for some initiative and response from the Federal Government to provide in a minimal way for the financial security of the dependents of public safety officers who meet sudden deaths. H.R. 11321 will meet that need and I urge its adoption.

Mrs. GRASSO. Mr. Chairman, today the House has the opportunity to complete some unfinished business from the 92d Congress.

During the closing hectic days of the last Congress, the House passed a bill to provide certain benefits to the survivors of public safety officers killed in the line of duty. Unfortunately, the Congress adjourned without taking final action on the proposal.

In the interest of justice and fairness, the House must pass H.R. 11321, the Public Safety Officers Benefits Act. The bill would provide a \$50,000 payment to the survivors of public safety officers such as policemen, firemen, corrections officers, and prison guards, killed in the line of duty.

Each day these men and women risk their lives for the rest of us. Far too often, however, they receive neither the respect nor the gratitude which their hazardous professions merit.

Last year 131 local and State law enforcement personnel were killed as a result of criminal action. An estimated 170 volunteer and professional firemen also lost their lives in the line of duty. Each one died while protecting homes, families, and businesses.

Nevertheless, adequate compensation is not provided to the families of these officers who have paid the supreme price for the public welfare. Daily the families of public safety officers worry about the safety of their loved ones and, if tragedy strikes, they face the trauma of putting together their lonely lives which may bring with them the additional burdens of mortgages, medical, and education expenses. Unfortunately, the financial resources needed too often are not available.

Mr. Chairman, this is not a local problem. The policeman or fireman does not protect the inhabitants of his town or city alone—he is responsible for the safety of every person who might be in danger in his area of jurisdiction. Consequently, the compensation for his death goes beyond the responsibility of the locality.

These dedicated officers who daily risk their lives should be provided with the assurance that certain compensation will be provided to their families if hazardous duty results in their death.

Yesterday, I received a communication from various police, fire and corrections leaders in Connecticut supporting H.R. 11321. The bill has also been endorsed by the Connecticut VFW and other groups who recognize that the morale of our public safety officers is enhanced by the assured welfare of their families.

As a cosponsor of this legislation in both the 92d and 93d Congresses, I support the bill and urge its approval by the House.

Mr. BAUMAN. Mr. Chairman, I rise in support of H.R. 11321, the Public Safety Officers Benefit Act, legislation which I am convinced is badly needed and in fact well deserved by our Nation's public safety officers. As a practicing attorney handling a number of criminal cases, as a member of the Maryland Legislature, and now as a Member of Congress, I have come to appreciate the excellent service being rendered to our States and the Nation by the men and women who work in police, fire, and public safety service.

This particular bill is especially needed in view of the fact that it grants assistance to the families of those public safety officers who die in the line of duty. In the last decade the instances of attacks upon police and firemen have increased alarmingly, adding to the already dangerous nature of their everyday duties. As our society has evidenced greater disrespect for law and order, the public safety officers have had to fight a battle, often alone, against the criminal element in society.

The very least we in Congress can do is support this legislation which is badly needed, and I am pleased to be able to do that today.

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 11321, a bill to provide a \$50,000 death benefit to the survivors of certain peace officers and firefighters killed in the performance of duty. We can no longer ignore the hardships faced by the families of those killed while carrying out functions basic to the safety and well-being of society, often at ridiculously low wages.

The statistics supplied to us point out the increasing dangers peace officers and fire fighters face. In 1961 only 37 law enforcement officers were killed as the result of felonious criminal action. That number more than tripled between 1961 and last year, when 131 officers were killed. In the first 2 months of 1974 another 15 were slain. And, according to estimates, 790 firefighters died in the line of duty between 1960 and 1970.

This bill has passed both the House and Senate before, but in the press of time the conference committee report failed to pass before the 92d Congress adjourned in 1972. So we move today not in a panic reaction to a senseless killing or tragic fire—although we have had enough of those in recent years. We are acting today rather out of a long felt concern and a recognition after lengthy deliberation that this area is one of Federal responsibility.

In some States there is no compensation in these cases, and, survivors must depend on the uncertain benevolence of the community. Minnesota, happily, is no longer one of these. The 1973 Minnesota Legislature passed legislation to provide a \$25,000 death benefit to police and fire officers killed in the line of duty, as well as to good Samaritans killed while assisting them. Several payments have already been approved under this new law.

I support the bill before us today although it does not go as far as I think it should. I originally proposed in the 91st Congress legislation that would provide benefits similar to pensions to the survivors of peace officers and firefighters killed in the line of duty and to officers totally disabled in the line of duty.

My bill would have provided surviving spouses with a benefit equal to 45 percent of the slain officer's monthly wage, with an additional 15 percent for each dependent up to a maximum of 75 percent. Any officer totally disabled in the line of duty would have received two-thirds of his monthly wage under my bill. Officers with dependents would have received three-quarters of their monthly wage.

H.R. 11321 falls short of addressing the long range problem faced by peace and fire officers' survivors, but it will go a long way toward meeting their needs in the years immediately after the family breadwinner is struck down in violent tragedy.

Another beneficial effect of this legislation, in my opinion, is that it should improve morale and improve recruiting of top flight personnel. Certainly, no one takes a job with the thought in mind that he or she will be killed, but anyone considering a job should take account of benefits, such as life insurance that it offers. And in the case of peace officers and fire fighters, where the increased dangers are obvious, I can't help but believe that this \$50,000 benefit will be considered by potential recruits.

This legislation does not go far enough, but it is a good beginning. Let us approve it now so that the fears of peace officers and firefighters that their death will leave their families destitute is erased.

Mr. MCKINNEY. Mr. Chairman, this week, the attention of hundreds of thousands of the Nation's public safety officers is focused on the House of Representatives in the hopes that we will respond to a need which has existed for many years, but which, until recently, has gone almost completely unacknowledged.

In considering H.R. 11321, the Public Safety Officers Benefits Act, we are discussing an issue which must be faced as part of the harsh reality of life in the 1970's.

I would readily admit, that it is not a pleasant task to discuss legislation aimed at compensating the widows and families of public safety officers killed in the line of duty, but consideration of this legislation at least serves as an acknowledgment of the fact that each time a public safety officer puts on his uniform, he puts his life on the line.

Personally, I cannot speak for what goes on in the mind of a public safety

officer, but I think that in quoting a recent letter I received from Mr. Edward Kiernan, president of the International Conference of Police Associations, my colleagues will be able to get an idea of just what the life of a public safety officer entails. Mr. Kiernan wrote:

Most young men become police officers because they want a job that is interesting, active and unique. They are aware of the dangers involved and are ready to accept them. They dedicate themselves and their lives to the protection of the public and the maintenance of what we know as law and order. Historically, they are family men and their love of children, their own as well as others, is well known to all of us. If there is one thought in their minds, while they engage in their dangerous work, it is the constant worry about what will become of their wives and children if and when they are called upon to make the supreme sacrifice.

Perhaps there are those who would disagree with me, but I do not believe the enactment of this legislation will serve as an effective enticement in the recruitment of new public safety officers. Benefits or not, we are fortunate to have men and women in this Nation whose respect for the law, whose desire for order, and whose concern for their fellow citizen motivates them to turn to the profession of public safety work.

To the contrary, this bill speaks directly to the hazard which is very much a part of their daily lives, a risk they accept willingly so that they can continue to serve the people.

In point of fact, there is little this Congress, or anyone for that matter, can adequately do to compensate the survivor's of a slain police officer. We can, however, with the enactment of H.R. 11321, make life a little more bearable and in some cases, continued existence possible.

As I am sure you know, Mr. Speaker, the average age of a policeman killed in the line of duty in the last 10 years is 30. At the age of 30, most men are assuming their first mortgage, are burdened with the costs of raising children, and are probably more in debt than they ever will be in their lives again. A half-pay pension plan can strap a widow and children for life. This is not the price a family should pay whose breadwinner has chosen as a life work, the maintenance of the law and the protection of fellow citizens.

In some cases, the dollar figure in this bill, \$50,000, may not be enough; in others, it may be too much. On balance, however, I think it is to be an equitable amount and as with the spirit of the bill, the least we can do. If enacted at that level, the total cost to the Government can only be approximated. I know that it would please me as much as it would you, Mr. Chairman, if on enactment we never had to pay a penny. Realistically, and unfortunately, however, we must face the reality that that will never be so. Public safety officers will continue to fall as they try to do their job. What next year's figure will be, no one knows. The best and only projection we can offer is the fact that in the decade of the sixties, an average of 100 policemen were killed in the line of duty each year.

With a \$50,000 benefit payment to each family, that would have come to \$5 million payment annually, a small sum, Mr.

Speaker, in terms of the Federal Treasury.

Mr. Chairman, I know that I speak for all of the public safety officers of Connecticut's Fourth District, as well as the Nation, in calling on my colleagues to enact swift passage of this legislation. In so doing, the Congress will be taking the major step of finally acknowledging the plight of the public safety officer's widows and families. No amount of money can ever compensate entirely for the loss of a loved one, but passage of H.R. 11321 will hopefully go a long way towards easing the hardships which follow such a loss.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 11321, a bill to provide benefits to survivors of public service officers who die in the performance of duty.

As a longtime cosponsor of this most meritorious legislation, I am pleased that the Judiciary Committee once again has brought the measure to the House floor for consideration. Members may recall that similar legislation was approved by the House in October 1972, but did not clear the Senate prior to the adjournment of the 92d Congress.

In summary, Mr. Chairman, H.R. 11321 amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide a \$50,000 Federal payment to the surviving dependents of local and State public safety officers who die from a personal injury sustained while in the performance of duty. Those covered under the provisions of the bill include State and local policemen, correctional officers, prison guards, and both volunteer and professional firemen.

Benefits would be awarded to dependents of law enforcement officials killed while engaged in the prevention of crime, and to firemen who lose their lives while engaged in fighting fires. In addition, benefits would be retroactive to October 11, 1972, the date the bill originally passed the House.

Mr. Chairman, I urge an overwhelming vote of approval for H.R. 11321. Its passage will serve as a partial and long-overdue payment for the debts we owe policemen and firemen for the protection they so selflessly provide for all citizens and it would emphasize the Nation's determination to support law enforcement in deeds as well as in words.

Mr. STARK. Mr. Chairman, I would like to express my opposition to this bill and explain why I hope we will defeat it.

First, it has been adequately demonstrated that death benefits do not provide an additional recruitment incentive for new officers. This bill cannot strengthen the fight against crime.

Even more important, however, is the fact that this compensation is not a Federal responsibility. Surviving dependents should absolutely receive generous compensation, but the Federal Government should not assume a responsibility that lies elsewhere. The employer must bear these costs. Any town, city, or State that has the funds to employ police officers can afford a group life insurance policy for these officers that provides generous death benefits.

This country—and the Federal Government—do indeed owe tremendous

gratitude to the officers who risk their lives for our safety. But if we provide their death compensation we must extend the same gratitude to the FBI, the Secret Service, and Armed Forces personnel who perform the same duties. We cannot, as the Federal Government, single out police for these special benefits and neglect the others equally deserving.

This bill would create an unfairness that would only later have to be corrected. Instead of supporting it, we should require State or local governments to provide insurance policies that will give these much-needed benefits.

Mr. Chairman, I believe, as do my colleagues, that a police officer killed in the performance of duty deserves compensation now sorely lacking. But this is bad legislation, and I therefore urge my colleagues to join me in pressing for a different solution.

Mr. PRICE of Illinois. Mr. Chairman, I support H.R. 11321, which would provide tax-free benefits to survivors of certain public safety officers who die in the performance of duty.

The rate of law enforcement officers killed in the line of duty is continually increasing. Likewise, the Department of Labor has officially determined that firefighting is the most hazardous profession in the United States. Despite the most severe occupational hazards of these two professions, there remains to be established in most instances sufficient death benefits for the survivors of the deceased officers.

The Judiciary Committee in its report on H.R. 11321 noted that—

[b]ecause of this fact [increasing deaths from occupational hazards] and in recognition of society's moral obligation to compensate the families of those individuals who daily risk their lives to preserve peace and to protect the lives and property of others, the Committee is of the opinion that a Federal payment of \$50,000 should be provided to meet the immediate financial needs of the officers' survivors.

Mr. Chairman, I agree with the committee and hope that my colleagues in the House will agree also.

Firemen would be covered only while directly engaged in fighting fires, and authority would be granted the Law Enforcement Assistance Administration to determine which specific hazardous activities are in line of duty for police officers.

Because similar legislation was not successful in the Congress previously, this bill's effective date is October 11, 1972, at which time the similar legislation passed the House in the 92d Congress.

I urge my colleagues to vote again to pass this legislation and upgrade these noble but dangerous professions.

Mr. MAYNE. Mr. Chairman, I rise in support of H.R. 11321, the Public Safety Officers Benefits Act of 1974, and urge its passage by the House. I cosponsored introduction of H.R. 11321 and voted in the House Judiciary Committee to report it favorably. I had also joined in the introduction of the bill on which this was based, H.R. 9139, the Police Officers Benefits Act of 1971, on June 15, 1971. As a member of the House Judiciary Committee's Subcommittee No. 1 during

the 92d Congress, I participated in the hearings and executive sessions on this subject. Those hearings as well as my correspondence and conversations with public safety officers and others from my Sixth Congressional District of northwest Iowa all served to strengthen my conviction regarding the need for Federal death benefits for the survivors, not only of police officers but also firemen killed in the line of duty.

In the 12 months ending June 30, 1971, there were 110 police fatalities resulting from criminal assaults with weapons against this Nation's police officers. Twenty of these murdered policemen were the fatal victims of ambush attacks while on routine patrol, 13 were killed in the process of making felony arrests, and 11 police deaths occurred while the officer was responding to a felony-in-progress call. These statistics have continued to increase annually, as have also the fatalities of firemen through sniping and other criminal assaults. Yet the vast majority of States and many smaller cities and towns still provide no death benefits to the victims' survivors. What is needed is a minimum payment that assures substantial benefits to the families of murdered public safety officers.

There is already considerable precedent for this in Federal law. The Congress has authorized the payment of \$50,000 to the survivors of police and other public safety officers killed in the line of duty here in the District of Columbia. And in Public Law 90-291, we amended the Federal Employees Compensation Act to provide Federal benefits to survivors of local police officers killed while enforcing a Federal law or guarding a Federal prisoner.

Mr. Chairman, the present bill is a logical extension of those laws. It is urgently needed, in order to make public safety officer careers more acceptable and attractive to qualified citizens. We cannot ask decent, hard-working men and women to go out into the night as law-enforcement officers or firemen and face the constant risk of murder and mayhem while we ignore their rightful request that their families be protected from financial calamity. We owe enactment of this law and its implementation at the very least to the scores of police and firemen's families who lose husbands and fathers each year in this country. I again urge all Members to join in supporting approval of this legislation.

Mr. DORN. Mr. Chairman, our bill would cover policemen, highway patrolmen, deputies, sheriffs, State law-enforcement officials, firemen, and volunteer firemen.

Mr. Chairman, every day the urgent need becomes more obvious for the legislation now before us that would provide \$50,000 benefits to survivors of public safety officers who lose their life in line of duty. The Nation is shocked and disgusted by a new wave of cruel and bizarre killings, kidnapings, and holdups. Local and State law officers and firefighters are our front line defense against this and all anarchy, subversion, insurrection against government, terror and interstate crime. Our local law-enforcement officials combat interstate and yes, even international drug pushers. Every single

day firemen and law officers risk their lives to preserve the peace and protect the life and property of others. Theirs is the most dangerous and demanding of all professions. Those covered by this bill have been officially determined to be the most hazardous profession in the United States.

The bill now before the House would provide a tax-free \$50,000 Federal payment to the surviving dependents of public safety law officers who lose their life as a result of injuries sustained in line of duty. I am proud to be a cosponsor, and urge its overwhelming approval. I am especially pleased to support the provision making benefits retroactive to October 11, 1972.

South Carolinians are second to none in support for law enforcement officers and for equal justice under law. South Carolinians have, in recent years, been deeply saddened by the tragic deaths of law officers lost in line of duty.

We have received tremendous support for this bill, as a means of demonstrating public support for those who protect the safety and well-being of our people at such heavy personal sacrifice and risk.

It is entirely fitting and proper that the National Government provide the \$50,000 survivor benefits to local and State firefighters and law officers. These courageous and dedicated men and women are the Nation's primary defense against a criminal and terrorist element that operates across State lines. Our bill will increase the morale and enhance the prestige of the entire law enforcement profession. It will assist local and State government in encouraging our most talented and dedicated young people to enter the public safety officer field. It would provide a measure of security to the widows and orphans of public safety officers.

Mr. Chairman, now is the time. As one of its sponsors, I urge overwhelming approval of the Public Safety Officers Benefits Act of 1974.

Mr. DRINAN. Mr. Chairman, Benjamin Cardozo, when he was chief judge of the New York Court of Appeals, once wrote:

Danger invites rescue. The cry of distress is a summons for relief.

When the fire bell sounds or when the police siren wails, joy and fear, delight and sadness, hope and despair well up in the victims of tragedy. Trapped in events over which they have no control, the innocent victims of crime or fire turn to public safety officers for help. And they respond; it is their sworn duty.

Far from the place of the incident, others wait in safety, filled with the same emotions. They are the parents, the spouses, and the children of the rescuers who daily risk their lives that others might survive. These dependents are not yet victims, though victims they may soon be. When public safety officers go forth on their missions of mercy, they leave behind relatives who may soon need the aid of others. When an officer dies in the line of duty, little assistance is offered to the surviving family. The Public Safety Officers Benefit Act of 1974, H.R. 11321, which is now before us, seeks to provide that aid.

There should be little disputation over the need for this legislation. The num-

ber of deaths of public safety officers while protecting citizens has risen in the past several years. From 1961 to 1973, the number of police killed has more than doubled. In the decade of the 1960s, it is estimated that almost 800 firefighters died performing their duties. The evidence indicates that these figures are increasing annually. Furthermore, as the report of the Judiciary Committee points out:

It has been officially determined by the Department of Labor that fire fighting is now the most hazardous profession in the United States.

Opponents of the bill raise three principal objections. First, they argue that the proposal will do nothing to reduce the crime rate since the bill among other things, will not affect recruitment of public safety officers. Apart from the absence of compelling evidence one way or the other on that matter, the argument misses the point. This is not a crime-fighting bill. Firefighters, one of the principal beneficiaries of this legislation, have nothing to do with crime reduction. The bill rather is directed at a narrow, but important gap in State and local programs for compensating employees of criminal justice agencies and fire departments. To fill that void this legislation is proposed, not to prevent fires or deter stealing.

Second, opponents contend that the bill should not pass because its coverage is not broad enough. That point is unpersuasive. Absent constitutional objections, not at issue here, it has never been thought that Congress must deal with a problem all at once. If the real problem is inadequate compensation for police and fire personnel, or if other public servants—such as members of the Armed Forces—should be covered, the solution is not to defeat this bill. The answer is to propose other legislation to correct those deficiencies. We have before us a proposal to compensate the dependent survivors of persons killed securing the public safety. That is the purpose of the legislation and it must stand or fall on its own merits.

Finally, it is said that this bill would promote Federal intervention in an area reserved to State and local governments. It goes without saying that the Congress should always examine legislation to be sure that it does not intrude into the proper and exclusive spheres of State authority. On the other hand, we should always be wary of vague claims that particular legislation infringes the principles of federalism. This is especially true, where the subject matter, as here, lies within the concurrent powers of State and Federal authority.

In such instances it is perfectly proper to legislate if local governments are either unable or unwilling to meet the undisputed need. If States were dealing satisfactorily with the problem—if the orphans of dead public safety officers were receiving just compensation for the loss of their fathers—then I too would question the need for H.R. 11321. But the need is plain, all agree, and our authority is clear. If in the future State governments provide sufficient death benefits for public safety officers, it will be time enough to revise the Federal legislation.

A society is frequently judged by the

manner in which it treats those who are least able to care for themselves. No one can save a people in which the spirit of helping the needy has dissipated, and no one need save a nation in which that spirit flourishes. The Public Safety Officers Benefits Act of 1974 demonstrates the continued vitality of that first principle.

Mr. COTTER. Mr. Chairman, as an early cosponsor of this legislation I am very happy to see this bill before the House of Representatives. This legislation should pass overwhelmingly because the bill is well drafted, but most importantly, because it is just.

Some Members argue that this bill is too expensive, but just this morning, the President of the United States asked for \$5.5 billion in new foreign aid. I cannot believe that by providing the widows and orphans of firemen and policemen killed in the line of duty necessary financial assistance will drain the Treasury or wreck the budget.

As is well known, this bill provides a \$50,000 Federal payment to the surviving dependents of non-Federal public safety officers who die from injuries sustained in the performance of their official duties. Our local policemen and firemen almost daily risk their lives to protect our families and our homes. For the most part their job is a thankless, but necessary task. Perhaps one of the most glaring inequities in this dedicated form of public service is that men and women who are killed in the line of duty often leave behind not only bereaved, but financially destitute families.

This is the purpose of this legislation. By providing \$50,000 to the deceased officer or fireman, some of the financial burden can be eased. But still the tragic personal loss can never be eased.

I will fight against changing the effective date of this legislation because I believe that the benefits of this bill should be retroactive. In 1973 a total of 131 local county and State policemen, for example, were killed in the line of duty. In 1972, 170 firemen were killed, yet in spite of these losses, dedicated men and women continue to daily risk their lives to protect us all.

I am glad to lend my voice and my vote to this worthy legislation and I urge my colleagues to vote overwhelmingly to pass this needed legislation.

Mrs. HOLT. Mr. Chairman, I rise in support of H.R. 11321, the Public Safety Officers Benefits Act of 1974. Because of the high risk involved in the pursuit of their professions, policemen and firefighters are unable to acquire sufficient insurance to provide their families with the most modest benefits in the event of their deaths in the line of duty.

In addition, our State and local agencies are besieged by constantly rising costs for services, so that adequate insurance and pension programs are virtually impossible to implement. Studies have revealed that by far the greater percentage of our firefighters' and law enforcement officers' deaths in the line of duty have occurred in those small communities which maintain only minimal forces for protection, and cannot be expected to bear the additional burden of adequate survivor benefit programs. There are 18 States which provide no benefits for

widows and children, and even those that do, offer as little as \$2,000 of insurance. It is only fitting that the Federal Government in recognition of the valor and achievements of our public safety officers, should assume responsibility for at least a moderate expression of support for their families.

Although I would have preferred to see stricter limits drawn in eligibility, and a better defined measure in terms of what constitutes "potentially dangerous" activities, I feel strongly that it is more than high time that we recognize our debt of gratitude to those public safety officers who have paid the highest price in their devotion to duty and to public service.

Mr. Chairman, I urge my colleagues to join me in insuring speedy passage of this legislation.

Mr. KEMP. Mr. Chairman, I rise in support of the bill pending before us, H.R. 11321, the proposed Public Safety Officers Benefits Act.

Because at the time of the anticipated rollcall votes on this measure and proposed amendments to it, I will be en route from this city on other business, I think it is important to state now my position in support of the bill. If I were to be here later in today's deliberations, I would indeed vote for its enactment as I was a cosponsor of similar legislation.

#### THIS LEGISLATION IS NEEDED

There are few occupations whose members give more of themselves, yet receive less credit and recognition for it, than public safety officers.

Every time that bell goes off in the enginehouse, those firemen put their lives on the line—to protect the lives and property of others.

Every time that radio dispatch crackles in a police car or a patrol officer approaches a suspect, those policemen put their lives on the line—again, to protect the lives and property of others.

Hardly a day goes by when we do not read, hear, or see where a policeman or firemen has been injured or killed in the performance of his duties.

And, the memories of firemen and policemen being the deliberate, intended victims of provoked violence, especially during the urban riots of the 1960's, remain clear in our minds—bottles and bricks being thrown at firemen answering alarms, gunshots at policemen responding to calls.

The number of policemen slain each year as a result of felonious criminal action has more than tripled since 1960. Nearly 800 firemen died in the line of duty between 1960 and 1970. Yet, there is little sign of letup.

Almost every time I meet with Police Commissioner Thomas Blair, of Buffalo, or Patrick Mangan, Jr., the president of Firefighters Local 282 in Buffalo, or the many other conscientious law enforcement officers, firemen, and other public safety officers in western New York, I am told of incidents which call graphically to our attention that we should provide the death benefits to be provided through this bill to the families of these brave men and women.

I have come to appreciate fully the excellent service being rendered to our cities and towns, States, and to the Na-

tion by these dedicated men and women in uniform.

As one of the first actions I took during this 93d Congress, I cosponsored H.R. 4307, a bill closely similar to the one before us today. I am gratified that H.R. 4307 and similar measures served as the impetus for the legislation now before us. My only regret is that we were not able to consider it here on the floor at an earlier date.

SCOPE OF BENEFITS TO BE PROVIDED THROUGH THIS BILL

The purpose of the bill before us is to provide a \$50,000 Federal payment to certain surviving dependents of public safety officers who die from injuries sustained in the line of duty.

Its primary intent is to sustain the officer's survivors until they are able to economically adjust to the death of the breadwinner.

Eligible public safety officers include reserve and professional law enforcement officers and firemen. The term "law enforcement officer" is defined to include policemen, correctional officers, prison guards, probation and parole officers, and officers involved in programs relating to juvenile delinquency or narcotics addiction. Eligibility for the receipt of benefits among the families of those officers is limited to those officers engaged in potential hazardous activities at the time of the fatal injury. It is not the intent of this Federal legislation to disrupt or undercut the many commendable life insurance programs and benefits provided on the State and local level for public safety officers or to preempt the subject field.

This bill is an important step in the commitment of the Congress on this issue. In 1968 Congress approved legislation to extend Federal employees compensation benefits to State and local law enforcement officers who are killed or injured while enforcing Federal laws. In 1970, Public Law 91-509 provided a \$50,000 benefit to the survivors of policemen or firemen in the District of Columbia who died in the performance of duty. During the preceding Congress a bill similar to the one we are considering today was passed by both Houses and reported from the conference committee but got caught in the last minute rush from being finally acted upon. And, the Senate has passed a similar bill, S. 15, this Congress.

Mr. Chairman, I call upon those Members who will serve upon the new conference committee to act with all due speed in resolving points of disagreement between the House and Senate. This bill needs to go to the President's desk as soon as possible.

Mr. EDWARDS of California. Mr. Chairman, although I sympathize with the survivors of policemen and firemen killed in action and I feel the Federal Government has a great obligation to assist municipal and county governments in law enforcement and fire protection, I regret that I am unable to support H.R. 11321, the Public Safety Officers Benefits Act of 1974.

The proponents of this bill have somehow suggested that the proposed \$50,000 gratuity will help in the fight against crime. I honestly do not see how this can be accomplished by relieving local

governments of one of the important obligations in providing such protection—the obligation to compensate their employees adequately and justly and to insure their families against the loss of a loved one and a breadwinner in the performance of hazardous duties.

I have long supported the work of the Law Enforcement Assistance Administration which provides financial and technical assistance of local police departments, and I look forward to the passage of the Fire Prevention and Control Act as a long overdue effort to provide similar support for the heroic and often dangerous work of our local fire departments. These two programs, coupled with the massive amount of Federal revenue sharing, seem to me to be the appropriate Federal channels in local public safety efforts, and I will continue to support them.

However, I feel very strongly that with the passage of H.R. 11321 we are drastically misconstruing the Federal role in a manner which might inevitably lead to the weakening of local control in public safety programs.

Mr. BOLAND. Mr. Chairman, the Public Safety Officers Benefits Act of 1974 brings before the Congress a subject that is no stranger to either House. A similar piece of legislation passed both the House and Senate in the closing days of the 92d Congress—in the House by unanimous consent—but consideration of the conference report was thwarted by the adjournment of the Congress.

The measure which now finds its way to the House represents bipartisan recognition of the heavy debt that the citizens of this country owe to the many non-Federal law enforcement officers and firemen who daily help to insure the safety of our lives and those of our children. Under the provisions of H.R. 11321, a \$50,000 lump sum would be made by the Federal Government to the surviving dependents of State and local public safety officers killed in the line of duty. The definition of public safety officer is broad. It includes policemen, correctional officers, prison guards, probation and parole officers, officers involved in programs relating to juvenile delinquency or narcotics addiction, and, of course, firemen.

For all these officials, there are certain dangerous, high-risk activities endemic to their duties which ought to be acknowledged and awarded by the public which benefits from their performance. One of the most comforting things for these men and women, who often cannot afford the cost of casualty life insurance premiums, is to know that, should they sustain a fatal injury in the performance of their duties relating to criminal activity or firefighting, their families will not be left destitute. It is because these dedicated public servants face the risk of death on such a regular and sustained basis that a payment such as will be provided by the Public Safety Officers Benefit Act offers so much in the way of assurance and security.

In addition, provisions of this bill cannot fail to help attract high-quality personnel to these hazardous professions. This is the conclusion of the National Advisory Committee on Criminal Justice Standards and Goals in recommending

special statutory benefits for State and local law enforcement and firefighting officers killed in the performance of their duties. The Commission recommended that high-priority congressional attention be given to this matter. I cannot concur more that it is one which deserves the unanimous approval of the House as it did in 1972. It offers us a chance to discharge some of the debt we constantly incur as a result of the services performed by the public safety officers of our country.

PARLIAMENTARY INQUIRY

Mr. DANIELSON. Mr. Chairman, I have been keeping track of the time and I believe there are 2 minutes remaining.

The CHAIRMAN (Mr. NEDZI). The gentleman from Pennsylvania has 1 minute remaining.

Mr. DANIELSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Safety Officers Benefits Act of 1973".*

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, lines 3 and 4, strike out "Public Safety Officers Benefits Act of 1973" and substitute "Public Safety Officers Benefits Act of 1974".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. SMITH OF NEW YORK

Mr. SMITH of New York. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SMITH of New York: Strike out all after the enacting clause of H.R. 11321, and insert in lieu thereof the provisions of H.R. 6449 as follows:

That this Act may be cited as the "Public Safety Officers' Benefits Act of 1974."

Sec. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new part:

"PART J—DEATH BENEFITS FOR PUBLIC SAFETY OFFICERS  
"DEFINITIONS

"SEC. 701. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child, or step-child of a deceased public safety officer who is—

"(A) under eighteen years of age; or  
"(B) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(C) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code;

"(2) 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication, or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime;

"(3) 'dependent' means wholly or substan-

tially reliant for support upon the income of a deceased public safety officer;

"(4) 'line of duty' means within the scope of employment or service;

"(5) 'public safety officer' means a person serving a public agency, with or without compensation, in any activity pertaining to—

"(A) the enforcement of the criminal laws, or the prevention, control, reduction, or investigation of crime; or

"(B) a correctional program, facility, or institution where the activity is determined by the Administration to be potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees; or

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is determined by the Administration to be potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees; or

"(D) firefighting.

#### "RECIPIENTS

"SEC. 702. Upon a finding by the Administration that a public safety officer has been killed in the line of duty and the proximate cause of such death was a criminal act or apparent criminal act, the Administration shall pay a gratuity of \$50,000 to the eligible survivor or survivors in the following order of precedence:

"(1) if there is no surviving dependent child of such officer to the surviving dependent spouse of such officer;

"(2) if there is a surviving dependent child or children and a surviving dependent spouse of such officer, one-half to the surviving dependent child or children of such officer in equal shares and one-half to the surviving dependent spouse of such officer;

"(3) if there is no surviving dependent spouse to the dependent child or children of such officer in equal shares;

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares; or

"(5) if none of the above, to the dependent person or persons in equal shares who are blood relatives of such officer or who were living in his household.

#### "INTERIM BENEFITS

"SEC. 703. (a) Whenever the Administration determines, upon a showing of need and prior to taking final action, that a death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person or persons entitled to receive a benefit under section 702 of this part.

"(b) The amount of any interim benefit paid under subsection (a) of this section shall be deducted from the amount of any final benefit paid to such person or persons.

"(c) Where there is no final benefit paid, the recipient of any interim benefit paid under subsection (a) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, and shall consider for this purpose the hardship which would result from repayment.

#### "LIMITATIONS

"SEC. 704. (a) No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by the officer's intention to bring about his death; or

"(2) if the actions of any person who would otherwise be entitled to a benefit under this part were a substantial contributing factor to the death of the public safety officer.

"(b) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 8191 of title 5, United States Code;

"(2) payments authorized by section 12

(k) of the Act of September 1, 1916, as amended (D.C. Code, § 4-531(1));

"(3) gratuitous lump-sum death benefits authorized by a State, or unit of general local government without contribution by the public safety officer, but not including insurance or workmen's compensation benefits;

"(4) amounts authorized under any Federal program, or program of a State or unit of general local government receiving Federal assistance under this title which provides for the compensation of victims of crime.

"(c) No benefit paid under this part shall be subject to execution or attachment.

#### "PROCEDURE

"SEC. 705. (a) In the event of the death of a public safety officer serving a State or unit of general local government, the notification of such death shall be filed with the Governor or the highest executive officer of the State.

"(b) The Governor or the highest executive officer of a State upon receipt of notification of the death of a public safety officer, shall promptly notify the Administration of the pendency of a certification, and, after due investigation, shall certify to the Administration all facts relevant to the death upon which the benefit may be paid.

"(c) The Administration upon receipt of certification by a Governor or the highest executive officer of a State shall determine if a benefit is due, and, if so, to whom and in what amounts.

#### "REGULATIONS

"SEC. 706. The Administration is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this Act."

#### MISCELLANEOUS PROVISIONS

Sec. 3. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "520" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J."

Sec. 4. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

Sec. 5. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 6. This Act shall become effective and apply to acts and deaths occurring on or after the date of enactment of this Act.

Mr. SMITH of New York. Mr. Chairman, I ask unanimous consent that the amendment in the nature of substitute be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

#### PARLIAMENTARY INQUIRY

Mr. FISH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from New York yield for the parliamentary inquiry by the gentleman from New York (Mr. FISH)?

Mr. SMITH of New York. I yield to

the gentleman from New York (Mr. FISH) for a parliamentary inquiry.

Mr. FISH. Mr. Chairman, I just wish to ask whether all committee amendments have been adopted prior to the offering of the amendment by the gentleman from New York?

The CHAIRMAN (Mr. NEDZI). The Chair will advise the gentleman that only the perfecting amendment to section 1 has been adopted. The others have not been adopted.

Mr. FISH. I thank the chairman and I thank the gentleman for yielding.

Mr. SMITH of New York. Mr. Chairman, this amendment offers the bill H.R. 6449 in place of the bill which we are now considering, that is H.R. 11321. The bill H.R. 6449 is a bill that was introduced at the request of the administration and it differs slightly from H.R. 11321 which we are considering today, and it differs in this main respect:

Section 702 of the bill H.R. 6449 which was originally introduced and which is my amendment, reads as follows in regard to those who shall be entitled to the \$50,000 gratuity to be paid by the Federal Government with the administration referred to being the Law Enforcement Assistance Administration:

Upon a finding by the Administration that a public safety officer has been killed in the line of duty and the proximate cause of such death was a criminal act or apparent criminal act, the Administration shall pay a gratuity of \$50,000 to the eligible survivor or survivors.

This bill H.R. 6449 also covers firefighters. The bill H.R. 11321, the committee bill, in the committee amendment, provides that when the administration determines that an eligible public safety officer has died as a direct and proximate cause of personal injury sustained in the performance of duty, leaves a spouse, and so on, his survivor shall receive the \$50,000 gratuity. So the essential difference between these two bills is that the bill H.R. 6449, my amendment, requires that the public safety officer, be he a law enforcement officer or a firefighter, in order for his survivor to be paid the \$50,000, shall have been killed in the line of duty and the proximate cause of death was a criminal act or an apparent criminal act.

Now, until recently, it was felt strongly that the United States, the Congress of the United States, and the Federal Government, should have no part in the compensation or the death or disability benefits for local law enforcement officers or for local firefighters. It was felt that this was strictly a matter to be undertaken by the local municipality or by the State, and that there was some danger, as has been pointed out in the debate here, that if the Federal Government got involved in paying gratuities or paying compensation or paying any other benefits to local law enforcement officers or firefighters that eventually the Federal Government would have a great deal to say in how those local law enforcement agencies or firefighters should be governed and that we might well be on the way toward establishing a Federal police or a Federal firefighting force.

This Congress made an exception to this several years ago. The Congress

adopted and the President signed a bill which would provide compensation to a local law enforcement officer who was disabled or killed when engaged in apprehending a Federal criminal.

The bill provided that the Federal Government would pay him the difference between what he would get under State compensation and what he would have gotten under Federal compensation had he been a Federal law enforcement officer.

This bill was justified by the fact that it was fair and that the activities of the local law enforcement officers in connection with Federal law enforcement worked to the advantage of the Federal Government and perhaps, in the long run, even operated to save money for the Federal Government because it saved hiring more Federal law enforcement officers.

During the last 10 years there has been a growing national concern with violent crime. In 1968 the Congress adopted the Omnibus Crime Control and Safe Streets Act, and thereafter the Law Enforcement Assistance Administration Act, both to help curb the acceleration of crime in our country. It is this national concern for crime and its victims which may justify this Federal gratuity to the survivor of local law enforcement officers and local firefighters when the proximate cause of their death was a criminal act, as is provided by my amendment, H.R. 6449.

Without this direct tie-in of death as a proximate result of criminal acts, there would appear to be little or no justification for a Federal gratuity to the survivors of deceased local law enforcement officers and firefighters. This is a State or local obligation.

**THE CHAIRMAN.** The time of the gentleman has expired.

**MR. EILBERG.** Mr. Chairman, I rise in opposition to the amendment.

I would like to say first, the position of the gentleman from New York was the position of the subcommittee of the House and the full committee. It was rejected in both the subcommittee and the full committee by a vote of 21 to 9. I think it was rejected primarily because the employment of a firefighter is regarded as the most dangerous type of employment. It is very hard, indeed, to differentiate between the dangerous activity which is engaged in by both police and firemen. In fact, the Department of Labor informs us that the employment of a fireman is the most dangerous type of employment.

In the April issue of the Fire Fighting magazine, which I have before me, there are photographs of firefighters engaged in most difficult situations and in the most hazardous circumstances imaginable. One picture shows a fireman preventing a woman from jumping off the roof of a mental institution; another photograph shows a fireman gasping for air from the roof of a building; another photograph showing a fireman carrying a blanket in which a person is being taken from a building that collapsed.

It seems to me the position of a fireman is the most dangerous and it would be discriminatory not to include them.

I might say, a fireman who dies in a fire as a result of a fire started by arson

or who dies as the result of a sniper's bullet, he is certainly dead and his next of kin would be benefited; but so is a fireman that dies in a fire not started by a criminal act.

The effect of the gentleman's amendment is that for all practical purposes it excludes firemen. I say it is unconscionable and the subcommittee and the full committee rejected this amendment.

I might say, some States and some municipalities have formed charitable groups, but the amount of funds they have is questionable and may not be available for every death that might occur. I do not think we should depend upon the generosity of such groups. I think, as I said at the very outset, this is a very unique situation and that if we cover policemen, we certainly ought to cover firemen.

**MR. MCCLORY.** Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I happen to be the principal sponsor of the bill (H.R. 6449) which has been offered in the form of an amendment by my distinguished colleague from New York (Mr. SMITH). I would like to point out that I have a great interest in this entire subject.

Mr. Chairman, I realize there are some emotions displayed by several of our colleagues, and there are some expressions of recrimination and hostility which are being delivered here on the floor of this House today. This is most unfortunate, it seems to me.

It was my feeling that in introducing this legislation we were taking cognizance of a great national problem, that is, we were not converting local and State police and fire departments into anything national, but we were recognizing that these attacks which were occurring on policemen were becoming of such a scope that it required national action. It not only involved assaults upon police officers in the form of criminal acts or criminal conduct being perpetrated against them, but frequently included attacks against firefighters, and the definition of public safety officers includes both police officers and firefighters or firemen. It seemed to me entirely appropriate for the Federal Government to take cognizance of that.

Mr. Chairman, I think to expand the theory, as appears to be done under the legislation that is presented by the committee, we go far beyond the original concept of meeting a great national or Federal problem. I realize that there are heartaches and problems that are experienced every time a firemen or policeman dies, under whatever circumstances, and there may be many circumstances which have nothing to do with the perpetration of a criminal act. But it was that criminal act, that criminal conduct, as is brought out very clearly by the report which we received from the Attorney General's office on this issue which induced the introduction of this legislation (H.R. 6449).

Mr. Chairman, I do not like to be in the position of opposing this legislation. On the other hand, it seems to me that we should get back to the original concept, and we should support the legislation for the purpose for which it was intended. We are going far beyond that

in the amended form in which the legislation is coming to us.

**MR. BRASCO.** Mr. Chairman, would the gentleman yield?

**MR. MCCLORY.** Mr. Chairman, I yield to the gentleman from New York.

Mr. BRASCO. I want to make an observation, because when the gentleman says that we are expanding something, I do not know whether or not the gentleman is aware of the fact that in October of 1970 the President signed into law—and I do not remember offhand what the public law number is—a bill that gave to the D.C. Park Police, the D.C. Fire Department, and the Metropolitan Police, some people of the Executive Protection Service, and some members of the Secret Service this \$50,000 death benefit. Aside from that, increased retirement benefits were granted without any qualifications that the death occur in line of duty due to a criminal act.

**MR. MCCLORY.** Mr. Chairman, I thank the gentleman for his observation. But I would just like to point out that I can see how the Congress would want to take care of that kind of gratuity, if we chose, with regard to those officers and those officials who come under Federal jurisdiction, but we are talking about local and State police officials, public safety officers, policemen and firemen.

Mr. Chairman, the reason we have been assuming Federal responsibility is because of the national scope of the attacks that were being made. As a matter of fact, in many of these attacks there was a symbolic attack by certain dissenting elements in our society, a symbolic attack against society, against the Federal system, and it was this that we were trying to take cognizance of, in providing this very useful and desirable Federal legislation.

Mr. Chairman, I just think that we have gone beyond the bounds; we have exceeded that concept. We are assuming a responsibility that should be assumed by local and State governments. It is most unfortunate that we have distorted the concept and expanded it in the way the measure is presented to the House today. I hope the amendment offered by the gentleman from New York will be adopted.

Mr. Chairman, I hope that the amendment offered by the gentleman from New York will be adopted overwhelmingly.

**MR. DANIELSON.** Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will state to the Members that I have observed one thing in this bill which may be common to the amendment offered by the gentleman from New York (Mr. SMITH) and which I feel I must bring to the attention of the committee; namely, its retroactive effect.

The bill, as drafted, stated that it applies to any death which occurs as a result of some action which took place on or after October 11, 1972.

I respectfully submit that that is a logically and equitably untenable date. We either must make this bill completely retroactive, going back, if need be, to the time of the signing of the Constitution, in order to be equitable to those who have suffered a loss under these circumstances, or in the alternative we

must make it effective only following the effective date of the act.

What is so interesting about the date of October 11, 1972?

I note, Mr. Chairman, that on the following day, October 12, a Michigan State police trooper was killed. But if we go back 3 days earlier, to October 8, the Members from South Carolina might be interested to note that a South Carolina State highway patrolman was killed on October 8.

Should we give a \$50,000 gratuity to the next of kin of the officer who was killed, because of an incident on October 12, while we deny the same gratuity to the next of kin of the officer who was killed on October 8?

For the benefit of those who are not from South Carolina, let me say this: If a Member is from Kentucky, can that Member go home to Harlan County and point out to the widow and the children of the deputy sheriff who was killed in Hanean County, Ky., on October 8 that they should not get their \$50,000, but that the dependents of those who were killed 3 days later should?

Mr. Chairman, this goes on ad infinitum.

I have in my hands the FBI Uniform Crime Report for 1972. It reflects that people were killed in the United States in this particular activity during each and every month of that year. The average is about 10 or 11 per month. There has been an increase in recent years. In 1967 there were only 76 police killed, but the number has increased. Incidentally, I am only speaking of law enforcement officers here, not firemen. I do not have the figures for firemen.

However, I respectfully submit that with people meeting their deaths, because of this type of activity in every month of every year in almost every State in the United States, how can we in good conscience say that those who met their death because of some activity on October 11, 1972, or thereafter will have a \$50,000 benefit given to their next of kin, but those who are in exactly the same position, but whose grievous misfortune took place earlier, are barred?

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

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

Mr. MOSS. Mr. Chairman, I would like to ask the gentleman this: I wonder what obligation we have to those innocent nonpolice persons who are gunned down in San Francisco during the last several months we have witnessed more than 12—gunned down indiscriminately on the streets of that city? Are they any less injured?

Is there any less of a loss incurred, because they were not police officers than if they were engaged in police or law enforcement activities?

Mr. DANIELSON. Mr. Chairman, I cannot answer the gentleman's question personally. I am not completely aware of the facts.

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

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

Mr. EILBERG. Mr. Chairman, I will say to the gentleman from California (Mr. Moss) that the committee is in the

process of working on legislation for the protection of victims of crime. A bill pertaining to this subject matter is still under consideration.

In other words, the bill we are considering today is for police and firemen and does not deal with victims of crime. That area is a legitimate concern, one which the committee is considering, and hopefully proposed legislation will be brought to the floor on that subject.

Mr. DANIELSON. Mr. Chairman, in my remaining time, I would like to ask the gentleman from New York (Mr. SMITH) one question.

Does the gentleman's amendment provide for retroactive coverage, or is it prospective in nature?

Mr. SMITH of New York. Mr. Chairman, if the gentleman will yield, my amendment provides that it shall become effective upon signing by the President, so it is prospective in character.

Mr. DANIELSON. It would not be retroactive?

Mr. SMITH of New York. It would not be retroactive. It answers the gentleman's problem. If the House does adopt this amendment, it would become effective on and after the date of enactment.

Mr. DANIELSON. I withdraw my motion to strike, and include in my remarks a table of the law enforcement officers killed since January 1, 1967:

LAW ENFORCEMENT OFFICERS KILLED<sup>1</sup> BY MONTH, 1967 TO MAR. 25, 1974

	1967	1968	1969	1970	1971	1972	1973	1974
Jan.	4	6	6	15	10	13	19	.....
Feb.	5	7	3	4	19	9	10	.....
Mar.	2	0	8	5	7	8	10	.....
Apr.	2	4	10	8	15	8	10	.....
May.	10	6	10	8	11	9	11	.....
June	3	5	4	15	8	9	10	.....
July	7	10	10	4	7	8	8	.....
Aug.	8	5	4	8	9	8	13	.....
Sept.	6	1	9	9	9	11	7	.....
Oct.	11	5	6	9	11	9	9	.....
Nov.	7	7	8	6	9	9	13	.....
Dec.	11	8	8	9	14	13	11	.....
Total	76	64	86	100	129	114	131	128

<sup>1</sup> Source: FBI uniform crime reports.

<sup>2</sup> Includes 3 officers in 1971 and 2 officers in 1972 from Puerto Rico.

<sup>3</sup> Includes law enforcement officers killed from Jan. 1, 1974, to Mar. 25, 1974. Monthly breakdown is unavailable for 1974.

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment pending is to substitute the administration bill for that reported out by the subcommittee.

As you know, I opposed the subcommittee bill, but let me say the administration bill is even worse. It is defective in two major respects.

First, coverage only attaches if the death occurred as a result of a criminal act or an apparent criminal act. Let me ask you this question: Let us suppose that a police officer is shot and killed. Let us also suppose a suspect is apprehended and tried and found not guilty. The question is: Has the police officer been killed as a result of a criminal act or an apparent criminal act? Let me say positively that he has not been killed as a result of a criminal act, and that matter has been judicially determined. You can see obviously that any such result would be grossly unfair. It is possible, you understand, that the suspect may be

acquitted by reason of someone failing to give him the Miranda warning even though his performing the act is clear. Such a result is an arbitrary and discriminatory feature of the administration bill which makes it unworthy of support.

The second defect is in the coverage of firemen. It does not cover firemen at all, but it covers the activity of firefighting—the activity of firefighting.

Now let me give you another hypothetical illustration. Let us suppose a fire unit responds to a false alarm and let us also suppose that false alarm was put in for the purpose of setting up the firemen. Let us suppose that the firemen are met at the scene of the nonfire by a hail of bullets and several firemen are killed. I ask you, have they been killed as a result of the activity of firefighting? It is a close question, but I would guess probably not.

The coverage of the administration bill is imperfect. The subcommittee's bill is better in that respect, but let me tell you that it leaves so much to be desired that I reaffirm my opposition to the bill as reported out by the subcommittee.

Mr. FISH. Will the gentleman yield?

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

Mr. FISH. I want to thank the gentleman from California for pointing out two major defects in the amendment. I would not be at all surprised if he is absolutely right.

It is a tragic thing that a fireman is killed because he responds to a false alarm and runs into snipers with no fire going on at all. The committee bill does take care of this. As well the language in the bill would avoid the problem raised by the death of the officer where the perpetrator is later acquitted. The committee's bill would cover the death Mr. WIGGINS described, since section 701 (f) defines crime to include acts regardless of the ultimate determination of guilt of the perpetrator.

Mr. SMITH of New York. Will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

Mr. SMITH of New York. I would like to say in regard to the question of firefighters that the gentleman raises, the amendment says a public safety officer means a person serving a public agency with or without compensation in any activity pertaining to firefighting and his survivors are entitled to a gratuity if he has been killed in the line of duty and the proximate cause of such death was a criminal act or apparent criminal act. So in regard to the firefighters, I think they are taken care of.

Mr. WIGGINS. I suggest to you that there is a difference between firefighters and firefighting, especially if there is no fire to be fought.

Mr. YATES. Will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

Mr. YATES. Will the gentleman tell the House why the committee picked the date of October 1972?

Mr. WIGGINS. That is the date on which I had the pleasure of killing this bill 2 years ago by objecting to the unanimous-consent request. The rationale is that but for my act it would be the law now. The law which would be

in existence would be the administration bill, a very imperfect piece of legislation.

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

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

Mr. FISH. Mr. Chairman, I would state to the gentleman from California that the effective date is the date the bill passed the House. The gentleman from California killed the conference report, but that was several days later.

Mr. WIGGINS. Whatever it was. I would be happy to take the heat this time if it were possible, and get you all off the hook.

Mr. HOGAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. SMITH) and I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by the gentleman from New York (Mr. SMITH) would totally gut the bill. It loses sight of the fact that the reason for the legislation is to recognize the hazardous occupations in which policemen and firemen are involved. They are just as dead, whether their death results as the proximate cause of a criminal act, or whether they are engaged in some other official duty not directly related to the commission of a crime.

The only instances under the substitute offered by the gentleman from New York (Mr. SMITH) where a fireman would be compensated would be those isolated instances where the fireman dies as the result of arson or sniping, and those are very, very minimal. It does not cover, for example, instances where the police officer is called to a beach to dismantle a torpedo that is lying on that beach and he dies as a result of an explosion. His widow would not be compensated under the gentleman's substitute, because there is no criminal act involved.

If a police officer is responding to a robbery with his red light and siren on, and he is killed in an automobile accident, his widow would not be compensated.

If a policeman is directing traffic, and an automobile slides on the ice and kills him, his widow would not be compensated, because there would be no criminal act involved.

As the gentleman from California very aptly pointed out, unless there was a defendant involved in the case, and he were convicted, there would not have been a criminal act, and the dead officer's widow would not be compensated.

Similarly, if an individual dies from gunshot wounds from a sniper and his assailant is never apprehended, never found, there would be no criminal act which would be the proximate cause of his death.

So I think that the amendment offered by the gentleman from New York loses the point totally of what we are trying to do, and that is to compensate the widows and survivors of these men who are engaged in hazardous activities in protecting society.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of New York. Mr. Chairman, I would like to say to the gentleman

from Maryland that to some of us the justification of the amendment, the national justification of the amendment, is the fact that there is a national concern about the spread of violent crime. There was a time back about the time that we were adopting the Omnibus Crime Control and Safe Streets Act of 1968 when there was a large national interest in the control of crime, and that interest is still there. We also adopted the law enforcement assistance administration bill, showing again our national concern with crime.

And so the justification for the gravity by the National Government was this close connection with crime, and the feeling was that if a law enforcement officer or a firefighter was killed or disabled in other activities that did not involve crime, this was strictly a concern of or something that should be taken care of by the State or locality in which he worked, under compensation benefits, insurance, and so forth.

Mr. HOGAN. Mr. Chairman, in answer to the observations made by the gentleman from New York (Mr. SMITH), I would say that every aspect of police work is related to the prevention, detection, and curbing of crime.

What if a police officer is responding to a bank robbery call, and he dies as a result. His activities at the time of his death are certainly related to our national concern about reducing crime.

I think that we miss the point totally and completely if we limit the benefit payment to those instances where crime is the proximate cause of death, because this would in no way meet the real need.

Mr. YATES. Mr. Chairman, if the gentleman will yield, what about in the case of a person making a civilian arrest, and something happens to that man?

Mr. EILBERG. Will the gentleman yield?

Mr. HOGAN. I yield to the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Chairman, if the gentleman will yield, the fact is that a civilian arrest does not involve a public official or public activities, and if such a civilian were killed as the result of such activities, it would be contemplated that he would not be covered.

Mr. YATES. He would not be covered?

Mr. EILBERG. No.

Mr. YATES. Under the definition on page 3 of the bill, in subsection (3)(e), it says:

"(e) As used in this section, the term 'law enforcement officer' means a person engaged in any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals; activities of corrections, probation, or parole authorities; and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. EILBERG, and by unanimous consent, Mr. HOGAN was allowed to proceed for 2 additional minutes.)

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

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

Mr. YATES. I thank the gentleman for yielding.

The language itself is certainly clear that a person who is conducting a civil arrest against a person who he thinks has committed a crime would be covered by this; would he not?

Mr. EILBERG. In response to the gentleman, if the gentleman from Maryland will yield, I direct attention to page 3, line 24:

As used in this section, the term "eligible public safety officer" means any individual serving, with or without compensation, a public agency in an official capacity as a law enforcement officer, . . . .

Obviously, that excludes a private citizen making a citizen's arrest.

Mr. HOGAN. I should like to say further that, even in all instances where the arresting officer himself dies, he may not be covered under the gentleman from New York's amendment.

If the Members will forgive a personal allusion, Mr. Chairman, I at one time was attacked while involved in interviewing an individual in connection with an investigation. Unprovoked, he assaulted me and other officers. There was no criminal act involved. We were there to interview him, not to arrest him. If we had died as a result of that attack during the attempted interrogation, under the amendment offered by the gentleman from New York, I doubt if our widows would not have been compensated.

Mr. Chairman, I yield back the balance of my time.

Mr. BURKE of Florida. Mr. Chairman, I wish to state my opposition to the amendment and to offer my support for H.R. 11321, which is before us today for approval. H.R. 11321 is identical to the bill which I introduced in support of H.R. 11321, the Public Safety Officers' Benefits Act of 1974. Late last year, I presented to our colleague, Mr. RODINO, chairman of the Judiciary Committee, petitions signed by more than 20,000 citizens from my congressional district, requesting that we act favorably with respect to S. 15 and H.R. 11321.

One who signed this petition was Mrs. Beverly Yourman and another was Mrs. Teresa Riley, both of whom are the widows of Philip Yourman and Byron Riley, two police officers who were killed in the city of Hollywood, Fla. in the line of duty on August 30, 1973. They were not gunned down, but were, nevertheless, in pursuit of some robbery suspects when their car went out of control and as a result of the accident both of said officers died. These brave men were but two of many that died as a result of doing their duty.

Mr. Chairman, it is not necessary for me to go into detail, but I think the fact that 1,002 police officers died as a result of injuries sustained during the performance of their duties between 1961 and 1973; and, between said dates an estimated 790 firemen died while fighting fires is worth noting. Probably our first line of defense, insofar as our safety on the streets and in our homes is concerned, results from those that are engaged in law enforcement and those engaged in firefighting. Daily we read in the papers and learn from the news

media, of police officers who have been gunned down by bandits or other hoodlums while protecting the lives and property of our citizens. We read also of the harassment and deaths of our firemen whose sole purpose is to prevent deaths and destruction by fire.

It is easy for some to argue that the responsibility with respect to police officer fatalities and those of our firemen are local responsibilities and not Federal. I feel, however, that it is the Federal responsibility to see to it that the families of law enforcement officers who die while apprehending or attempting to apprehend criminals or protecting property, and whose responsibility it becomes to make our streets safe for our citizens are properly cared for. During the time I have been in the Congress, I have tried, whenever possible, to cut expenses in order to reduce our skyrocketing national budget and national debt. However, in this case, I feel it is my responsibility and the responsibility of each of us as Members of Congress, to support this legislation.

I can appreciate the arguments of some of the committee members who oppose the bill and argue that even if the Federal assistance prescribed in the bill before us is necessary, that there might be better ways to achieve Federal participation. Nevertheless, there is no better program before us, and if there is a better program, then where is it? Actually this bill can be amended at some future date by the passage of a substitute law which might be enacted to take its place. However, until then we should pass this bill.

I might add that I fail to follow the argument of my colleagues who state that this legislation is politically motivated. I do not find it so and even if it is, it is no more politically motivated than the hundreds of other programs that are funded by the Federal Government and which my colleagues here supported and voted for.

Mr. Chairman, most men become police officers because they are interested in police work and in seeing our laws enforced. Most men become firemen because they are interested in the welfare of our American citizens also. Both are aware of the dangers involved and the hazards of their jobs, yet they dedicate themselves and their lives to the protection and to the safety of the public, and to prevent the breakdown of law and order, which is so extremely necessary if we are to have a safe and orderly society. Most police, other law enforcement officers, and firemen are family men, and they have the same love for their families and for their children as do others who are not engaged in hazardous work. Yet, the one thought in the minds of these dedicated people, is to protect you and me, your family and my family, and to this extent many, as I have indicated, have given their lives in order to make us secure.

It is interesting to note, also, that there has been a continual rise in the statistics with respect to those who have been killed and wounded in the line of duty in both of the categories mentioned. There is no reason to believe that under present conditions and with the laxity of some of our courts and "do-gooders" in aiding in the release of criminals, that

the dangers will be less in the future. In fact, it is more than probable that the number of widows will increase in the future rather than decrease. Truly, I hope that I am wrong—and, I pray that I am, but regardless, I feel that it is our responsibility to pass this bill. We pass bills in favor of veterans who have come back from the wars. Why then should not we pass bills to help the families of those who are fighting a war daily against crime, and for those who risk their lives as firefighters. They deserve this much.

Mr. Chairman, I am honored to have the opportunity of voting in favor of the passage of H.R. 11321, and I sincerely hope my colleagues will join me in making its passage a reality.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not intend to use the full 5 minutes, but I think there are some points that require rebuttal.

One, the date in question is not an arbitrary date. It would be Utopia and not realistic to go back ad infinitum, but that is not what we are dealing with today. We are dealing with a pragmatic question. The date we are dealing with is the date the House worked its will, October 11, 1972. When the bill was passed unanimously.

The argument has been offered that if we continue in this direction, it would be a first step, perhaps not a large step, but a significant step toward federalizing police. I suggest that is strongly specious, especially in light of the fact that we do have the Law Enforcement Assistance Administration which has been sending money throughout the country to various police departments, and which in no way encroaches upon the administration of various police departments.

What I should like to do is ask the chairman several questions so we can establish some legislative history here with relation to the welfare of the auxiliary police.

Is the chairman familiar with the role of the auxiliary police?

Mr. EILBERG. I believe I am.

Mr. BIAGGI. Is the chairman aware of the fact that they do the job of police officers?

Mr. EILBERG. Yes, they do.

Mr. BIAGGI. They are not armed; they are in uniform; the uniform is paid for in part in some areas by the local government, in other areas by themselves. They are subjected to the same perils. The wrongdoer, the man who has just perpetrated a holdup, leaving in panic, sees a person in blue. As far as he is concerned, he is a police officer, and he will undoubtedly injure or kill him in order to escape.

As I said before, that has happened, as I predicted several years ago, and my prediction has come to pass. Two of those men were killed last month, people who were just citizens who were concerned about the safety of their fellow citizens, who gave of themselves.

I should like to ask the chairman, Are those legitimate policemen included in this bill?

Mr. EILBERG. Indeed, they are.

Mr. BIAGGI. I thank the chairman.

Mr. Chairman, I yield back the remainder of my time.

Mr. HUNT. Mr. Chairman, I rise in opposition to the amendment. I have listened to the amendment and the reason why it should be requiring that a man lose his life while on duty and where the commission of a crime has been detected.

Let me pose a hypothetical question as to what would happen to a fireman who is called to the scene of a crime where a burglary had been the prime crime and the first crime. A fire had been set by the burglar so as to cover that crime of burglary. Then during the firefighting activity that ensued the fireman was killed by falling through a floor into a cellar where he expired. Later when the case came to court it was impossible to prove the arson presumption but nevertheless the volunteer fireman was just as dead by virtue of falling through the floor as he would have been if the arson had been proved.

That I think is a fallacy in the amendment, because a man is just as dead if he goes out to a fire where a crime has been committed and he does not even know about it as he would be if he knew about it.

The same thing would occur if a man went to a fire and he was fighting the fire and while in the act of fighting the fire he was knocked off the ladder by someone who reached out the window, but that could not be proved later. The widow would be just as subject to the law existing in this case as in the first case.

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

Mr. HUNT. I yield to the gentleman from New York (Mr. PEYSER).

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

In an area such as the one where I live there is a great deal of firefighting done by volunteer firemen who come out every hour of the day and night and put their lives on the line. The auxiliary police also join in and they both put their lives on the line and they should both be included, as well as the full-time policemen and firefighters.

Mr. HUNT. I thank the gentleman. The same situation exists in my district. We have volunteer firemen and volunteer police who come to the scene of the fire and direct traffic without any pay whatever. The same thing exists in the State of New York.

These contributions we must recognize in our society. They are great contributions and do so much good.

In my home town several years ago a young fireman plunged to his death through a weakened floor while he was fighting a fire. The police could have determined the store had been burglarized, but that did not make any difference. He was still dead. People are still paying into the fund in my home town so as to help his children and enable them to go to school.

The only thing we seek to do in the original bill is to pay a compensation to the widow and the family when the husband has been killed in line of duty either in law enforcement or in the firefighting field. For that reason I am opposed to the amendment as it now stands, because it will be said eventually, and it has been

said here today on this floor, that the reason this bill is being offered is because this is an election year. That is the furthest thing from the truth. I have been trying to bring this bill to the floor for 3 years and finally it has been brought here.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of New York. Mr. Chairman, I do not think there is any disagreement among all of us here as to the feeling of the gentleman that the survivors of firefighting and law enforcement personnel ought to be taken care of. I think the only difference is whether, in our opinion, this should be done by the State of New Jersey, and I think it should be done by the State of New Jersey, or whether it should be done by the Federal Government for these local officials. This is our only difference of opinion, because these people certainly should be taken care of.

Mr. HUNT. I realize that is a difference of opinion and I thank the gentleman for bringing that to my attention.

I might tell the gentleman that for a number of years when I was a law enforcement officer and when I was a State legislator I tried very diligently to have the insurance rates changed for such people. We have been unable to have the State recognize their responsibility to the family of the law enforcement officers and firemen.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this is an excellent example of a very worthy objective in a piece of legislation which should never have reached the floor of this House. I do not know as I read the language of the bill what is meant in some of the definitions, but I have been doing just a little thinking myself.

I know at some of the airports we have agency guards, employees working in those agencies to enforce the new requirements of the Federal Aviation Administration, that persons be subjected to search of their persons.

Now, I assume, therefore, they are engaged in law enforcement work. If in the course of their work one of them gets shot, would that person then be subject to the benefits envisioned under this legislation? As I read the bill, he would.

In my State, he would also be entitled to workmen's compensation, being an employee of a private firm, so he could get double compensation in that instance.

Then we have a school-crossing guard—

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

Mr. MOSS. I yield to the gentleman from Maryland.

Mr. HOGAN. With all due respect, the gentleman's understanding of the committee's bill is in error. Such a person would be specifically excluded.

Mr. MOSS. I would ask the gentleman to point out the language of exclusion. I do not find it. Can the gentleman find in any case the administrator allows this under the regulations in the effective section on page 2?

Mr. HOGAN. If the gentleman will

yield further, on page 4, a public safety officer is defined as meaning any officer serving with or without compensation in a public agency in an official capacity.

Mr. MOSS. I submit that is precisely the circumstances that I have sketched. I can recall the San Francisco Airport Authority. It is a public agency. The San Francisco Airport Authority hires guards to enforce the regulations required by the Federal Aviation Administration to be enforced in air transportation. That person would be under this language, the language of the bill, engaged in the enforcement of law and enforcement for a public agency.

Now, we have in some communities and in some school districts paid crossing guards and they are policewomen. I believe over in the city of Alexandria is an example near at hand. If that policewoman is hit by an automobile, now I suppose if the automobile is driven by a drunken driver she would be eligible for compensation; but if not hit by a drunken driver, but just purely an accident, there would be no compensation paid, again as I read this.

I suppose a young student who engages in activities as a crossing guard would not be eligible under any condition or would be eligible under the conditions I have just outlined where if they were hit by a person who was a drunken driver or who was engaged in making a getaway holdup, they might be eligible.

I mention these things only because I think this piece of legislation represents the penultimate in sloppy drafting language. I am amazed that the great Committee on the Judiciary would bring to the floor of this House such an imperfectly drafted piece of legislation.

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

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

Mr. EILBERG. Does the gentleman have a copy of the bill in front of him?

Mr. MOSS. I have a copy of the bill in front of me and I have also a copy of the report.

Mr. EILBERG. I was trying to give the interpretation of the subcommittee, if the gentleman will follow me. On page 3 we define the term "law enforcement officer" and we can see in the lines following that it means "a person engaged in any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law," and so forth.

Mr. MOSS. Will the gentleman withhold that a moment, because I have read that also and I find that a social worker who is engaged in narcotics prevention or the discouragement of the use of narcotics would also be covered?

Mr. EILBERG. There are two cases that are referred to.

Mr. MOSS. We have it here: "programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction." Almost the same language, the same barndoar approach is used in the language above as we go to the definition of a police officer: "including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals."

Let me say to the gentleman—

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. Moss was allowed to proceed for 2 additional minutes.)

Mr. MOSS. Mr. Chairman, the gentleman is an attorney and I am not. But I have for 24 years been actively engaged in legislating. When we can read this on its face and it appears to be clear, I do not know why we have to go beyond it. It says here that if you are engaged in anything relating to—

Mr. EILBERG. May I respond to the gentleman?

Mr. MOSS. Yes, indeed.

Mr. EILBERG. Mr. Chairman, page 3 refers to the class of people which come under the term of law enforcement officer. We define everyone who is a law enforcement officer in lines 10 through 17. This is a class.

On page 4, beginning with line 8 and the lines following down through 22, is the activity that that class must be engaged in—a limitation on the class. We define the class on page 3 and the limits of the activity are described on page 4.

Mr. MOSS. Mr. Chairman, I agree that the gentleman so attempts, but I also restate my conviction that he failed to achieve it.

Mr. DEL CLAWSON. Will the gentleman yield?

Mr. MOSS. Mr. Chairman, I yield to the gentleman from California.

Mr. DEL CLAWSON. Mr. Chairman, if the gentleman reads very carefully on page 4, all of those guidelines refer only to firemen, not to police officers or all other law enforcement officers—only to firemen.

Mr. MOSS. Mr. Chairman, I thank the gentleman for pointing that out, because again it illustrates the inadequate attention given to the drafting of this first step of this assuming of the responsibilities for compensating the loss of life. No one would regret the loss of life of a police officer or a fireman more than I would, as I regret the loss of the life of any person due to the lawlessness of another individual. We will have to open the Treasury wide to compensate all of them.

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

Mr. Chairman, I have no intention of taking 5 minutes. I simply want to commend the gentleman from California (Mr. WIGGINS) and the gentleman from Indiana (Mr. DENNIS) for the excellent statements they made earlier this afternoon in opposition to this bill.

Mr. Chairman, I ask the question: Is there no responsibility to be left to the States and local subdivisions of government? Must the Federal Government take over all of the responsibilities that ought to be borne by the people in the States, counties and municipalities?

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

Mr. GROSS. If the gentleman can make a contribution to answering the question, yes.

Mr. EILBERG. I will try. Mr. Chairman, the States have been unable or unwilling to respond to this particular situation, and this is the conclusion of the subcommittee.

Mr. GROSS. We are giving them millions in revenue sharing. Why do they not use some of that money for this purpose if it is so meritorious?

Mr. EILBERG. They have no legal authority to do that.

Mr. GROSS. They ought to have concern for their State police, city police, sheriff's officers, and so on and so forth.

Mr. BIAGGI. Will the gentleman yield?

Mr. GROSS. Briefly.

Mr. BIAGGI. Mr. Chairman, I agree in every way with my good friend from Iowa. I meant to comment on that earlier. I happen to agree with the gentleman 1,000 percent. Local government should have responded. They should have responded to many ills of our Nation. They have failed. They have failed in many other areas. The Federal Government has responded. Here we talk in terms of law and order. We talk in terms of law enforcement, fighting the great fight, pouring moneys down the drain and along the channels, and then we talk of something that deals with simple justice.

Mr. GROSS. And some of the States have treasuries with surpluses.

There is no surplus in the U.S. Treasury. It is fed by borrowing. I do not know where it is proposed to get the money for this purpose.

Mr. BIAGGI. Mr. Chairman, maybe it is something that we must provide for.

Mr. GROSS. Mr. Chairman, let me go on with my statement, and perhaps I can yield further to the gentleman.

I listened carefully to the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. EILBERG), when he made his opening statement.

For every risk and hazard that policemen and firemen take, members of the military forces of this country take the same risks, and more under certain conditions. I believe the insurance they have amounts to \$15,000, and the serviceman pays the premium. This bill provides for an outright gratuity from the Federal Treasury of \$50,000.

What kind of a precedent are we setting with this kind of legislation?

Consider the military draftee. He takes all the risks. He serves involuntarily. He must pay for the insurance that protects his wife and children. On the other hand, this is a \$50,000 gratuity out of the Treasury.

What kind of a precedent, I ask the Members again, will the House establish with this legislation?

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

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

Mr. EILBERG. Mr. Chairman, we have black lung legislation, we have disaster legislation. We enact disaster legislation when national disasters strike. This is simply a bill to provide \$50,000 to the survivors of policemen and firemen who are killed in the line of duty.

Mr. GROSS. Mr. Chairman, I am talking about the serviceman who lays his life on the line.

Mr. EILBERG. His activities are relatively limited, and we are talking in this bill of those who follow a full-time career, policemen and firemen.

Mr. GROSS. Mr. Chairman, let me ask the gentleman this: Is he prepared to pay the dependents of servicemen the same gratuity? Is he prepared to pay them \$50,000?

Mr. EILBERG. Mr. Chairman, if the gentleman will yield further, I would suggest that they should receive such a benefit, and I would advocate that, yes, indeed.

Mr. GROSS. Has the gentleman stopped to consider what that would cost in an action such as World War II or even the Vietnam war?

Mr. EILBERG. Nevertheless, I think it would be a desirable step, Mr. Chairman.

Mr. GROSS. Well, I do not know that I can reason, much less argue, with that kind of philosophy. Evidently the gentleman from Pennsylvania thinks the Federal Treasury is a bottomless pit.

Mr. EILBERG. Mr. Chairman, will the gentleman yield further?

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

Mr. EILBERG. Mr. Chairman, the cost of this bill is only \$17 million a year, which is a relatively small sum.

Mr. GROSS. Plus \$26 million for retroactive pay.

Mr. EILBERG. The gentleman is correct.

Mr. GROSS. And I would not be surprised that once you get this program in gear, the Members will come along and make it even more liberal and financially irresponsible.

Mr. KETCHUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that there are some provisions in this bill that really deserve looking at. Had it not been for the retroactive provision and had it not been for the definitions in this bill, I would have been inclined to vote for it. It would be a great political vote. It probably would be very wise to vote for this bill.

During the period of time that I served in the California Legislature, I carried most of the retirement legislation for the firemen and police officers.

Mr. Chairman, I cannot speak for any other State, but we have very diligently in my State tried to preclude those individuals who were not deserving of the safety side or the better retirement benefits that we afford to our policemen and firemen in the State of California.

I believe these definitions in this bill will very dangerously affect that law in the State of California, and perhaps the laws in some other States, because now we are telling them who the law enforcement officers are.

Believe me, this definition covers everybody but the dog catcher.

Mr. Chairman, let me make one other point here. That is concerning the retroactive provision of this bill. I think that it is terrible. I believe the point made by the gentleman from California (Mr. DANIELSON) was entirely correct. It is absolutely ridiculous to go back to the 11th of October and not go back to the 8th of October of 1972 or go clear back to the writing of the Constitution.

In regard to the statements of my friend from Iowa (Mr. Gross) we ought to go back to World Wars I, II, and III, because while their service may have

been of limited duration, they are still buried.

Mr. EILBERG. Will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman.

Mr. EILBERG. I would like to take this time to observe that in a previous colloquy between the gentlemen from California (Mr. Moss and Mr. CLAWSON) on page 4 the activities refer to firemen and anyone looking at the bill can see the terms actually pertain to the activities of a law enforcement officer. I just want to set the record straight on that.

Mr. KETCHUM. I noticed that section, and I read on page 4, line 17, under (ii) "otherwise engaged in the performance of his duty, where the activity is determined by the administration to be potentially dangerous to the law enforcement officer." That can cover anybody.

Mr. EILBERG. If the gentleman will read the report—and I do not know whether he has read it or not—what is proposed is that the LEAA would conduct hearings and call in experts to determine what is potentially dangerous. They will determine that under the authority delegated to them.

Mr. KETCHUM. I thank the gentleman, but I may say there are thousands of district attorneys in the United States of America who would love to be included and probably will be.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is very important that the RECORD be clear in the face of the assertions by the gentleman from California and others as to the scope of this bill. It was not meant to compensate hired private agency guards at airports or the crossing guards at public schools. Certainly neither of these is normally a potentially dangerous activity or falls within the scope of any of the other activities described in section 701(g) of the bill. I think the bill is quite carefully drawn and defines an eligible public safety officer as an individual serving a public agency; that means one employed by a public agency in an official capacity as a law enforcement officer or as a fireman. It goes on and spells out the circumstances under which they can be compensated. Both the intent and the language of the bill are clear.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. SMITH).

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

Mr. SMITH of New York. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was refused.

So the amendment in the nature of a substitute was rejected.

Mr. EILBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill may be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The remainder of the bill is as follows:

Sec. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended

by adding at the end thereof the following new part:

**PART J.—PUBLIC SAFETY OFFICERS DEATH BENEFITS**

**"SEC. 701.** (a) In any case in which the Administration determines, under regulations issued under part F of this title, that an eligible public safety officer has died as the direct and proximate result of a personal injury sustained in the performance of duty, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of \$50,000, in the following order of precedence:

(1) If there is no dependent child, to the spouse.

(2) If there is no spouse, to the dependent child or children, in equal shares.

(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

(b) As used in this section, a dependent child is any natural, illegitimate, adopted, posthumous child or stepchild of the decedent who at the time of the public safety officer's death is—

(1) under eighteen years of age; or

(2) over eighteen years of age and incapable of self-support because of physical or mental disability; or

(3) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

(c) As used in this section, spouse includes a surviving husband or wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

(d) As used in this section, the term 'dependent for support' means more than one-half of the support of the dependent concerned.

(e) As used in this section, the term 'law enforcement officer' means a person engaged in any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals; activities of corrections, probation, or parole authorities; and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

(f) As used in this section, the term 'crime' means any act or omission which is declared by law to be a crime in the jurisdiction where the injury to the public safety officer occurred. Such an act is a crime for the purposes of this section notwithstanding the guilt, innocence, disability, or identity of the actor.

(g) As used in this section, the term 'eligible public safety officer' means any individual serving, with or without compensation, a public agency in an official capacity as a law enforcement officer, or as a fireman (including any individual serving as an officially recognized or designated member of a legally organized volunteer fire department) who is determined by the Administration to have been, at the time of his injury—

(1) a law enforcement officer engaged in—  
(A) the apprehension or attempted apprehension of any person—

(i) for the commission of a crime, or  
(ii) who at that time was sought as a material witness in a criminal proceeding; or

(B) protecting or guarding a person held for the commission of a crime or held as a material witness in connection with a crime; or

(C) (i) the lawful prevention of, or lawful attempt to prevent, the commission of a crime; or (ii) otherwise engaged in the performance of his duty, where the activity is determined by the Administration to be po-

tentially dangerous to the law enforcement officer; or

(2) a fireman—

(A) actually and directly engaged in fighting a fire; or

(B) otherwise engaged in the performance of his duty where the activity is determined by the Administration to be potentially dangerous to the fireman.

**"SEC. 702.** (a) Whenever the Administration determines, upon a showing of need and prior to taking final action, that a death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person or persons entitled to receive a benefit under section 701 of this part.

(b) The amount of any interim benefit paid under subsection (a) of this section shall be deducted from the amount of any final benefit paid to such person or persons.

(c) Where there is no final benefit paid, the recipient of any interim benefit paid under subsection (a) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, and shall consider for this purpose the hardship which would result from repayment.

**"SEC. 703.** (a) No benefit shall be paid under this part—

(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

(b) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

(1) payments authorized by section 8191 of title 5, United States Code;

(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1));

(3) gratuitous lump-sum death benefits authorized by a State, or unit of general local government without contribution by the public safety officer, but not including insurance or workmen's compensation benefits.

(c) No benefit paid under this part shall be subject to execution or attachment.

**"SEC. 704.** The provisions of this part shall apply with respect to any eligible public safety officer who dies as the direct and proximate result of a personal injury which is sustained on or after October 11, 1972."

**SEC. 3.** Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "520" and by adding at the end thereof the following new subsection:

(b) There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purpose of part J."

**SEC. 4.** Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

**SEC. 5.** If the provisions of any part of this Act are found invalid or any amendments made thereto or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

The **CHAIRMAN.** The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Committee amendments: On page 6, strike out all of lines 15, 16, 17 and 18.

On page 7, after line 12, insert new Sections 5 and 7 to read as follows:

**Sec. 5.** The Administration is authorized to establish such rules, regulations and procedures as may be necessary to carry out the purposes of this part J. Such rules, regulations and procedures will be determinative of conflict of laws issues arising under this part J.

**Sec. 6.** The Administration may prescribe rules and regulations governing the recognition of agents or other persons, representing claimants before the Administration. The Administration may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the administration of this part, and any agreement in violation of such rules and regulations shall be void.

**Sec. 7.** In making determinations under Section 701, the Administration may delegate such administrative functions to state and local agencies as it determines necessary and proper to the administration of this part. Responsibility for making final determinations would rest with the Administration.

On page 8, line 17, strike out "Sec. 5." and insert in lieu thereof, "Sec. 8".

The committee amendments were agreed to.

**AMENDMENT OFFERED BY MR. DANIELSON**

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

The Clerk read as follows:

Amendment offered by Mr. DANIELSON: On page 6, line 24, strike "October 11, 1972" and insert in lieu thereof "the date of enactment of this part."

Mr. DANIELSON. Mr. Chairman, the purpose of this amendment is to cure the objections which I referred to in my argument previously made here on the floor, namely, to strike out the retroactive effect of the bill.

The bill as drafted provides it shall apply to any event taking place on or after October 11, 1972. My amendment will simply restrict this to deaths resulting from events taking place following the date of enactment of this part.

This philosophical ground has been pretty well broken, and I am not going to go into it in great detail. I simply want to remind the Members of this House who are from all of the various States in the Union, how could they conceivably go home after passing this bill and respond, as follows—if we make the effective date October 11, 1972, then I ask the Members from the State of South Carolina: How do you go home and answer to the family of the South Carolina highway patrolman who was killed on October 8, and whose beneficiaries would not receive the \$50,000, although the others did?

And those Members from Kentucky, how do you respond to the wife of the deputy sheriff of Harlan County?

Or the Members from Michigan, how do they respond to the family of the conservation officer who was killed in early September?

Or the Members from Ohio, how do they respond to the family of the Cincinnati police official who was killed? Or the Members from Minneapolis, Minn., to the family of the police officer who was killed in late September? Or the Members from North Carolina? How do

they respond to the family of the chief of police of Elizabethtown, or the family of the North Carolina State highway patrol officer, they were both killed in mid-September?

And from my own State of California, the family of the patrolman in Sunnyvale, or that in Buena Park, how do we answer to those families?

And the Members who are from the State of Kansas, where a police officer was killed in Hutchinson, Kans., in early September? And of the family of the chief of police of French Lick, Ind., who was killed in early September? And the Members from Oklahoma, the Oklahoma highway patrol officer who was killed in early September, how do you respond to his family?

Mr. Chairman, I have only gone back 1 month, just 1 month. How do you answer to those families? I respectfully submit that if I had the time and the Members had the patience we could go back for years and years and years, and find in every month of every year that this tragedy has happened to somebody.

I respectfully submit that we must either make this bill effective only after the effective date of the act, which is the thrust of my amendment, or, in all equity, we must go back to the extent that there are any living survivors of police officers who have lost their lives under these circumstances. The latter alternative would not be feasible. I therefore respectfully request a favorable vote on my amendment.

Mr. EILBERG. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. DANIELSON).

Mr. Chairman, I would like to say that it is always difficult when we attempt to set an effective date, whether it be retroactive or proscriptive, and whether it be the date of the enactment of the legislation or any prospective date in the future, or any retroactive date in the past. But if we are going to fix a date then we have to fix some date, and the fixing of the date is necessarily therefore arbitrary and will necessarily exclude many dependent survivors who are needy.

However, since the resources of the Federal Government and Treasury are limited, we cannot go back indefinitely, but are forced to choose a concededly arbitrary date. Thus the committee selected October 11, 1972, which was the date when the House of Representatives unanimously by a voice vote approved this urgently needed legislation during the last Congress.

As I say, we adopted this legislation unanimously on October 11, 1972. And I might say in connection with that that when we did that that we raised to a great extent the hopes and expectations of police and firemen and their families throughout the country. And many have died since October 11, 1972. I think that there is probably at least an obligation on our part here to provide for those grief-stricken widows and children who have suffered economic tragedy as a result of the deaths of their husbands since last October 11, 1972.

The gentleman from California (Mr. DANIELSON) is greatly disturbed over the possibility of the use of a retroactive

date, and I would simply submit in addition that the Senate has included a retroactive provision effective for deaths occurring on or after October 17, 1972, the date the Senate acted and the conference report was submitted.

That was the date that the Senate acted and the conference committee report was submitted. I suggest that we might just as well take the date the House acted, and I would say also to the gentleman that some 39 States since October 11, 1972, have had deaths of police or firemen whose beneficiaries were benefited by the bill as it presently stands, including some 312 who have died.

Mr. Chairman, finally, I think it would make good sense that the family or next-of-kin of the policemen or firemen who died have their toughest time in the first couple of years after the deaths.

couple of years after the deaths. Mr. Chairman, that is exactly what we are doing here. We are going back to October 11, 1972. We can still benefit those families who are adjusting to a rapid change of circumstances. This is the time of greatest need, within the first year or two following the deaths of those who have died in the intervening period since October 11. So I think there is good reason to go to the date that this House previously acted on October 11, 1972.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON).

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

RECORDED VOTE

Mr. DANIELSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

A recorded vote was ordered.  
The vote was taken by electronic device, and there were—ayes 187, noes 191, not voting 55 as follows:

[EBoll No. 1791]

AVES—187

AIES—167			
Abdnor	Daniel, Robert	Horton	
Anderson,	W., Jr.	Hosmer	
Calif.	Danielson	Huber	
Archer	Davis, S.C.	Hudnut	
Arends	de la Garza	Hunt	
Armstrong	Denholm	Hutchinson	
Ashbrook	Dennis	Ichord	
Baker	Derwinski	Jarman	
Boone	Dosiria	Johman, Gile	

Beard	Devine	Johnson, Colo.
Bell	Dingell	Jones, N.C.
Bennett	Downing	Jones, Okla.
Bevill	Dulski	Jordan
Booggs	Duncan	Ketchum
Bray	du Pont	King
Breaux	Edwards, Ala.	Kluczynski
Breckinridge	Edwards, Calif.	Kuykendall
Broomfield	Erlendorf	Lagomarsino
Brotzman	Evans, Colo.	Landgrebe
Brown, Ohio	Evins, Tenn.	Landrum
Brynhill, N.C.	Fascell	Latta
Brynhill, Va.	Findley	Leggett
Burgener	Fisher	Lehman
Burleson, Tex.	Flynt	Litton
Burlison, Mo.	Frelinghuysen	Long, La.
Butler	Frenzel	Long, Md.
Camp	Gibbons	McClory
Carter	Ginn	McCloskey
Casey, Tex.	Goodling	McEwen
Chamberlain	Gross	McKay
Clawson, Del	Gubser	McKinney
Cleveland	Guyer	Madden
Cochran	Hanrahan	Madigan
Cohen	Hansen, Wash.	Mahon
Collins, Tex.	Heinz	Mallary
Conte	Henderson	Mann
Corman	Hillis	Martin, Nebr.
Culver	Hinshaw	Mathias, Calif.
Daniel, Dan	Holfeld	Mayne

Mazzoli	Roberts	Taylor, N.C.
Michel	Robinson, Va.	Thomson, Wis.
Miller	Robison, N.Y.	Towell, Nev.
Mollohan	Rostenkowski	Treen
Montgomery	Rousselot	Van Deerlin
Moorhead, Calif.	Royal	Vander Jagt
Moss	Runnels	Veysey
Murphy, Ill.	Ruth	Vigorito
Natcher	Ryan	Waggonner
Nedzi	Satterfield	Walddie
Nelsen	Schneebeli	Wampler
O'Brien	Schroeder	Whalen
Parris	Shoup	Whitehurst
Passman	Shriver	Whitten
Pike	Shuster	Widnall
Poage	Sisk	Wiggins
Powell, Ohio	Skubitz	Wilson, Bob
Price, Tex.	Smith, Iowa	Winn
Pritchard	Smith, N.Y.	Wydler
Quillen	Snyder	Wylie
Railsback	Spence	Yates
Randall	Steelman	Young, Fla.
Barick	Steiger, Ariz.	Zion
Rees	Stratton	Zwach
Rhodes	Talcott	
	Taylor, Mo.	

NOES—191

Abzug	Gaydos	Perkins
Adams	Gialmo	Pettis
Addabbo	Gilman	Peyer
Alexander	Gonzalez	Podell
Anderson, Ill.	Grasso	Freyer
Andrews, N.C.	Green, Pa.	Price, Ill.
N. Dak.	Griffiths	Rangel
Annunzio	Grover	Regula
Aspin	Gude	Reuss
Badillo	Gunter	Riegle
Bafalis	Hamilton	Rinaldo
Bauman	Hammer-	Rodino
Bergland	schmidt	Roe
Biaggi	Hanley	Rogers
Blester	Hansen, Idaho	Roncalio, Wyo.
Bingham	Harrington	Roncalio, N.Y.
Bolling	Harsha	Rose
Brademas	Hastings	Rosenthal
Brasco	Hawkins	Roush
Brinkley	Hays	Roy
Brooks	Hechler, W. Va.	Ruppe
Brown, Calif.	Heckler, Mass.	St Germain
Burke, Calif.	Helstoski	Sandman
Burke, Fla.	Hicks	Sarasin
Burke, Mass.	Hogan	Sarbanes
Burton	Holt	Selberling
Byron	Holtzman	Shipley
Carney, Ohio	Howard	Slack
Chappell	Hungate	Staggers
Chisholm	Johnson, Calif.	Stanton,
Clancy	Jones, Tenn.	J. William
Clark	Karth	Stanton,
Clausen,	Koch	James V.
Don H.	Kyros	Stark
Clay	Lent	Steele
Collier	Lukan	Steiger, Wis.
Collins, Ill.	McCollister	Stephens
Cotter	McCormack	Stubblefield
Coughlin	McDade	Stuckey
Cronin	McFall	Studds
Daniels,	Macdonald	Sullivan
Dominick V.	Marazita	Symington
Davis, Ga.	Mathis, Ga.	Teague
Davis, Wis.	Matsunaga	Thompson, N.J.
Delaney	Meeds	Thornton
Dellums	Melcher	Tiernan
Dent	Metcalfe	Traxler
Diggs	Mezvinsky	Vander Veen
Donohue	Mills	Vanik
Dorn	Minish	Walsh
Drinan	Mink	Ware
Eckhardt	Mitchell, Md.	White
Ellberg	Mitchell, N.Y.	Wilson,
Esch	Moakley	Charles H.,
Eshleman	Moorhead, Pa.	Calif.
Fish	Morgan	Charles, Tex.
Flood	Murphy, N.Y.	Wolff
Flowers	Murtha	Wright
Foley	Nichols	Wynman
Ford	Nix	Yatron
Forsythe	Obey	Young, Alaska
Fraser	O'Hara	Young, Ga.
Frey	O'Neill	Young, Ill.
Froehlich	Owens	Young, Tex.
Fulton	Patten	Zablocki
Fuqua	Pepper	
NOT VOTING—55		
Ashley	Conlan	Hanna
Barrett	Conyers	Hebert
Blackburn	Crane	Johnson, Pa.
Blatnik	Dellenback	Jones, Ala.
Boland	Dickinson	Kastenmeier
Bowen	Fountain	Kazan
Brown, Mich.	Gettys	Kemp
Buchanan	Goldwater	Lujan
Carey, N.Y.	Gray	McSpadden
Cederberg	Green, Oreg.	Martin, N.C.
Conable	Haley	Millford

Minshall, Ohio	Rooney, N.Y.	Thone
Mizell	Rooney, Pa.	Udall
Mosher	Scherle	Ullman
Myers	Sebelius	Williams
Fatman	Sikes	Wyatt
Pickle	Steed	Young, S.C.
Quile	Stokes	
Reid	Symms	

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BAKER

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

The Clerk read as follows:

Amendment offered by Mr. BAKER: Page 2, line 8, after line 7, insert "equal to that provided by the State or proper unit of general local government not to exceed a combined total".

Mr. BAKER. Mr. Chairman, initially I was going to say that I am in full accord with the concept of this legislation. The families of those who suffer the kind of loss which has been described in this legislation are entitled to just compensation. However, let me read the amendment as it will appear in the legislation:

Eligible dependents, the Administration shall pay a gratuity equal to that provided by the State or proper unit of general local government not to exceed a combined total of \$50,000.

And so forth.

Mr. Chairman, simply what this amendment does is to share the responsibility between the Federal and the local government.

Mr. Chairman, it has been pointed out that the definition of "law enforcement," that is, the definition of those who are covered under the act is vague and nebulous. It is my opinion that if the burden is shared by the local government jointly with the Federal Government, there will be a better approach to handling the obligations justly rather than having every sort of claim made upon the Federal Government.

Local responsibility, of course, we know, will give us much better legislation in many, many instances in our approach to equity and reality. No local government would possibly deny a legitimate claim for compensation under this Act.

Now, some are going to say that there are 20 States here, for instance, which have no provision for a payment of this sort. I do not know actually how many there are.

Well, if there are 30 States which do have such provisions and 20 States which have none, I would say that this is certainly an incentive.

Mr. Chairman, I point out that my amendment clearly says what it means, and that is that the responsibility for the obligation is shared by the local government and the Federal Government.

Mr. EILBERG. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this idea was considered in the subcommittee and in the full committee, and after that consideration the idea was rejected in the subcommittee as well as in the full committee.

Some of the reasons are as follows:

This is not the right time in our economic cycle to be imposing additional costs on State and local governments.

An individual State might not have the resources to deal with this problem in light of its priorities.

State legislatures would take far too long to pass a compensation law and many needy families would be unattended. Even if the State legislatures made their law retroactive, the needy families would not have the financial resources at the point in time when most needed.

Dependent families have long been present in States and yet States have not acted because of this worthy incentive, therefore, why should they respond to the incentive of a matching grant concept?

With a matching grant concept, States that do not pass a law thereby qualifying for matching grant funds, would in effect penalize their citizens who would be made ineligible for compensation in spite of their need.

I would like to quote:

Question 3. What is the position of the Department on matching grants to the states for death benefits programs?

Answer. The Department would not support the use of matching grants to the states for death benefits programs. This approach would encourage state and local authorities to transfer the burden of compensation for these employees to the federal government. The primary responsibility for providing normal employee benefits should rest with the employers—the state or local governments. Financial assistance in this area should come from the states and local governments themselves rather than direct takeover of the function by the federal government. Matching grants would only serve to act as a disincentive to the states and local governments and result in a reliance on the federal government for compensation assistance.

Question 4. How many states have death benefits programs for public safety officers?

Answer. (See Attachment.) [See p. 171.]

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

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

Mr. BIAGGI. Mr. Chairman, to express it very succinctly, is this not one of the main reasons why this bill is necessary, because the local governments have failed, and failed miserably, in discharging their moral responsibility and their actual responsibility of providing for the survivors of these brave men who have given their lives in behalf of society and in the performance of their duties?

Mr. EILBERG. The gentleman is absolutely correct.

Mr. BIAGGI. And that is the main reason for this bill.

Mr. FISH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, by the adoption of this amendment, there is no real assurance that the benefits will eventually be paid to police officers and safety forces. Thirty to forty percent of all salaried policemen and firemen do not have any employer-provided coverage, and this is why in so many instances charitable organizations must be relied upon.

I believe this amendment does violence to the basic concept of the legislation. There is absolutely no guarantee that States without coverage today would supply that coverage, and the result would only, with the adoption of this amendment, be an uneven State-by-

State benefit system for the people who are designed to be covered by this bill.

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

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

Mr. BAKER. Can the gentleman conceive of a situation in which a local government would deny the money to reimburse or indemnify a legitimate claim in this sort of a situation? They have the money for everything under the Sun, and earlier in the debate the gentleman from New Jersey (Mr. HUNT) said they have a fund up there which is a freewill offering to maintain the standards in such a situation.

Mr. FISH. I think the gentleman from New Jersey can verify this, but what he is talking about is a private fund.

Mr. HUNT. Will the gentleman yield?

Mr. FISH. I yield to the gentleman.

Mr. HUNT. I was talking about a fund raised by the people in this town for the purpose of protecting the deceased firemen's widows. The other contributions are made by members of the departments to protect the children of the deceased firemen involved. It is up to the members of the State police to look after the widows and children. The State in no way contributed to the fund.

Mr. BAKER. Will the gentleman yield further?

Mr. FISH. I yield to the gentleman.

Mr. BAKER. In this instance the maximum amount of the fund would certainly be in order with the necessary matching Federal funds to indemnify the aggrieved. I cannot imagine anything else.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. BAKER).

The question was taken and on a division (demanded by Mr. BAKER) there were—ayes, 48, nays 107.

So the amendment was rejected.

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

Ladies and gentlemen, I will not take any more time, but I just wish to advise you that in a few moments I will offer a motion to recommit. If anything is clear from our debate this evening, it is that this bill is confused; the extent of its coverage is unclear; the rationale for the bill is tenuous at best. This is an opportunity for the Committee on the Judiciary to take another look at this bill to see whether or not it can be perfected. The motion to recommit, it seems to me, is especially in order by reason of the defeat of the Danielson amendment, which is a most worthy one and, frankly, in my opinion, by reason of the defeat of the amendment offered by the gentleman from Tennessee, Mr. BAKER. I hope there will be substantial support for my motion to recommit.

The CHAIRMAN. If there are no further amendments, under the rule the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NEDZI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11321) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to

survivors of certain public safety officers who die in the performance of duty, pursuant to House Resolution 1056, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WIGGINS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WIGGINS moves to recommit the bill H.R. 11321 to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 77, noes 300, not voting 56, as follows:

[Roll No. 180]

AYES—77

Abdnor	Fraser	Poage
Alexander	Frelinghuysen	Powell, Ohio
Archer	Goodling	Rarick
Arends	Gross	Rhodes
Armstrong	Hinshaw	Roberts
Beard	Holtzman	Robinson, Va.
Bell	Hutchinson	Robison, N.Y.
Breaux	Jarman	Rousselot
Burleson, Tex.	Johnson, Colo.	Royal
Burlison, Mo.	Jones, Okla.	Runnels
Camp	Ketchum	Ruppe
Casey, Tex.	Lagomarsino	Ryan
Chamberlain	Landgrabe	Satterfield
Clawson, Del	Long, La.	Shoup
Cleveland	McClory	Shuster
Collins, Tex.	McEwen	Smith, N.Y.
Daniel, Robert W., Jr.	McKay	Stark
Davis, Wis.	Mahon	Taylor, Mo.
Dennis	Mallary	Treen
Devine	Mann	Veysey
Dickinson	Martin, Nebr.	Waggoner
Edwards, Calif.	Michel	Whitten
Erlenborn	Miller	Wiggins
Evans, Colo.	Mink	Wydler
Fisher	Moss	Wylie
	Nelsen	Zwach

NOES—300

Abzug	Bafalis	Bray
Adams	Baker	Breckinridge
Addabbo	Bauman	Brinkley
Anderson, Calif.	Bennett	Brooks
Anderson, Ill.	Bergland	Broomfield
Andrews, N.C.	Biaggi	Brown, Calif.
Andrews, N. Dak.	Blester	Brown, Ohio
Annunzio	Bingham	Brown, Mich.
Ashbrook	Boggs	Brown, N.C.
Ashbrook	Bolling	Brown, Va.
Boggs	Burgener	Carey, N.Y.
Badillo	Bradas	Burke, Calif.
	Brasco	Burke, Fla.

Burke, Mass.	Henderson	Railsback
Burton	Hicks	Randall
Butler	Hillis	Rangel
Byron	Hogan	Rees
Carney, Ohio	Hollifield	Regula
Carter	Holt	Reuss
Chappell	Horton	Riegle
Chisholm	Hosmer	Rinaldo
Clancy	Howard	Rodino
Clark	Huber	Roe
Clausen, Don H.	Hudnut	Rogers
Cochran	Hungate	Roncalio, Wyo.
Cohen	Hunt	Roncalio, N.Y.
Collier	Ichord	Rosenthal
Collins, Ill.	Johnson, Calif.	Rostenkowski
Conte	Jones, Ala.	Roush
Corman	Jones, N.C.	Roy
Cotter	Jones, Tenn.	Ruth
Coughlin	Jordan	St Germain
Cronin	Karib	Sandman
Culver	Kastenmeler	Sarasin
Daniel, Dan	King	Sarbanes
Daniels,	Kluczynski	Scherle
Dominick V.	Kukendall	Schneebeli
Danielson	Kyros	Schroeder
Davis, Ga.	Landrum	Seiberling
Davis, S.C.	Latta	Shipley
da la Garza	Leggett	Shriver
Delaney	Lehman	Sisk
Dellums	Lent	Slack
Denholm	Littton	Smith, Iowa
Dent	Long, Md.	Snyder
Derwinski	Lott	Spence
Dingell	Luken	Staggers
Donohue	McClosey	Stanton
Dorn	McCuller	Stanton,
Downing	McCormack	James V.
Drinan	McDade	Steele
Dulski	McFall	Steelman
Duncan	McKinney	Steiger, Ariz.
du Pont	Macdonald	Steiger, Wis.
Eckhardt	Madden	Stephens
Edwards, Ala.	Madigan	Stratton
Elberg	Maraziti	Stubblefield
Esch	Mathias, Calif.	Stuckey
Eshleman	Mathis, Ga.	Studds
Evins, Tenn.	Matsunaga	Sullivan
Fascell	Mayne	Symington
Findley	Mazzoli	Talcott
Fish	Meeds	Taylor, N.C.
Flood	Melcher	Teague
Flowers	Metcalfe	Thompson, N.J.
Flynt	Mezvinsky	Thomson, Wis.
Foley	Mills	Thornton
Ford	Minish	Tiernan
Forsythe	Mitchell, Md.	Towell, Nev.
Frenzel	Mitchell, N.Y.	Traxler
Frey	Moakley	Van Deerlin
Froehlich	Mollohan	Vander Jagt
Fulton	Montgomery	Vander Veen
Fuqua	Moorehead,	Vanik
Gaydos	Calif.	Vigorito
Giaimo	Moorhead, Pa.	Waldie
Gibbons	Morgan	Walsh
Gilman	Murphy, Ill.	Wampler
Ginn	Murphy, N.Y.	Ware
Gonzalez	Murtha	Whalen
Grasso	Natcher	White
Green, Pa.	Nedzi	Whitehurst
Griffiths	Nichols	Widnall
Grover	Nix	Wilson, Bob
Gubser	Obey	Wilson,
Gude	O'Brien	Charles H., Calif.
Gunter	O'Hara	O'Neill
Guyer	O'Neil	Wilson,
Hamilton	Owens	Charles, Tex.
Hammer-	Parris	Winn
schmidt	Passman	Wolff
Hanley	Patten	Wright
Hanrahan	Pepper	Wyman
Hansen, Idaho	Perkins	Yates
Harrington	Pettis	Yatron
Harsha	Peyser	Young, Alaska
Hastings	Pike	Young, Fla.
Hawkins	Podell	Young, Ga.
Hays	Poyer	Young, Ill.
Hechler, W. Va.	Price, Ill.	Young, Tex.
Heckler, Mass.	Price, Tex.	Zablocki
Heinz	Pritchard	Zion
Helstoski	Quillen	

NOT VOTING—56

Ashley	Conlan	Hansen, Wash.
Barrett	Conyers	Hebert
Blackburn	Crane	Johnson, Pa.
Blatnik	Dellenback	Kazen
Boal	Diggs	Kazan
Bowen	Fountain	Kemp
Brown, Mich.	Gettys	McSpadden
Buchanan	Goldwater	Martin, N.C.
Carey, N.Y.	Gray	Minford
Clancy	Haley	Minshall, Ohio
Coker	Green, Oreg.	Mizell
Cochran	Hale	Mosher
Conable	Hanna	

Myers	Rose	Thone
Patman	Sebelius	Udall
Pickle	Sikes	Ullman
Quie	Skubitz	Williams
Reid	Steed	Wyatt
Rooney, N.Y.	Stokes	Young, S.C.
Rooney, Pa.	Symms	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Goldwater.

Mr. Hébert with Mr. Cederberg.

Mr. Sikes with Mr. Blackburn.

Mr. Rooney of Pennsylvania with Mr. Kemp.

Mr. Barrett with Mrs. Hansen of Washington.

Mr. Carey of New York with Mr. Minshall of Ohio.

Mr. Fountain with Mr. Crane.

Mr. Green of Oregon with Mr. Quie.

Mr. Stokes with Mr. Conlan.

Mr. Haley with Mr. Lujan.

Mr. Pickle with Mr. Mizell.

Mr. Kazan with Mr. Brown of Michigan.

Mr. Reid with Mr. Sebelius.

Mr. Boland with Mr. Martin of North Carolina.

Mr. Rose with Mr. Buchanan.

Mr. Steed with Mr. Skubitz.

Mr. Udall with Mr. Conable.

Mr. Ashley with Mr. Mosher.

Mr. Ullman with Mr. Symms.

Mr. Bowen with Mr. Dellenback.

Mr. Clay with Mr. Gray.

Mr. Conyers with Mr. Hanna.

Mr. Gettys with Mr. Thone.

Mr. Diggs with Mr. Patman.

Mr. McSpadden with Mr. Myers.

Mr. Blatnik with Mr. Williams.

Mr. Milford with Mr. Wyatt.

Mr. Young of South Carolina with Mr. Johnson of Pennsylvania.

The result of the vote was announced as above recorded.

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

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

Mr. FISH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—ayes 320, nays 54, not voting 59, as follows:

[Roll No. 181]	YEAS—320	
Abdnor	Breux	Corman
Abzug	Breckinridge	Cotter
Adams	Brinkley	Coughlin
Addabbo	Brooks	Cronin
Arendt	Broomfield	Culver
Anderson, Calif.	Brotzman	Daniel, Dan
Anderson, Ill.	Brown, Calif.	Daniel, Robert
Andrews, N.C.	Brown, Ohio	W., Jr.
Andrews, N. Dak.	Broyhill, N.C.	Daniels,
Annunzio	Broyhill, Va.	Dominick V.
Ashbrook	Burgener	Danielson
Boggs	Burke, Calif.	Davis, Ga.
Badillo	Burke, Fla.	Davis, S.C.
Bolling	Burke, Mass.	de la Garza
Burgener	Burton	Delaney
Bradas	Butler	Dellums
Brasco	Bufalo	Baker
Bratas	Byron	Byron
Brasco	Carney, Ohio	Bauman
Breiras	Carter	Beard
Breitas	Chappell	Bell
Breitas	Chisholm	Bennett
Breitas	Dickinson	Bergland
Breitas	Dickinson	Clancy
Breitas	Dingell	Devine
Breitas	Dobson	Conner
Breitas	Dobson	Cochran
Breitas	Dobson	Drinan
Breitas	Dobson	Dulski
Breitas	Dobson	Duncan
Breitas	Dobson	Eckhardt
Breitas	Dobson	Edwards, Ala.

Eilberg	Long, Md.	Roy
Esch	Lott	Runnels
Eshleman	Lukens	Ruth
Evins, Tenn.	McCloskey	St Germain
Fascell	McCollister	Sandman
Findley	McCormack	Sarasin
Fish	McDade	Sarbanes
Fisher	McFall	Scherle
Flood	McKinney	Schneebeli
Flowers	Macdonald	Schroeder
Flynt	Madden	Seiberling
Foley	Madigan	Shipley
Ford	Maraziti	Shoup
Forsythe	Mathias, Calif.	Shriver
Frenzel	Mathis, Ga.	Shuster
Frey	Matsunaga	Sisk
Froehlich	Mayne	Slack
Fulton	Mazzoli	Smith, Iowa
Fuqua	Meeds	Snyder
Gaydos	Melcher	Spence
Giaimo	Metcalfe	Staggers
Gibbons	Mezvinsky	Stanton, J. William
Gilman	Miller	Mills
Ginn	Minish	Stanton, James V.
Gonzalez	Mink	Stark
Grasso	Mitchell, Md.	Steele
Green, Pa.	Mitchell, N.Y.	Steelman
Griffiths	Moakley	Steiger, Ariz.
Grover	Mollahan	Steiger, Wis.
Gude	Montgomery	Stephens
Gunter	Moorhead,	Stratton
Guyer	Calif.	Stuckey
Hamilton	Moorhead, Pa.	Studds
Hammer-	Morgan	Sullivan
schmidt	Murphy, Ill.	Symington
Hanley	Murphy, N.Y.	Talcott
Hanrahan	Murtha	Taylor, N.C.
Hansen, Idaho	Natcher	Thompson, N.J.
Harrington	Nedzi	Thompson, Wis.
Harsha	Nichols	Thornton
Hastings	Nix	Tiernan
Hawkins	Obey	Towell, Nev.
Hays	O'Brian	Traxler
Hechler, W. Va.	O'Hara	Van Deerlin
Heckler, Mass.	O'Neill	Vander Jagt
Heinz	Owens	Vander Veen
Halstoski	Parris	Vanik
Henderson	Passman	Veysey
Hicks	Patten	Vigorito
Hillis	Pepper	Walde
Hogan	Perkins	Walsh
Holmfield	Pettis	Wampler
Holt	Peyser	Ware
Horton	Pike	Whalen
Hosmer	Podell	White
Howard	Preyer	Whitehurst
Huber	Price, Ill.	Wilson, Bob
Hudnut	Price, Tex.	Wilson
Hungate	Pritchard	Charles H., Calif.
Hunt	Quillen	Wilson, Charles, Tex.
Ichord	Railsback	Winn
Johnson, Calif.	Randall	Wolff
Jones, Ala.	Rangel	Wright
Jones, N.C.	Rees	Wydier
Jones, Tenn.	Regula	Riegle
Jordan	Karth	Rinaldo
Kastenmeier	Kastenmeier	Roberts
King	Quillen	Yates
Kluczynski	Railsback	Yatron
Koch	Randall	Young, Alaska
Kuykendall	Rangel	Young, Fla.
Kyros	Rees	Young, Ga.
Lagomarsino	Regula	Young, Ill.
Landrum	Karth	Young, Wyo.
Latta	Kastenmeier	Young, Tex.
Leggett	Quillen	Zablocki
Lehman	Railsback	Zion
Lent	Randall	Zwach
Litton	Rangel	

## NAYS—54

Archer	Gross	Moss
Arends	Hinshaw	Neisen
Armstrong	Holtzman	Poage
Burleson, Tex.	Hutchinson	Powell, Ohio
Burlison, Mo.	Jarman	Rarick
Camp	Johnson, Colo.	Rhodes
Casey, Tex.	Jones, Okla.	Robinson, Va.
Chamberlain	Ketchum	Royal
Clawson, Del	Landgrebe	Ruppe
Cleveland	Long, La.	Ryan
Davis, Wls.	McClory	Satterfield
Dennis	McEwen	Smith, N.Y.
Edwards, Calif.	McKay	Taylor, Mo.
Erlenborn	Mahon	Teague
Evans, Colo.	Mallary	Treen
Fraser	Mann	Waggoner
Frelinghuysen	Martin, Nebr.	Whitten
Goodling	Michel	Wiggins

NOT VOTING—59

Ashley	Gray	Quie
Barrett	Green, Oreg.	Reid
Blackburn	Gubser	Rooney, N.Y.
Blatnik	Haley	Rooney, Pa.
Boland	Hanna	Rose
Brown, Mich.	Hansen, Wash.	Sebelius
Carey, N.Y.	Hebert	Sikes
Cederberg	Kazen	Steed
Clay	Kemp	Stokes
Conable	Lujan	Stubblefield
Conlan	McSpadden	Symms
Conyers	Martin, N.C.	Thone
Crane	Milford	Udall
Dellenback	Minshall, Ohio	Ullman
Diggs	Mizell	Widnall
Fountain	Mosher	Williams
Gettys	Myers	Wyatt
Goldwater	Patman	Young, S.C.
	Pickle	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Cederberg.  
 Mr. Rooney of Pennsylvania with Mr. Blackburn.  
 Mr. Sikes with Mr. Gubser.  
 Mr. Rooney of New York with Mr. Dellenback.  
 Mr. Barrett with Mr. Goldwater.  
 Mr. Carey of New York with Mr. Kemp.  
 Mr. Fountain with Mr. Patman.  
 Mrs. Green of Oregon with Mr. Brown of Michigan.  
 Mr. Stokes with Mr. Minshall of Ohio.  
 Mr. Haley with Mr. Crane.  
 Mr. Pickle with Mr. Lujan.  
 Mr. Kazen with Mr. Johnson of Pennsylvania.  
 Mr. Reid with Mr. Buchanan.  
 Mr. Rose with Mr. Quie.  
 Mr. Boland with Mr. Conable.  
 Mr. Steed with Mr. Sebelius.  
 Mr. Stubblefield with Mr. Martin of North Carolina.  
 Mr. Gettys with Mr. Symms.  
 Mr. Udall with Mr. Widnall.  
 Mr. Ashley with Mr. Mizell.  
 Mr. McSpadden with Mr. Skubitz.  
 Mr. Blatnik with Mr. Thone.  
 Mr. Milford with Mr. Mosher.  
 Mr. Ullman with Mr. Williams.  
 Mr. Clay with Mr. Gray.  
 Mr. Bowen with Mr. Wyatt.  
 Mr. Diggs with Mr. Hanna.  
 Mrs. Hansen of Washington with Mr. Myers.  
 Mr. Conyers with Mr. Young of South Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 15) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the surviving dependents of public safety officers, 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 Pennsylvania?

There was no objection.

The Clerk read the Senate bill as follows:

S. 15

*Be it enacted by the Senate and House of Representatives of the United States of*

*America in Congress assembled, That this Act may be cited as the "Public Safety Officers' Benefits Act of 1973".*

SECTION 1. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 522, respectively, as sections 550 through 571;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part G of title I of the Act, the following new part:

"PART H—DEATH BENEFITS FOR PUBLIC SAFETY OFFICERS

## "DEFINITIONS

"SEC. 525. As used in this part—

"(1) 'child' means any natural, adopted, or posthumous child of a deceased public safety officer who is—

"(A) under eighteen years of age; or

"(B) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(C) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

"(2) 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government, which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication, or otherwise, the person engaging in the act, omission, or possession was legally incapable of committing a crime;

"(3) 'dependent' means a person who was wholly or substantially reliant for support upon the income of a deceased public safety officer;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(5) 'line of duty' means within the scope of employment or service;

"(6) 'public safety officer' means a person serving a public agency, with or without compensation, as

"(A) a law enforcement officer, including a corrections or a court officer, engaged in—

"(i) the apprehension or attempted apprehension of any person—

"(a) for the commission of a criminal act, or

"(b) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act or held as a material witness in connection with a criminal act; or

"(iii) the lawful prevention of, or lawful attempt to prevent the commission of, a criminal act or an apparent criminal act or in the performance of his official duty; or

"(B) a firefighter; and

"(7) 'separated spouse' means a spouse, without regard to dependency, who is living apart for reasonable cause or because of desertion by the deceased public safety officer.

## "AWARDS

"SEC. 526. (a) Upon a finding made in accordance with section 527 of this part the Administration shall provide a gratuity of \$50,000.

"(b) (1) Whenever the Administration determines, upon a showing of need and prior to taking final action, that a death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person

entitled to receive a benefit under section 527 of this part.

"(2) The amount of any interim benefit paid under paragraph (1) of this subsection shall be deducted from the amount of any final benefit paid to such person or dependent

"(3) Where there is no final benefit paid, the recipient of any interim benefit paid under paragraph (1) of this subsection shall be liable for repayment of such amount. The Administration may waive all or part of such repayment.

"(c) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by payments authorized by section 12(k) of the Act of September 1, 1916, as amended, 4-531(1) of the District of Columbia Code.

"(d) No benefit paid under this part shall be subject to execution or attachment.

#### "RECIPIENTS

"SEC. 527. When a public safety officer has been killed in the line of duty and the direct and proximate cause of such death was a criminal act or an apparent criminal act, the Administration shall pay a benefit as provided in section 526 of this part as follows:

"(1) if there is no surviving dependent child of such officer, to the surviving dependent spouse or separated spouse of such officer;

"(2) if there is a surviving dependent child or children and a surviving dependent spouse or separated spouse of such officer, one-half to the surviving dependent child or children of such officer in equal shares and one-half to the surviving dependent spouse or separated spouse of such officer;

"(3) if there is no such surviving dependent spouse or separated spouse, to the dependent child or children of such officer, in equal shares; or

"(4) if none of the above, to the dependent parent or parents of the decedent, in equal shares;

"(5) if none of the above, to the dependent person or persons who are blood relatives of the deceased public safety officer or who were living in his household and who are specifically designated in the public safety officer's duly executed authorization to receive the benefit provided for in this part.

#### "LIMITATIONS

"SEC. 528. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

"(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer."

#### MISCELLANEOUS PROVISIONS

"SEC. 2. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated such sums as are necessary for the fiscal year ending June 30, 1974, for the purposes of part H."

"SEC. 3. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

"SEC. 4. If the provisions of any part of this Act are found invalid or any amend-

ments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

"SEC. 5. This Act shall become effective and apply to acts and deaths occurring on or after October 17, 1972.

#### AMENDMENT OFFERED BY MR. EILBERG

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

The Clerk read as follows:

Amendment offered by Mr. EILBERG: Strike out all after the enacting clause of the Senate bill S. 15, and insert in lieu thereof the provisions of H.R. 11321, as passed, as follows:

That this Act may be cited as the "Public Safety Officers Benefits Act of 1974".

"SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new part:

#### "PART J.—PUBLIC SAFETY OFFICERS DEATH BENEFITS

"SEC. 701. (a) In any case in which the Administration determines, under regulations issued under part F of this title, that an eligible public safety officer has died as the direct and proximate result of a personal injury sustained in the performance of duty, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of \$50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is any natural, illegitimate, adopted, posthumous child or stepchild of the decedent who at the time of the public safety officer's death is—

"(1) under eighteen years of age; or

"(2) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(3) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes a surviving husband or wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"(d) As used in this section, the term 'dependent for support' means more than one-half of the support of the dependent concerned.

"(e) As used in this section, the term 'law enforcement officer' means a person engaged in any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals; activities of corrections, probation, or parole authorities; and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(f) As used in this section, the term 'crime' means any act or omission which is declared by law to be a crime in the jurisdiction where the injury to the public safety officer occurred. Such an act is a crime for the purposes of this section notwithstanding the guilt, innocence, disability, or identity of the actor.

"(g) As used in this section, the term

'eligible public safety officer' means any individual serving, with or without compensation, a public agency in an official capacity as a law enforcement officer, or as a fireman (including any individual serving as an officially recognized or designated member of a legally organized volunteer fire department) who is determined by the Administration to have been, at the time of his injury—

"(1) a law enforcement officer engaged in—

"(A) the apprehension or attempted apprehension of any person—

"(i) for the commission of a crime, or

"(ii) who at that time was sought as a material witness in a criminal proceeding; or

"(B) protecting or guarding a person held for the commission of a crime or held as a material witness in connection with a crime; or

"(C) (i) the lawful prevention of, or lawful attempt to prevent, the commission of a crime; or (ii) otherwise engaged in the performance of his duty, where the activity is determined by the Administration to be potentially dangerous to the law enforcement officer; or

"(2) actually and directly engaged in fighting a fire; or

"(B) otherwise engaged in the performance of his duty where the activity is determined by the Administration to be potentially dangerous to the fireman.

"SEC. 702. (a) Whenever the Administration determines, upon a showing of need and prior to taking final action, that a death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person or persons entitled to receive a benefit under section 701 of this part.

"(b) The amount of any interim benefit paid under subsection (a) of this section shall be deducted from the amount of any final benefit paid to such person or persons.

"(c) Where there is no final benefit paid, the recipient of any interim benefit paid under subsection (a) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, and shall consider for this purpose the hardship which would result from repayment.

"SEC. 703. (a) No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

"(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

"(b) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 8191 of title 5, United States Code;

"(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1));

"(c) No benefit paid under this part shall be subject to execution or attachment.

"SEC. 704. The provisions of this part shall apply with respect to any eligible public safety officer who dies as the direct and proximate result of a personal injury which is sustained on or after October 11, 1972."

"SEC. 3. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting "(a)" immediately after "520" and by adding at the end thereof the following new subsection:

April 24, 1974

"(b) There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J."

SEC. 4. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

SEC. 5. The Administration is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part J. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part J.

SEC. 6. The Administration may prescribe rules and regulations governing the recognition of agents or other persons, representing claimants before the Administration. The Administration may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the administration of this part, and any agreement in violation of such rules and regulations shall be void.

SEC. 7. In making determinations under section 701, the Administration may delegate such administrative functions to State and local agencies as it determines necessary and proper to the administration of this part. Responsibility for making final determinations would rest with the Administration.

SEC. 8. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

The amendment was agreed to.

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

The title was amended so as to read: "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11321) 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 and include extraneous material on the bill H.R. 11321 just passed.

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

There was no objection.

#### PERSONAL EXPLANATION

Mr. WALDIE. Mr. Speaker, on rollcall No. 178, taken today, I was present and inserted my card in the recording device, and the recording device did not properly record. Had it done so, I would have been recorded as voting "aye" on that legislation.

#### THE ROSENBERG CASE

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

Mr. ICHORD. Mr. Speaker, the communication media exerts a strong influence upon our national standards. Television, which reaches into the homes of millions of Americans, has been a particularly powerful force in our lives. Although the television networks have control over the programs they present, the extent of distortion depicted in many shows is almost unbelievable.

A prime example of such distortion was recently brought to light by Simon H. Rifkind's column in the March 16, 1974, issue of *TV Guide*. The column, titled "TV Turns Soviet Spies Into U.S. Folk Heroes," pertains to the trial of atom spies Julius and Ethel Rosenberg who were executed in 1953 after being convicted of conspiracy to commit espionage.

Mr. Rifkind calls attention to the manner in which certain television networks during recent portrayals of the Rosenberg trial have endeavored to convince their audiences that the defendants were "railroaded." Before the Rosenbergs died as traitors, their case was given one of the most careful and thorough reviews of any case in American criminal history. In spite of this, Mr. Rifkind comments, the television networks have presented the two spies for Russia as a pair of "American folk heroes," and have attempted to demonstrate that the American system of justice is "utterly beyond redemption."

Mr. Speaker, I have always been strongly opposed to any form of news coverage that depicts criminals as heroes and I resent very much the television networks' attempt to vindicate the Rosenbergs. The failure of the television networks to inspire their audiences to arrive at a reasoned conclusion based on facts impartially presented, points up a problem of serious concern.

I congratulate Mr. Rifkind and *TV Guide* and commend to my colleagues and to the people of the Nation this thoughtful and illuminating article which suggests the strong need for responsible and factually accurate reporting. The text follows:

##### TV TURNS SOVIET SPIES INTO U.S. FOLK HEROES

(By Simon H. Rifkind)

What is the cause of the recurrent flurry of interest in the Rosenberg trial? A few weeks ago we saw the Rosenberg trial on Stanley Kramer's "Judgment" series, appearing on ABC. Currently, PBS is distributing a public-affairs documentary, "The Unquiet Death of Julius and Ethel Rosenberg."

This question would be out of order if, in fact, an author or playwright had used the ingredients of the trial for the creation of a truly great novel or play. That, of course, would be sufficient reason for publication or production. That, however, has not happened. The productions exposed to the public have not measured up, as entertainment, to the routine cops-and-robbers stories which fill the TV screen. As news commentary, their cargo of relevance is on a par

with that of a rerun of the McKinley campaign.

To discover the answer to our question, I suggest we first list a few of the hard facts of the Rosenberg trial.

1. In January, 1951, a Federal grand jury indicted Julius and Ethel Rosenberg for conspiring, from 1944 to 1950, to communicate secret information to the Soviet Union. No one has yet questioned the composition of that grand jury or the quality of its behavior.

2. The Rosenbergs were tried by a Federal jury in New York. That jury was not sworn until counsel for the Rosenbergs pronounced it a satisfactory jury; and he did that long before he had exhausted all his challenges.

3. Counsel for the Rosenbergs was not court appointed. He was the Rosenbergs' personally retained lawyer, one Emanuel H. Bloch, a lawyer of wide experience and good reputation as an advocate.

4. The judge who presided at the trial was the Honorable Irving R. Kaufman, a judge whose capacity and character caused Judge Learned Hand, one of the towering personalities of our judicial system, to recommend him to President Kennedy for appointment to the Court of Appeals (of which he is now the Chief Judge). Judge Hand was not known to dispense his favors carelessly. He was adored by a long generation of judges and lawyers as the champion of fair trials and the protector of human liberty.

5. The jury's verdict met the test of guilt beyond a reasonable doubt and was affirmed by the Court of Appeals in an opinion written by Judge Jerome N. Frank. No judge had a higher reputation for the care with which he examined any possible ground to question a conviction.

6. After conviction, the Rosenbergs filed sixteen petitions for reconsideration in the District Court, seven appeals in the Court of Appeals, seven applications to the Supreme Court and two applications to President Eisenhower for executive clemency. Altogether 112 judges dealt in one form or another with the Rosenberg case. Not one saw fit to question their guilt or their conviction.

The explanation of how a unanimous verdict of guilty which passed unscathed through every judicial review and appeal can be turned into a documentary or play which leaves the audience convinced the defendants were railroaded (as reported by Bob Williams, N.Y. Post 2/26/74) may also answer the first question. What makes the Rosenberg case so recurrent a subject for dramatization?

Whoever presents the Rosenberg trial to a public audience or on television must so rearrange it that the story engages the reader's sympathy and so that he is emotionally stirred by the fate of one or another of the protagonists.

In the story of the Rosenberg trial, the only characters who qualify for such a role are the Rosenbergs themselves. After all, it was they who suffered the supreme penalty. It was they who died faithful to a cause they espoused (never mind that Stalinism, to which they were attached, was the most wretched and vicious idolatry of the century). They were little people encountering the almost limitless resources of a powerful government.

It takes only a few liberties with the true facts to evoke sympathy for such people, even from those who begin by despising and condemning what they have done. What can evoke more sympathy than the picture of a husband and wife going down together into the abyss, locked in a loving embrace with each other and holding fast to a quasi-religious faith they passionately espouse?

And so, the inevitable has happened. Every new exposure of the Rosenberg story has pre-

sented the two spies for Russia as a pair of American folk heroes, folk heroes who should be understood, and therefore forgiven; folk heroes with whom the viewer deeply sympathizes and whose guilt is therefore questioned.

If guilt is questioned it must be because the processes of justice have failed.

The villain of the play, once the spies have become its heroes, must be the system of American justice. The argument is simple. If, after the enormous attention given to this case by so many judges, the innocent are nevertheless convicted, it must be that the system is rotten to the core. In short, the story lends itself readily to the accomplishment of two purposes. One, the generation of sympathy for two spies who have served their Russian masters; and two, the demonstration that the American system of justice is utterly beyond redemption. The conclusion is inescapable—that there are those who find the propagation of these two ideas an acceptable assignment.

Those of us who have studied the record, who know that the Rosenbergs were fairly tried and fairly convicted by a system of justice, which, though not perfect, is probably the best the world possesses, naturally question the wisdom or the purpose of this propaganda.

Even Bloch, the accused's lawyer, said during summation: "I would like to say to the court on behalf of all defense counsel that . . . you have tried us with utmost courtesy . . . and that the trial has been conducted . . . [as] an American trial."

On the day of sentence, Bloch also said: "In retrospect, we can all say that we attempted to have the case tried as we expect similar cases to be tried in this country; . . . and I know that the court conducted itself as an American judge."

#### THE UNITED STATES IN SPACE— A SUMMARY

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

Mr. FREY. Mr. Speaker, this is the fourth and final statement of a series in which I have discussed the U.S. space program. The purpose of these articles has been to provide my colleagues with a survey of our activities in space. It is my hope that this information will offer my fellow Representatives a background upon which to base their decision on the upcoming NASA 1975 authorization bill.

All Members of Congress are acutely aware that health, welfare, defense, ecology, and space, plus a host of other fields, must compete each year for our Federal dollars. Certain of our programs address today's most pressing needs; certain are more oriented to the future; a few work for both today and tomorrow.

The goal of Congress must be to provide for a proper balance between the most desirable of the programs proposed. I, for one, am thankful that there are those who understand the role which research and development play in the growth of our Nation.

We will always be confronted with those who believe the telephone came as a natural and inevitable step in the refinement of the semaphore, or the airplane as some kind of magically transformed ground transportation. But the majority of the American people appreciate that the steps we have taken to advance our society—regardless of the

basic field in which the change occurred—have had science and technology in their origins.

I think our people further realize that these quantum steps are also the direct result of dollars, hard work, and farsightedness. These three factors have been the essential ingredients in most of the progress which this country has enjoyed thus far, and to no less an extent, will they be the ingredients of the progress our Nation will make in the future.

We should also realize that during the decade of the 1960's, the \$38 billion the United States spent on its space effort amounted to less than one-half of 1 percent of our gross national product for that period. There is no question that \$38 billion is a great deal of money, but we should also appreciate that this country spent almost \$350 billion on health and welfare programs, and over \$625 billion on national defense programs during that same 10-year period.

A look at the ratios between expenditures is even more revealing. The ratio of dollars spent in the space program to dollars spent on health and welfare was 1 to 9. The ratio of national investment in space to investment in the defense effort was approximately 1 to 16.

These numbers clearly emphasize that the money directed to our space program is not out of proportion to Federal spending in other categories. But money is not the sole criterion; jobs and people are another and even more important gauge.

The aerospace industry and our space program as a major segment of that industry is America's largest manufacturing industry. At its peak production in the late 1960's this industry employed more than 1.4 million people doing an annual business of over \$28 billion. More important, \$14 billion was the annual payroll for the industry.

There is also an additional aspect to the industry's impact. In the 1960's during the first decade of our space program, this country saw its gross national product grow from \$460 billion to more than \$900 billion. Approximately half of that real growth of the gross national product, according to economists, can be attributed to the stimulus of new technological knowledge from research and development investments. And no less than 25 percent of this country's total research and development expenditures was invested directly in our space program.

There are also other measures of the space program's impact, such as the economic growth from our space effort in terms of the regional impact of space facilities. Employment levels, standards of living, educational opportunities, and industrial development have been multiplied many times with the establishment of such facilities as Cape Canaveral, Houston, and Huntsville. The demand of the space program for highly skilled and highly qualified people clearly exceeded available talent pools and, therefore, had to be met by training and general upgrading of skill levels. Individuals who received this training have undoubtedly benefited from the demands imposed upon them by working within

the aerospace environment. The increment of skill which was added to the inventory of the individual worker represents a distinct contribution of the space program of permanent value.

As emphasized in my previous statements, the practical benefits of applied space technology are numerous. From the medical profession to business and industry, we may cite countless examples of positive returns from our space program. Certain manufacturers who were involved with the space program have also helped to disseminate these benefits of space technology. A company which produced miniature nuclear power supplies has now developed and marketed a nuclear-powered heart pacemaker. Research is currently being conducted on the development of an artificial heart machine. As another example of technology transfer, the heat pipe design used to dissipate heat in space is now being considered for use in the Alaska pipeline to disperse the heat of pipes anchored in the permafrost. A sight switch which was developed to enable astronauts, whose arms were hindered by strong gravity forces, to activate switches by the movement of their eyes has now been adapted to aid paralyzed people to manipulate their wheelchairs. Numerous patient monitoring techniques, similar to those used by the Apollo astronauts, have been adapted for use in hospitals. The biological isolation garment, also developed for use by the Apollo astronauts, is now being worn by patients being treated for acute leukemia and other illnesses, as well as by patients with aplastic anemia. Another product which evolved from the space program is a unique fireproof material that permits firefighters to move very close to the fire, or even to enter the flames, if necessary.

The list of practical returns from our space program goes on and on, but perhaps the most important application, in terms of business and financial institutional needs, has been the growth and development of the computer industry. The type of computer operations—both the technology and the programming techniques—originally developed for the space program is now widely used in business and finance.

We can use any number of impressive statistics to study the movement of the computer industry to prove the point. As an example, from 1960 to 1970, this country added over 65,000 new computers to its existing base of 5,000. That is a 1,300-percent increase. We can also use investment as a measure. In 1960, U.S. businesses and institutions spent less than \$1 billion on computers, data processing equipment, and operating staffs. In 1970, these same businesses and institutions spent almost \$25 billion for computer hardware and services. That represents a growth in sales by a factor of 25 with the 1970 dollar expenditure corresponding to over 2 percent of our gross national product.

Here is the point I wish to make. This country, as it strives to maintain its leadership in high technology products, must continue to commit the necessary dollars and manpower to the task. It is essential

to realize that our lead in advanced technology—a lead that produced a favorable balance of trade stronger than in any other general area of export—cannot be maintained without a positive and meaningful commitment. What we must also recognize is that other countries throughout the world are no longer willing to take a back seat to the United States in terms of technology advance.

What does this mean in terms of our Nation's space program? Throughout most of the past decade this country has held a clearcut lead in space. We all know of the benefits we have enjoyed in terms of more economical long-distance communications and more accurate weather forecasting, not to mention the many technological spinoffs which are in everyday usage. But what are we doing to provide for continued growth in the field? How are we guaranteeing our future advance? That is my concern.

Let us look, therefore, at some of the major accomplishments of our space program during the past year. Perhaps the most important event of last year was the highly successful Skylab program. The initial unmanned mission and three subsequent manned missions yielded a wealth of information on the Earth, the Sun, and on man in the environment of space, as well as countless data from experiments conducted in space. The three Skylab crews together traveled a total of over 61 million nautical miles, and orbited the Earth 2,475 times in their orbital workshop. While the Apollo project extended man's reach to the Moon, Skylab added near-Earth space to man's domain by confirming that human beings can live and work effectively in space for long periods of time.

As Skylab was demonstrating the importance of near-Earth space, Pioneer 10 was opening up a new era of space exploration of the outer planets. As it swept past Jupiter on December 3, Pioneer 10 made hundreds of scientific measurements of the giant planet, its inner moons, and its famous and mysterious red spot. These observations yielded surprising new data about the largest planet in our solar system and its moons. Pioneer 10 was the first spacecraft to fly beyond the orbit of Mars, the first to penetrate the asteroid belt, and will be the first manmade object ultimately to escape the solar system.

Last year also marked the coming of age of the Earth Resources Technology Satellite (ERTS) program. ERTS-1 has acquired and relayed to Earth over 100,000 multi-spectral scenes of our planet, covering more than a billion square miles. Some examples of the operational values of remote sensing from space are: rapid and accurate measurement and assessment of major floods; snow and water resource management; new geological exploration and mapping important to mineral and petroleum prospecting; first-time surveys of less-developed areas; better management of range, forest, agricultural, and urban lands; rapid environmental surveys of dams, ponds, and strip mines; and lake and waterway pollution monitoring.

One series of ERTS images has even revealed what appears to be a large

wooden structure on the side of Mount Ararat in Turkey, believed by many to be the site where Noah's ark came to rest. Several expeditions are being organized to investigate the structure at close range. The full benefits of the ERTS program have not yet been tallied, but a current study being conducted by the Department of Interior is indicating that very significant returns can be expected from our continuing Earth resources survey program.

Another major milestone of 1973 was the confirmation of our agreement with nine European nations on the development of the Spacelab. Confirmed in September, this agreement states that the Europeans will develop, at their own expense, the laboratory module to be used with the Space Shuttle. This also marks the achievement of a new high level in international cooperation and cost sharing, and will provide a key piece of equipment for the Space Shuttle.

There are some troublesome notes, however. The design and development of the Space Shuttle itself has had several budgetary setbacks. The first manned orbital flight of the shuttle is now expected to occur in the second quarter of 1979, instead of at the end of 1978, a delay of from 4 to 6 months. A firm schedule is extremely important in a large-scale, complex development program like the Space Shuttle and it is this type of setback therefore which must be avoided. We cannot invest time, money, and valuable manpower in a program, only to reduce its funding in midstream. Realizing the importance of rigid time schedules in space research and development, we should be all the more committed to lending our support to the space program through funding authorizations. Even within their budget constraints of recent years, NASA has carried out an aggressive, highly useful, and exciting program in space and aeronautics, fully deserving of congressional as well as national support.

Let us not abandon this program and reduce the steady flow of benefits by forcing even tighter financial restrictions on the Agency.

I know that my colleagues will recognize the shortsightedness of anything less than full support of the NASA authorization. Our space program, as it is addressed to meeting the needs of our "spaceship" Earth, deserves our unqualified vote of confidence.

#### INFLATION

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

Mr. ROUSH. Mr. Speaker, the country is in the midst of the worst inflation in a number of years, and our gross national product is dropping sharply, leading many of us to the conclusion that a depression or recession is in the making—even if the President's economic advisers will not admit it.

Despite this distressing picture, the only cries of alarm coming from the administration have resulted from Congress' attempt to roll back oil prices and

provide special unemployment compensation for workers affected by the energy crisis.

This is all the more shocking as the true picture of what is happening unfolds. While the American consumer has been waiting in long gaslines and wrapping up in sweaters at home, the big oil companies have been salting away more and more money.

Exxon earnings for the first quarter were \$705 million, compared to \$508 million last year, for a gain of 38.8 percent.

Texaco enjoyed a percentage gain of 123.2 percent, with earnings jumping from \$264 million to \$589.4 million.

Standard Oil of Indiana reported a profit increase of 81 percent for the quarter, while Gulf Oil Corp. said its net earnings increased 76 percent.

Mr. Speaker, this happened because the administration allowed it to happen.

The President vetoed the emergency energy bill on the grounds that we had to allow profits to oil companies to induce further oil production. Mr. Speaker, these companies have been able to take care of themselves down through the years, and I just cannot believe we now have to double their profits to keep them in business. And so far they have not increased domestic production. Even the companies themselves seem somewhat embarrassed about the situation.

To add insult to injury, the Federal Energy Office is warning that the already outrageous gas prices may go up another nickel—taking more money out of the pocket of the American consumer.

Where will it stop? Well, it will not stop unless the Congress quickly passes legislation that will roll back prices to a reasonable level. I know efforts are being made in that direction, and I urge this body to move swiftly.

#### ASSASSINATION OF CUBAN EXILES BY TERRORISTS IN OPPOSITION TO NORMALIZING U.S. RELATIONS WITH CUBA

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

Mr. PEPPER. Mr. Speaker, on the 5th of April, Raul Castro, head of the Cuban Armed Forces, speaking in Cuba said:

The young fighters of the Revolutionary Armed Forces and of the Ministry of Interior are working inside the belly of our enemies, are protecting our interests.

Castro was undoubtedly talking about Cuban Communist activities in the United States as well as in other places. There are many who believe that the two Cuban exiles recently killed, one in Miami, shot through the window as he sat in his living room with his wife looking at television, one in New York, were killed because of their militant opposition to Castro and communism in Cuba. A letter was delivered at the funeral of one of these men to his successor that 11 more Cubans residing in the United States were marked for death.

I have alerted the FBI here to this threat and asked that it be investigated. I have also alerted the staff of the House

Internal Security Committee to see if these murders and threats are tied in with terrorist activities of Castro's communistic government. Whether these deaths and threats come from Cuba or not we know that Castro has tortured and murdered thousands of Cubans, has robbed many thousands of Cubans of their life's possessions. Many thousands languish in Cuban jails today because they oppose Castro and his vicious communism. I am shocked, therefore, that the Senate Foreign Relations Committee has approved a resolution declaring it to be the sense of Congress that we should recognize Castro and his Communist regime and take them as friends. I strenuously oppose taking in friendship the hand of the murderer, the torturer, the robber, the dictator, Castro, and I shall oppose such resolution if it comes to the House. To normalize our relations with Cuba and Castro would simply give him a better platform from which to spread communistic subversion into our country and into the nations of the Western Hemisphere.

#### TORNADO RELIEF

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

Mr. HILLIS. Mr. Speaker, recent tornado destruction in six of our Southern and Midwestern States has made weaknesses in the present Disaster Relief Act readily apparent. The Congress must move quickly to amend this act in order to provide adequate relief to all tornado victims. Steps must be taken today if the Federal Government desires to provide a meaningful disaster program.

In Indiana alone, 29 counties were adversely affected by the April 3 tornadoes. On April 4, Dr. Otis R. Bowen, Governor of Indiana, announced that 769 Hoosiers were known injured and 41 known dead as a direct result of this disaster. April 9 information indicated that some 3,000 homes had been destroyed by the tornado in Indiana. Early estimates indicate that damage costs in Indiana run between \$70 and \$100 million.

Present law contains provisions which offer assistance to communities and individuals in a variety of forms. However, it is obvious that more aid is needed to meet the extraordinary disaster-related expenses and needs of adversely affected individuals and families under circumstances such as those of April 3. Many of the disaster victims do not qualify for full or adequate compensation for their losses as presented in assistance from the Small Business Administration or the Farmers Home Administration under the present disaster relief law. These persons are of particular concern to me as they attempt to recover their losses. They can be helped if we vote to make the appropriate adjustments in the present law by approving the measure before us.

We need to amend the Disaster Relief Act of 1970 in order to authorize the President to approve grants to the States for the purpose of aiding individuals and families in meeting extraordinary dis-

aster-related expenses and needs. This grant would be submitted to the State so that the Governor of the State could in turn make grants to those in need. This Federal-State cost-share program would fill the gap in our present law.

I concur with those of my colleagues urging swift action by the Congress to improve benefits to disaster victims through the expeditious passage of the best possible bill.

#### PERSONAL EXPLANATION

Mr. YOUNG of Illinois. Mr. Speaker, I was excused from attendance in the House of Representatives on Wednesday, March 13, 1974, and Thursday, March 14, 1974, for the purpose of fulfilling a speaking engagement in Chicago on the subject of pending legislation in the Congress affecting the securities industry.

Because of this absence, I missed certain rollcall votes, and I would like to be recorded on the issues involved.

My vote on rollcall No. 81 would have been "yea."

My vote on rollcall No. 82 would have been "yea."

My vote on rollcall No. 84 would have been "no."

My vote on rollcall No. 85 would have been "no."

My vote on rollcall No. 86 would have been "yea."

My vote on rollcall No. 87 would have been "yea."

My vote on rollcall No. 89 would have been "yea."

I would like to comment to explain my votes on rollcall Nos. 84, 85, 86, and 87, pertaining to the death penalty for hijacking. As a general principle, the great majority of the people of the 10th Congressional District of Illinois support legislation providing for a death penalty in certain specific types of crimes under specific circumstances.

I believe that this legislation spells out with particularity the circumstances of a type of crime which will meet the constitutional standards set forth by the Supreme Court in the case of Furman against State of Georgia. There is presently pending in the Congress general legislation on the criminal code which will provide another opportunity to properly spell out the conditions under which the death penalty should be imposed for specified types of crimes and in a manner which will meet the constitutional objections of the Supreme Court to the imposition of the death penalty prior to Furman against State of Georgia.

#### REVIEW OF THE SCRAP EXPORT SITUATION

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, in late January 1973, following 4 months of continually rising scrap prices, representatives of the steel and foundry industries met with officials of the Department of Commerce. The industry

representatives stated that the steel and foundry industries would need a record 41.5 million tons of purchased ferrous scrap in 1973.

In the meantime, leaders of the domestic scrap industry were openly projecting scrap exports for the first half of 1973 at an annual level of 12 million tons. This would require total delivery of 53.5 million tons to both domestic and export markets by the scrap industry—an unprecedented tonnage in light of recent history.

Deliveries at annual rates of 46 million tons in 1969 and during the first half of 1970, created chaotic short supply conditions and inflationary prices.

By 1973, the United States was the only industrialized Nation in the free world permitting the uncontrolled export of ferrous scrap in substantial quantities.

The steel and foundry industry representatives asked that Commerce limit exports of ferrous scrap in 1973 to 7 million tons. This compared to 7.38 million tons exported in 1972, and with an annual average over the past 10 years of 7.1 million tons.

The Department of Commerce took no action on the steel and foundry industries' request, and by the end of April, 1973, combined deliveries of domestic purchases and exports reached 17,973,000 tons—an annual rate of 53.9 million tons.

On May 8, 1973, more than 3 months after the steel and foundry industries' warning of impending trouble, Secretary Dent stated that he was "extremely concerned" about recent price increases in ferrous scrap. Stating that Commerce lacked "up-to-date information on ferrous scrap," the Secretary announced that a reporting procedure was being instituted. Under this program, exporters were required to report immediately to Commerce all orders accepted for 500 tons or more.

On July 2, 1973, Secretary Dent announced: "I have determined that the criteria set forth in the Export Administration Act have been met for this commodity (scrap)", whereupon a program of month-by-month licensing of scrap exports was instituted.

It was reasonable to assume that sharp scrap export restrictions would be forthcoming. Such was not the case. Scrap exports continued almost unrestricted.

Exports of ferrous scrap for the first 2 months under the program, July and August, totaled 2,531,000 tons. Compare this to the exports for the last 2 months prior to licensing, May and June, which totaled 2,274,000 tons. In effect, Commerce monitored the scrap situation to the brink of disaster, then instituted "controls" which stabilized exports at an even higher rate than existed prior to licensing.

By year end, 11,257,000 tons of scrap had been shipped into export, with an estimated 600,000 tons licensed for export but not shipped because vessels were not available. The Department of Commerce later acknowledged, informally, that the licensed carryover into 1974 would probably exceed 1,000,000 tons.

The effect of these actions, or inactions, on the domestic price of scrap has been disastrous. By April 1, 1974, scrap

was selling at \$170 per ton—more than triple the prevailing price at the close of 1972.

Toward the end of November 1973, the Department of Commerce announced its licensing plans for the first quarter of 1974—2.1 million tons, thus assuring a continued flow of scrap exports at an unprecedented level. Then, in February 1974, Commerce announced it was also setting a limit of 2.1 million tons of export for the second quarter of 1974.

Meanwhile, current domestic production of automobiles—a major source of prompt industrial scrap—is down considerably. Most of the readily available obsolete scrap has already been gathered. The combined effect of these two forces is beginning to cause near panic among ferrous scrap metal consumers dependent on the raw material.

Scrap users, still pleading for a reduction in the export of scrap, are now bracing themselves for a new wave of finished steel imports competing in the U.S. market which will have been made from the raw materials the domestic manufacturers will not have available to them.

Mr. Speaker, I believe this situation has worsened to the point where we must act. I am deeply concerned not only over the loss of jobs that may occur as a result of production curtailment due to lack of scrap, but also over the severe inflationary impact resulting from raw material costs which have more than tripled over the last year. For this reason, I have introduced legislation calling for the temporary cessation of scrap exports for 180 days.

**REPRESENTATIVE JACK KEMP PROPOSES KEY MEASURES TO PROTECT OUR CITIZENS AGAINST THE SPIRALING CRIME RATE**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 45 minutes.

Mr. KEMP. Mr. Speaker, on July 2 of year before last, a 4-year-old little girl went out to play in the yard of her home in Los Angeles County. She was an innocent child, full of love and promise and expectation, and her parents were hard-working citizens with no enemies in the world.

Neither she nor her mother, who was watching her play from the kitchen window, noticed a yellow 1966 Chevrolet carrying three men roll up the street and pause while a man in the back seat took aim with a shotgun at the little girl. Then there was a thunderous explosion as the shotgun drove 42 pellets into the little girl's body. Spattered with blood, she died a few moments later in her sobbing mother's arms. This 4-year-old child was dead.

Witness identification aided the police to arrest the three men. The prime suspect had been previously—I repeat, previously—arrested for attempted murder, and assault with a deadly weapon, and robbery, and burglary, and arson, and narcotics possession. The motive this time? Just "for the thrill of it," according to the news story.

This is but one incident of senseless crime, but it has been repeated time and time again during recent years—from one end of our country to the other. And the human tragedy associated with these incidents can never be expressed in words. Lives are lost, property destroyed or stolen, hopes dashed, happiness blotted out. Yet crime continues to spiral upward, leaving in its wake millions of victims every year.

Our daily newspapers and broadcasts are full of the more sensational crimes: kidnapings, terrorist killings, bombings, hijackings. But, these sensational crimes are only a small percentage of the vast crime rampant in our land.

The Symbionese Liberation Army pulls off an armed, daylight robbery of a California bank last week. That attracted nationwide attention, as did its purported kidnaping of Patty Hearst. But, how many more bank robberies and attendant threats on life went unnoticed that same day except in their respective hometown newspapers?

A hijacker kills an airport guard, then a pilot, then himself last month in Philadelphia. A tragedy. What we will never know is how many other hijackings and tragedies there would have been had we not tightened airport security and required carry-on baggage checks, deterrents which work.

Sunday before last a bomb blast rocked a foreign consulate in Los Angeles, heavily damaging it and bringing to our mind once again the senseless rash of bombings which occurred across the Nation several years ago.

A mass murder trial in Houston has revealed countless horror stories of torture and slayings. A similar episode in California several years ago disclosed the murder of over 20 migrant laborers. These both received national press attention. But, how many other murder trials go unnoticed by the majority of us? Most.

And, things seem to be getting even worse: We have been told during the past several weeks that there is an even greater threat from terrorists than we had ever thought possible. I speak of the potential construction and threat of use of an actual atomic bomb, using nuclear materials stolen from domestic transport shipments. It has not happened yet, but it may, and the potential for blackmail of the entire Nation would be inconceivable if it does. And, parenthetically, I cannot help but believe that such extensive news exposure of the possibility invites its actual occurrence.

Against this background, let me discuss for a few moments this afternoon the nature of crime in America today, its causes, and some potential means of tightening control over it.

**THE REAL CRIME RATE IS HIGHER THAN PREVIOUSLY REPORTED**

A startling report—released on April 14 by the Law Enforcement Assistance Administration—LEAA—shows crime in the Nation's five largest cities is more than twice as high as police statistics had indicated. LEAA is an agency within the Department of Justice, headed by the very able and articulate Administrator, Donald E. Santarelli.

The survey disclosed a crime rate five times as high as police figures in Philadelphia; almost three times as high in Chicago, Detroit, and Los Angeles; and slightly more than twice as high in New York City.

A previously released LEAA study had shown that crime was twice as high as reported in Atlanta, Baltimore, Cleveland, Newark, Dallas, St. Louis, Denver, and Portland, Oreg.

The new study, which was actually conducted jointly by LEAA and the U.S. Bureau of the Census, shows that 68 out of every 1,000 Detroit residents are likely to be victims of serious—I repeat, serious—crime during their lifetimes. The rates are 63 per 1,000 in Philadelphia, 56 per 1,000 for Chicago, 53 per 1,000 in Los Angeles, and 36 per 1,000 for New York City.

Why the staggering dissimilarities between police records and the study's findings? An attempt on the part of police and city hall to suppress the true extent of crime? No, not at all. Perhaps, the real answer—as shown by this new study—is even more troubling than a failure to disclose information would have been. How so? Because, according to LEAA Administrator Santarelli, when the report was released:

The crime survey results demonstrate that in an astounding number of instances Americans simply do not think it is worthwhile to report to public authorities that they have been the victims of criminal acts.

The Administrator went on to add that the results of the study carry "a strong message of public apathy toward its criminal justice institutions, bordering on contempt."

What is particularly disturbing about the survey is that 34 percent of those interviewed who had been the unreported victims of crimes—principally rape, robbery, burglary, or assault—had not reported the incidents to the police because they felt "nothing could be done," while many others were afraid of reprisals against them if they did.

Why is this so disturbing? The bulwark against crime in all societies has always been the determination of the people to stop it. When that determination is lost or substantially weakened, all society is the victim, for as has been said, "All that is needed for evil to triumph is for good men to do nothing."

If we have indeed reached the point where that determination has been lost, we are in dire straits, but I do not believe we have. I do believe, however, that we are moving—all too rapidly—in that direction, and that, unless we act immediately and decisively to insure the revitalization of those measures which will restore confidence among the people that we can control crime and punish criminals, then we will have crossed the line.

**WHAT REALLY IS HAPPENING?**

There is, I believe, a reason for what is happening. It is, essentially, borne out of a frustration—among individuals and among our society as a whole—that the criminals have the upper hand these days, and that the interests of society are being subsumed to those of the criminals. And, this frustration is not without much foundation in fact.

I am very sensitive to the protection of individual rights. The Constitution, in which I believe most strongly, is only as effective as the protections it affords to the individual and the institutional devices it sets into motion for the society. My proposals today are not a call for an abandonment of the protection of the rights of those who stand accused of the commission of crimes, and should never be so construed. I think the work I have done in such areas as the right to privacy reflects my commitment to the protection of the individual against unwarranted intrusions of government into his life, liberty, property, or state of mind—a commitment buttressed by action.

But, the rights of an individual have always been balanced with the need for the protection of the rights of others. This is what democratic and republican forms of government are all about. This is what some of the great, principal works of John Locke and Edmund Burke teach us—that these must be a balancing of the rights of an individual with the rights of society as a whole. To go too far in either direction is to invite the collapse of society—into anarchy on one hand, or into totalitarianism or authoritarianism on the other. The key is balance. I am one who believes that we have during the past years come dangerously close to so protecting the rights of the accused as to endanger the society itself.

There is much concern about the accused, but where is the concern we should have also about the victim? Everyone has a desire to protect the rights of the accused, but where is there an adequate desire to protect the rights of those who stand threatened by the accused's present or future acts?

What, if anything, under our present system of criminal justice, will happen to the murderers amongst us? Like Charles Manson? He is just serving time. Like Richard Speck? Just serving time. Like Sirhan Sirhan? Just serving time. Like the murderer of the little girl in Los Angeles?

The answer is that the accused will be given highly motivated and sometimes highly paid defense attorneys. These defense attorneys will spend weeks picking a jury, demanding venue changes because of alleged adverse publicity, excluding reliable and probative evidence—such as the murder weapon itself—if police failed to meet purely technical rules of search and seizure which no other civilized country has adopted.

There may be a circus trial, sometimes lasting for months. And, if the defense attorney is interested in building his own reputation, we often see uncalled for courtroom outbursts, accusations of judicial bias—especially if things do not seem to be going well for his client, and news conferences to build sympathy for the accused.

If despite all of this the prosecution obtains a conviction, there will probably be endless appeals as the defendant and his counsel purport to discover new, previously unseen "constitutional rights" far beyond what the Framers had in mind and that were not a part of the Anglo-American system of law for the hundreds

of years which preceded the crime and apprehension of the accused.

And, if all appeals, briefs, and habeas corpus claims fail and if the convicted begins to serve his sentence, one should not rest too comfortably. For, the parole boards can now release a prisoner, in almost all States, after that prisoner has served one-third of his term, and most life terms are construed as 20 year terms—meaning murderers given life sentences can be eligible for parole after 6½ years.

To what does all this add up? It adds up to a soaring crime rate, for deterrents to crime—including the all important one of keeping offenders behind bars—have been deeply eroded.

During the 10-year period, 1960 to 1970, our population increased by 13 percent, but serious crimes increased by 148 percent—a jump over 11 times greater than the population increase.

This was also the period when the greatest prosperity in the world's history—our own—was accompanied by great waves of shoplifting, drug abuse, and delinquency in the most prosperous areas—the suburbs—a fact that shatters the simplistic notion that poverty breeds crime. Lack of moral and ethical values and lack of deterrents breed crime, not poverty.

#### THE ROLE OF VALUES

For many people, respect for The Ten Commandments on one hand and a fear of God on the other is sufficient to discourage the commission of criminal acts. But for those who have no such respect or fear, society has, since earliest times, instituted measures to insure its own protection. We know these measures as laws.

The genesis of man's law rests within a society's collective determination to establish enforceable standards below which personal acts will be subject to reprimand by generally known procedures and penalties. In this sense, The Law—and laws which emanate from it—have a classical and primary role of serving as inducers of ethical values. If a member of a society meets adequately the standards set by law, he is regarded as acceptable to the community; if he more than adequately meets those standards, he is often held in esteem. On the other hand, if a member of that society inadequately meets the standards and is perceived as having so failed, he is judged, reprimanded or punished, and consciously or unconsciously encouraged to thereafter meet the standard.

This vital role of the law as an inducer of ethical values or as a baseline below which conduct is not allowed is one susceptible to obscurity during periods of philosophical relativism. How can standards be met, when they cannot be clearly known? How can punishment be meted out when avoidance can arise by generating confusion as to the standard? How can young people comprehend the importance of the immutable, transcendent character of law when they are taught that all is relative?

It is of little wonder to me that this role of the law has been obscured in our times and that we are only now beginning to reap the whirlwind of confusion and

chaos which arise naturally from such relativism.

A certain conclusion inevitably arises from the postulation of the law as an inducer of ethical values: The law ought not to be weakened to reflect a low common denominator of human conduct. To do so, weakens even further the standards to be sought. The law cannot be taken to be merely the average of human behavior or merely a codification of extant social policy. It must, rather, be taken as that level of standards and conduct which induces behavior to improve in order for such standards and conduct to be met.

Nonetheless, we have today what appears to be an ever-increasing percentage of the people averse from any such standards. The breakdown of the family, the erosion of traditional religious influence, the failure of many school systems to offer a coherent value scheme to students suspicious of relativism but without an alternative—these and other factors render almost self-evident the gloomy judgment that we, as a nation and as a people, are no longer producing a sufficient number of citizens with a code of honor and grasp of duty high and clear enough to keep the crime rate down.

There is an inverse ratio between declining standards of morality and the need for external motivation—law and deterrents. If a man does what is right because it is right, he needs no law peering over his shoulder. If a man does what is right only because he might otherwise be caught, he needs that law and those deterrents. Or, at least society certainly needs them.

#### THE ROLE OF DETERRENTS

No law can make people be good: You cannot legislate individual morality. But, law can make being lawless so costly that an individual decides the gain from dishonesty comes at a price too high to pay—or to risk paying. In fact, as a segment of society loses interest in doing what is right just because it is right, it becomes even more urgent to strengthen deterrents and sanctions. For example, if the killers of the little girl in Los Angeles knew that they would have been executed within a few weeks of their crime, it is likely they would have never killed her. Deterrents may be of little restraint for acts committed in the heat of passion or violence, but statistics do show that severe penalties are substantial deterrents to premeditated acts—kidnapping, hijacking, those forms of murder associated with premeditation, et cetera. Testimony before the House Committee on the Judiciary during 1972 showed, to my satisfaction, this to be true.

Let me be blunt: A major reason that crime has gone up 11 times faster than population, that shoplifting is destroying retail business, that bus drivers no longer carry change, that drug abuse is leeching away the lives of some of our high school students, that airline passengers face daily risk of hijacking, that a rape occurs every 15 minutes, that little girls like the one I mentioned in Los Angeles are not safe even in their yards—is that just when we need more effective

law enforcement, the courts have rendered it less powerful. Just when we need to strengthen the certainty of sanction, we allow it to be weakened.

WHAT SHOULD BE DONE?

Unfortunately, we cannot restore the lives and happiness of those who have been the victims of crime. Nothing we now do will bring those who lost their lives back to life, nor can we heal the scarred memories of the living.

I have given a great deal of thought to what should be—and what can be—done to restore to the potential victim his constitutional rights to life, liberty, property, and a secure chance to pursue happiness. Some of these measures require court approval; others require enactment by the legislature—at the Federal and State levels. Most are the practice or direction of reforms already in effect or motion in England. And all, if adopted, would intensify that external sanction so desperately needed as internal morality declines.

CHANGE IN THE APPELLATE PROCESS

The distinguished Senator from North Carolina, SAM ERVIN, JR., regarded as probably the leading constitutional authority in the Senate, was recently quoted as saying that presently we have a system wherein:

The State court first tries the defendant, and then the defendant tries the State court in the post-conviction procedure. He can now, under some recent decisions of the Federal courts, go into court a third time and try his lawyer.

Every system of law must have finality, a time when a final decision is fixed, unless new, substantive evidence is discovered, of course. There are several ways in which we can more adequately attain that finality.

First, we can adopt an appellate procedure modeled after the British system.

In the United States one can appeal almost endlessly a conviction, for one has nothing to lose and everything to gain. If a technicality is found to exist or a "new" right discovered, the felon can obtain a new trial or, in many cases, even go free. There is simply no disincentive to tying up the appellate courts with appeal after appeal.

This is not true in British courts. In those courts there is a disincentive to endless appeals: the felon has something to lose.

For example, under our system, if a trial judge could give a sentence of between 1 and 10 years for an offense and he gives a sentence of 5 years, and if the convicted goes up on appeal to contest the severity of that sentence, he has nothing to lose—he cannot get from the appellate court more than the 5 years and he might get much less. But, under the British system, if he takes it up on appeal, that appellate court can, upon a proper finding, give him the full sentence of 10 years, because on appeal it considers the matter anew.

Giving to the appellate courts an expanded scope of review—almost a *de novo* review—would have the effect of discouraging frivolous appeals. And, such a procedure is infinitely preferable to trying to restructure our court system or to devise an intermediate court between

the courts of appeals and the Supreme Court. An expanded scope of review is highly preferable because it would reduce measurably the workload—the caseload—of the appellate courts.

Second, we should require that most constitutional objections be adjudicated by the appropriate appellate court when they arise, rather than at the conclusion of the trial. The trial court could go into recess on the particular case, with the appellate court being required to act on the particular constitutional question within a short time period—for example, 21 days. Then, upon the resolution of that appeal, the trial court could proceed, as appropriate.

It makes little sense for an appellate court to reverse a conviction which is years old—often 3 or more years old these days—and then order a new trial which cannot even occur until after the passage of yet still another year or more. Witnesses will be difficult to locate, and even if located, their memories will be foggy. Evidence may also be difficult to locate. And, convicted parties know this, and that is often an impetus for dragging out an appeal and seeking endless delays.

Third, inasmuch as perjury or outright lying is rampant in habeas corpus petitions, we should require, for every instance of proved perjury in habeas corpus petitions, a mandatory sentence, to be served consecutive to, not concurrent with, the given sentence for the principal crime.

Perjury is a most serious crime, one I think too often regarded too lightly. It is serious because it strikes at the very heart of public morality—the necessity of telling the truth—and at the very heart of the legal system—the necessity of finding truth as a precondition of justice itself.

PERMIT COMMENT ON REFUSALS TO TESTIFY

The constitutional privilege against self-incrimination was never meant by the framers to be expanded by judicial decision into an absolute privilege to keep the trial jury totally ignorant of the fact that the accused had refused to testify or to preclude thereby the jurors making commonsense inferences from this silence.

In everyday life if one is accused of wrongdoing, he is normally eager to explain himself and to rebut accusations made against him. Commonsense naturally infers that the man who prefers to remain silent, rather than defend himself and his reputation, might have something to hide.

In my opinion, both the prosecutor and the defense counsel ought to be free to comment on this silence and urge upon the jury their interpretation thereof. If there is a bona fide explanation for silence, let the contending attorneys, in the best tradition of the adversarial process, argue what weight the jury should give to the silence. Why must we leave commonsense at the courtroom door and attempt to play a game in the court that people in real life would find to be artificial?

This proposed change in procedure would infringe in no way upon the constitutional right against self-incrimina-

tion. It would simply allow the jury to know that such right had been exercised by the accused and to make inferences therefrom, after attorneys for both sides debated its importance.

JURY SELECTION PROCESS

In many European systems of justice, the judge takes a more active role in the selection of the jury than he does in the United States. There is no evidence to indicate that this European approach results in more biased juries than ours. We must never forget that in our system, attorneys are motivated—both prosecution and defense—to seek jurors that are as biased as possible toward their respective viewpoints.

The European approach also avoids the jury selection process dragging on for weeks and weeks, as in the Specks and Manson trials, while newspaper publicity on the case endangers a fair trial. If "justice delayed is justice denied," then our present jury-selection process comes perilously close to institutionalized injustice.

Why not permit the trial judge—who, by definition of his position and his role in the proceedings, is to be fair and impartial—to select the jurors?

If we have a fear—among the bench, bar, or public—that this selection of the jury by the judge might be too radical a departure from our prior judicial processes, then we should, nonetheless, move now—as an experimental measure—to allow such trial judge selections of juries in those instances where the prosecution and defense consent to the use of such a process.

We already have such defense consent practices with respect to waiving a jury trial, allowing the judge himself to serve as the jury. So why not take this added step?

I think jury selection by a judge would be more and more acceptable as its merits were demonstrated.

LIMIT THE INDISCRIMINATE USE OF CONTINUANCES

From the lowest traffic court to the highest criminal trial court, witnesses are aghast at the price in time, inconvenience, and costs which they must pay to get a chance to tell their story in court.

In my opinion, both prosecutor and defense counsel should be required to notify the clerk of court of any delay they will cause at least 48 hours in advance, in order that prospective witnesses can be notified in advance of the delay.

This is a real problem. Witnesses must take off from work, often travel great distances—sometimes at expenses which exceed those reimbursed by the courts, and often lose a day or more of pay. It is an infringement on the judicial process when those witnesses, after such hardships to themselves, arrive at court only to find that the first order of business is a motion from counsel for a continuance or delay.

Such a requirement, as I have proposed, should be coupled with a penalty, otherwise there is no real sanction. Such a penalty might be to require the counsel/party seeking the continuance or delay—if no prior notification had been given—to pay actual dollar damages to the witnesses so inconvenienced.

I rush to add that my proposal would not restrict any continuances or delays for "just cause," narrowly defined to include such unforeseen and unavoidable emergencies as accident or sickness and strictly enforced by the presiding judges.

Frivolous continuances have become ways in which counsel can thumb its nose at the court and the whole judicial process. This serves no one any good. They should be stopped.

#### GREATER USE OF NONUNANIMOUS JURIES

Most people do not realize it, but the U.S. Supreme Court has recognized, through decisions made in 1972, that it is unreasonable to insist on unanimity on trial juries. To allow 1 person among 6 or 12—who is stubborn or eccentric—to veto the responsible judgment of all other jurors serving with him is unconscionable. The Court has recognized this.

Yet, to my knowledge, less than 10 States have permitted the use of non-unanimous juries to date.

Within the guidelines of the Supreme Court's ruling, States should permit juries to convict on less than a unanimous vote, most probably allowing convictions on pluralities of no less than 10 for a 12-man jury. Thus, a 10 to 2 majority could convict. It should be noted, for the record, that Mr. Justice Blackmun, in *Apodaca against Oregon*, 406 U.S. 404 (1972), inferred that a 9 to 3 majority might be permissible but anything less than that probably would go beyond the pale.

I believe we would see—if such non-unanimous juries were more widely used among the States—a greater rate of conviction of genuinely guilty defendants than we have seen in the past.

#### MUCH TIGHTER PENALTIES NEEDED AGAINST THE USE OF FIREARMS IN THE COMMISSION OF CRIMES

The use of firearms in the commission of crimes is increasing rapidly—much too rapidly.

The answer to this problem is not the control of firearms—criminals will always be able to get guns—most know how to even make their own if necessary—but rather in cracking down on their use by criminals. I am committed to such a course of action.

There are several ways in which we can get a handle on this problem.

First, penalties for the use of firearms during the commission of a crime should be required to be served consecutive to—and not concurrent with—the principal crime. If the sentence for bank robbery is 10 years and the sentence for the use of a firearm during the bank robbery is 5 years, then the later sentence should be required to be served after the time for the principal charge of bank robbery. To allow concurrent service—time running on both convictions simultaneously—is to void the sanction altogether.

Second, the execution or imposition of any term of imprisonment arising from the use of a firearm during the commission of a crime should not be able to be suspended or probation of the felon granted. Thus, there could be no reduc-

tion in the sentence imposed as to the felon on such a conviction.

I have introduced a bill, H.R. 3442, to amend 18 U.S.C. 924(c) to require these two measures with respect to Federal crimes, and I have introduced a subsequent measure, H.R. 5283, which would permit sentences of up to 25 years for the second or subsequent conviction on the offense of carrying and using a gun during the commission of a felony under the Federal code.

#### RESTORATION OF THE DEATH PENALTY

I believe in—and have supported—the restoration of the death penalty for certain heinous crimes.

These should be defined to include murder, aggravated kidnaping, aggravated battery to a minor through torture or sadistic abuse, the placing of a live bomb where it can endanger human life, air hijacking in which anyone dies as a result thereof, treason and espionage.

Until we reach a point in the progress of man during which individual men are less prone to violate the rights of life, limb, or property of their fellow men, I believe that we must preserve those aspects of law which discourage the commission of such acts.

Law, to me, has always been the thread which had held together the fabric of society.

I am a libertarian and believe strongly that we are each responsible for our own acts—on Earth and in the hereafter—but I do not believe that such a recognition of individual responsibility means everyone shares that recognition. Until such time that all do, it seems to me that we need law and its deterrents to protect us from those who do not.

The statistics on capital punishment as a deterrent to murder and other grievous crimes are frequently misunderstood. It is said that the existence of the death penalty is no deterrent to murder and other such crimes. Statistics, I admit, do show that to be true for those specific acts which are committed in the heat of passion, rage, or violence. If a person is killed in a fit of maddening rage, it is only in the rarest of circumstances that such would not have occurred because of the existence of a death penalty.

But, there is another side to the coin. Those same statistics reflect that the death penalty does serve as a deterrent to the commission of premeditated, willful acts.

To the extent that the death penalty acts as a deterrent, it should be reinstated.

One may say of capital punishment what Winston Churchill noted of democracy:

It is the "least worst" approach—here, to deterrence.

It is also the only effective way to protect the innocent from the incorrigible killer.

We must be ever mindful that those who argue that capital punishment is a deterrent do suffer from one fact-gathering handicap: How many people who would have committed murder but were deterred by the threat of capital punishment go around admitting it?

What will motivate the man who has already received one or more "life" sentences for murder—let us say one who has escaped and is at large—from killing again? Or, if he is still in prison, what penalty without capital punishment can restrain him from killing a prison guard? Only the death penalty.

I do not say that capital punishment will deter each crime, but I do say this: Life sentences most certainly will not. For once a man has received one life sentence, there is nothing more society can do to him. This means that no matter what crimes he subsequently commits, there will be no additional punishment.

The dichotomy on this issue is clear to me: For whom does one have the greater concern: The victim or the killer? I think the greater concern should be for the rights of the intended victim—the right to live.

On March 13 I supported the provision of the proposed Federal Anti-Hijacking Act which would reimpose capital punishment for those who in the course of a hijacking or attempted hijacking caused the death of a person; a life sentence would be optional. But, this is an important step on the part of the Congress toward the reinstatement of the death penalty for certain Federal crimes.

#### GUARANTEEING THE RIGHT TO A SPEEDY TRIAL

The right to a speedy trial is guaranteed by the sixth amendment of our Bill of Rights, coming thereto through the Virginia Declaration of Rights in 1776 from Magna Carta itself. Because the guarantee is one of the most basic of rights preserved by our Constitution, it is one of those fundamental liberties which the due process clause of the 14th amendment makes applicable to the States. Nonetheless, because of the backlog of cases and the jammed court calendars, it is a right being jeopardized.

I have cosponsored a measure, H.R. 4807, the proposed Speedy Trial Act, designed to require defendants to be brought to trial within 60 days from the date the defendant is arrested or a summons is issued, or the date on which an information or indictment is filed if earlier, or following a mistrial, an order for a new trial, or an appeal or collateral attack, excluding certain understandable delays necessary to realize justice. A side benefit from the recognition that this kind of requirement is needed is that it will also prod us to bolster the abilities of the courts to handle cases in a speedy fashion.

This bill would also place time limits on certain pretrial motions. All these provisions would be encouraged to be adopted by the States with respect to their own courts too.

#### EXPAND THE SCOPE OF THE PERMISSIBLE USES OF VOLUNTARY STATEMENTS

Under the present Miranda rule, courts often reverse the actual conviction of an accused person because the police failed to warn him, or warn him fully, of all his rights before he made a voluntary—I repeat, voluntary—confession. Thus, a confession given freely and without any coercion or intimidation by the arrested party can be subsequently thrown out

by the courts—made inadmissible—just because the accused was not informed of all his rights in a manner prescribed in the *Miranda* case.

A much better rule would be that all suspects should be warned of their rights, but that trial judges would be permitted to admit otherwise untainted confessions when the failure to give the warnings was truly inadvertent and could be shown to be so, and the confession was voluntary, uncoerced, and freely given. Defendants should not be allowed, upon the subsequent advice of defense counsel, to deny the truth of a confession that was voluntarily made—not, at least, without a disclosure of that to the jury.

The Supreme Court has, during the past several years, relaxed the requirements of the *Miranda* rule to the degree that confessions made voluntarily by a defendant, even in those instances where he was not fully apprised of his rights, can be used to impeach—that, here, means to dispute, disparage, deny, or contradict—the subsequent, inconsistent testimony of the defendant. In other words, if he made a voluntary confession, then changed his mind, the prosecution is allowed to use that voluntary statement to impeach his subsequent testimony. This, at least, gives the jury knowledge that the defendant had made inconsistent statements.

The Court is to be commended for this change in policy, but it does not go far enough.

#### INCREASE THE ADMISSIBILITY OF EVIDENCE

The exclusionary rule precludes the prosecution from using reliable, probative evidence if it is the result of a search and seizure which was offensive to the constitutional rights of the defendant. To the extent that evidence is gained in deliberate avoidance of the constitutional guarantees against unwarranted searches and seizures, the evidence should be excluded, for if it were not so excluded, the law enforcement authorities would be encouraged thereby to act without the use of search warrants—one of the principal guarantees of our freedom. But, this is not the issue.

The issue, rather, is the absurd extent to which the exclusionary has been broadened by court interpretation, far beyond any intent among the Framers.

Examples? Here are but a few, illustrating this over broadening of the right:

One night police officers visited the apartment of Donald Painten and George Ash, strongly suspecting them of a string of armed robberies. When the officers knocked, the two threw a bag containing their guns onto the fire escape, then asked the police in. A detective watching outside saw this, retrieved the guns, and arrested the two. The U.S. Court of Appeals (1st Cir.) overturned Painten's conviction on the ground that the guns were illegally obtained. The court's reasoning was that the officers intended to conduct an illegal search, and this illegal intent caused the robbers to toss their guns out the window! Under this rationale (?), the guns should have been excluded at trial.

James Beck was riding his bicycle along a road in Phoenix shortly after 3:00 a.m. on October 18, 1967, when a Cadillac pulled alongside him and forced him off the road. Several assailants emerged from the car,

grabbed Beck around the neck and body, forced him into an irrigation ditch, and robbed him of his watch, wallet, checkbook, money and keys. The victim called the police and an emergency bulletin was sent out on the police radio.

At 3:18 a.m. the Cadillac was seen and stopped by the police. The defendants were taken into custody and the car garaged. About half an hour after the defendants were arrested, the vehicle was searched and the stolen items found. But the court held that the warrantless search of the auto was not justified and reversed the conviction! [*State v. Madden*, 465 P. 2d 363 (Aug. 1970).]

A woman who lived alone was awakened in her bedroom by the defendant, who threatened her with a knife, robbed her, and raped her while she was forced to lie on her stomach with a pillow over her head. With the aid of a night light she saw the knife and also noticed that the defendant was wearing leather boots. As soon as he left, she called the police. They searched the area and found boot tracks outside her house. They traced the tracks to the vicinity of defendant's house. After knocking and entering, the officers observed defendant standing with his boots on. He was questioned and told to go outside and place his boots in the tracks. Later, the boots were confiscated and defendant taken before a magistrate. One of the officers returned to his house, conducted a warrantless search and found the knife used in the rape. But defendant's rape conviction was reversed with the court holding that the arrest and search, without a warrant, were illegal. [*Woods v. State*, 466 S.W. 2d 741 (Texas 1971).]

In every case—and many, many others I could cite if there were time this afternoon—reliable, probative evidence is excluded, to "punish" the police for their errors. But, since manifestly guilty persons are let loose to seek other victims, the only one punished is the potential victims of crime. Of the logic of such a practice, John Henry Wigmore, the leading authority on the law of evidence, observed by way of parable:

Titus, you have been found guilty of a crime; Flavius, you have confessedly violated the Constitution. Titus ought to suffer imprisonment for crime, and Flavius for contempt. But no! We shall let you both go free. We shall do so by reversing Titus' conviction. This is our way of teaching people like Flavius to behave, and of teaching people like Titus to behave, and incidentally of securing respect for the Constitution. Our way of upholding the Constitution is not to strike at the man who breaks it, but to let off somebody else who broke something else.

Of such an exclusionary rule practice, the Exclusionary Rule Task Force Committee Report of the California Conference on the Judiciary declared:

The basic premise of modern theories of justice is that a man's guilt or innocence should be decided by weighing the evidence; that if all evidence is produced in court, it can be rationally weighed, and the decisions of the court will come as close to the truth as is humanly possible. The exclusionary rule runs counter to this basic premise; a criminal, who may have committed a terrible crime and is a danger to the public is now released, not because he is innocent, but because long after the arrest, a court disagrees with the peace officer and the trial judge on the manner in which the evidence supporting the conviction was obtained.

The practical basis for the rigid exclusionary rule is that it is supposed to

deter police abuse in search and seizure. We now know that this assumption is highly questionable. This rule should be changed, and it should be applied only to willful, flagrant, and substantive violations of search and seizure rights.

Another suggestion—one which I think at least worthy of careful examination—has been to abolish the rule altogether, allowing its replacement with civil remedies for breaches of the protection against unwarranted searches and seizures. By the use of such remedies, those who were the subjects of unwarranted searches and seizures would have a civil remedy to obtain monetary damages from those who committed such violations of rights or their employers.

#### A COMMITMENT

Mr. Speaker, we hear much today about injustices. So often, when the rights of an individual are infringed upon, we hear those claims of injustices. I cannot argue with those assertions when rights have indeed been violated.

But, there is another point which is too often overlooked. The greatest injustice of all is the way in which society has been made the victim of rampantly spiraling crime. Our rights, as individuals and as a society, are grossly violated when lawlessness reigns, and we are neighbor on close to that point today.

We owe it to the preservation of our rights and the freedom which is buttressed by those rights to take measures to protect our people against crime.

I am committed to this task.

#### THE PROJECT OF STUDENTS OF NORTH POCONO HIGH SCHOOL IN MOSCOW, PA.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDade) is recognized for 5 minutes.

Mr. McDade. Mr. Speaker, I have within the boundaries of my congressional district an outstanding community, Moscow, Pa. The borough of Moscow has a history tied to the currents of Imperial Russia. According to one source, Moscow and the surrounding area was the site of a settlement for the Rev. Peter Rupert, a Lutheran minister, and many of the other members of his religious community. The Reverend Rupert and his co-religionists were forced from their native capital of Moscow, Russia, at the time of the Napoleonic invasions. He bought a large area of land from Henry Drinker, and in 1826 named the area of his settlement Moscow, in honor of his native capital, Moscow, Russia. Later Rev. Rupert sold his adjoining land to the Pennsylvania Iron & Coal Co., in 1850. It has also been said that one settler asked the reverend what to name their settlement, to which he replied:

It is colder than Siberia—we will call the place something if only after Moscow, where the great bell is.

The bell referred to here is the Czar Kolokol or "king of bells" which is found within the Kremlin wall near the Bell Tower of Ivan the Terrible. The bell was

forged around 1735, but has tolled very little in the past two centuries due to an extremely large crack, greater even than that in the Liberty Bell in Philadelphia, Pa.

The students of North Pocono High School in Moscow, Pa., have devised a most remarkable project for this year. Five students, Mary Beth Novak, Lynn Farnham, Janice Hallock, Robert Jones, and Mark Kopcza, accompanied by Mr. Walter Melnikoff, are visiting Moscow in the Soviet Union. They have in their possession a proclamation drafted by Joseph A. Wolfe, Jr., a member of the North Pocono High School Social Studies Department, to be given to the first school in Moscow, in the Soviet Union, which they visit. The proclamation reads as follows:

Whereas, on the 14th day of April, A.D. 1974, a proclamation has been issued on behalf of the citizenry and students of the borough of Moscow, Commonwealth of Pennsylvania, United States of America, containing the following, to wit:

"That we, the populace of the borough aforesaid do publicly proclaim our most heartfelt and cordial greetings and salutations unto the city of Moscow, Russian Soviet Federated Socialist Republics, and the honorable people thereof; and that we entrust five youths eagerly desiring to perceive the warmth of the inhabitants thereof and to reciprocate consummate friendships with the express hope of the mutual benefactions of the people of the borough and city aforesaid.

"And it is in keeping with this resolve, that we the people of the borough aforesaid, the namesake of Moscow, Union of the Soviet Socialist Republics, do hereby offer gracious invitation to the youth of the city thereof, to visit our borough aforesaid."

This is a fine, a splendid, thing which these students are doing, and it must warm the hearts of all of us to observe the warm feelings expressed in the proclamation they bear with them. I commend these students, the people of Moscow, Pa., and all the students of North Pocono High School for this most imaginative exercise of friendship toward the students of their sister city in the Soviet Union. I know that all of you, my colleagues, would wish to join me in offering these congratulations. I am most grateful to Mr. Donald Pellick, a teacher at North Pocono High School, for calling this to my attention, so that I might inform the Members of the House of Representatives.

#### SOARING FOOD COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 30 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, while in my district during Easter recess, I conducted a day-long public hearing on soaring food costs and their effects on the lives of the people in the 10th Congressional District of Massachusetts.

The public hearing, open to all, began at 10 a.m. on Thursday, April 18, at the

Natick Army Research Lab in Natick, Mass.

As a member of the Consumer Affairs Subcommittee of the Banking and Currency Committee, I am especially concerned with the effects rising food cost are having on the lives of the people in my district. I held this hearing to develop evidence to help persuade my colleagues in Congress and the administration that our Government must adopt a national food-agriculture policy to monitor our food supply so that Americans are assured adequate food at reasonable prices.

I found it particularly disconcerting that the Department of Agriculture refused my request to send someone to take part in this hearing, either as an observer or as a participant.

It is unfortunate that an official from the Department of Agriculture was not with me in Natick last week to listen and learn from the valuable testimonies given by witnesses from all parts of my district—including senior citizens, college economists, working mothers, school administrators, directors of hospital food services, and others.

I would like to submit three of these informative testimonies on the effects of the food-price crisis to the RECORD each day so that my colleagues in the House might also benefit from the statistical data and insights I received on this serious subject:

EDWARD GEORGE

My name is Edward George. I am Assistant Administrator of Morton Hospital in Taunton, Massachusetts. I am here today to talk about the impact of spiraling food costs on hospital operations and ultimately on the cost of care to the patient.

Since July of 1971, prior to the imposition of federal wage and price controls, Morton Hospital has seen an overall increase in food costs of 53%. In July of '71 raw food cost per patient day, which represents the cost for each patient each day he is hospitalized, was \$2.48. Compared to March of 1974, to almost the day Mrs. Heckler informed us of this hearing, the cost of raw food per patient day climbed to \$3.78. Again, a difference of 53% or \$1.32 per patient day.

In discussing this topic I think it would be beneficial to cite specific examples of at least food categories where significant increases in costs came about during this 32 month period. Staples such as rice, plain flour, cereals and other foods made from grains climbed as much as 156%. Today, a 25-lb. bag of rice costs \$14.46 compared to \$5.65 in July 1971. Canned fruits and vegetables have shown an overall increase of 95% in some categories. I might add that a hospital which depends a great deal on modified foods, such as low salt or dietetic items, must carry a wide variety of canned fruits and vegetables. As you might guess, specially prepared items, like dietetic fruits, are even higher than regular items. Frozen fruits and vegetables, like canned, show an overall increase in some categories as high as 117%.

As you are well aware meats probably represent an area of consistent spiraling, and for the hospital operation, present little alternatives as substitutes. Regular substitutes for meat such as lentils and beans may adapt well in the home, but in a hospital operation where hundreds of people are fed, they prove impractical over the long run as meat substitutes. Specifically, such items as stew meat

has increased 61%, ham 65%, pork loin 85%, liver 54% and that old American favorite, the frankfurter, 58%. Fish, a favorite in the diet of so many southeastern Massachusetts residents has shown astronomical increases in the same 32 month period. Flounder has increased about 78%, cod 87% and scallops 81%. Dairy products have shown no less an overall increase with cheese jumping 50% and eggs an almost unbelievable 88% in 32 months. Milk, as those of us who visit the supermarket regularly know, has jumped as much; even powdered milk is up about 66%.

Hospitals, perhaps more than any other industry, are under constant criticism from the media and the public as to the high cost of medical care. Since August of 1971 until this very moment, hospitals have been regulated by wage and price controls. From August 15 to November 18, 1971 no increase in charges were allowed hospitals whatever. From November 14 to January 10, 1973 charges were only allowed to increase in direct proportion to cost: 5.5% for wages and salaries; 2.5% for supplies and 1.7% for new technology. Phase 3 allowed increases up to 2.5%; increases from 2.6%—5.99% first required Medicare and IRS approval.

Meanwhile, raw food cost per meal has gone from 94.6¢ in 1971 to \$1.45 in 1974—a jump of 52%.

How an operation can reconcile these stringent controls with the outrageous, runaway inflationary costs for food I have quoted, is some days beyond us as professionals.

It is somewhat heartening to know that members of the Congress are beginning to fully understand the extent and the impact of spiraling food costs on not only the individual consumer but service organizations such as the hospital which serve the consumer. The current inflationary cycle has imposed such demands in terms of costs on the hospital in areas as vital, as necessary and as everyday as food that some type of broad-scale action in controlling this trend becomes not only important but imperative.

NORTH ATTLEBOROUGH, MASS.

April 11, 1974.

Mrs. MARGARET M. HECKLER,  
Post Office Building,  
Taunton, Mass.

DEAR MRS. HECKLER: It is gratifying to find we are not alone in our concern about the spiraling cost of food. Our income is so limited, 30¢ per student lunch, 60¢ per adult lunch. With the government subsidy of 14¢ increased to .1650 for paying students and .6375 for free and needy, we have received a temporary transfusion but the strong suggestion of only section 6 commodities for our 74-75 school year could mean disaster. We have been fortunate to have flour, shortening, butter, rolled oats, pea beans, cornmeal, etc. in amounts large enough to fulfill our needs. During 1972-73 school year dry milk was also available. The charge for the 50# bag dry milk was a service charge of 70¢. This year we must purchase this from our purveyor. Current price is \$41.03 per 50# bag. Using this for a guide, you can readily see the problem this would create:

Sept. 1972 through March 1973 Food costs, \$76,602.90.

Sept. 1973 through March 1974 Food Costs, \$123,663.28.

A 61% increase cost due partially to an additional school no longer on double sessions and tremendous increase in food costs.

We have had 2 increases on our ice cream bid, although it was firm for the school year, amounting to 22% increase.

Our bread purveyor has warned we may have a 40% increase for the coming school year. I have written an alternate bread pro-

posal using government flour but if flour is not available, this cannot help.

Our milk purveyor has held his bid price for this year but we have been given to expect an escalator clause in future bids.

Our labor has been streamlined to keep this cost in line.

Our recipes have been altered to include Textured Vegetable Protein, when possible, to extend meat dishes without losing our food value.

Three purveyor quotes are received weekly on meat and frozen items. Canned goods and staples are on monthly quotes from three or four purveyors. All items are purchased at the lowest quotes.

Waste has been eliminated by having "planned overs" offered as choices with the published lunch.

Hopefully we will end our school year in the black or close to this aim.

This looks like an impossibility for next year at this time.

Sincerely,

LOUISE J. SNELL,  
Director, North Attleboro School Food Services.

#### REMARKS OF EUNICE P. HOWE

Several years ago, along with two other consumer representatives, I viewed an electronic computer check-out at the Army Lab here in Natick, Massachusetts. It had the capacity to print out a tape which identified the article, the purchase price and the unit price (price per pint, quart, pound, count, etc.). At that time, the potential which computer technology offered for speeding up and perfecting service at the supermarket check-out counter was apparent. My reaction was "marvelous."

In 1970, Massachusetts became the first state to require Unit Pricing. The retail food industry at that time appeared to accept Unit Pricing. The Consumers Council, of which I have been a member for nine years, has mandated strict requirements for the Unit Price shelf marker (orange color, 7/16 inch size, etc.). We had high hopes that Unit Pricing would catch hold with the public, anticipating a campaign of education by the industry, schools and government.

Why this dedication on our part to Unit Pricing? Because it is the only way to make sense out of shopping for food and household items. It is a system which enables the customer to cope with misleading advertising and deceptive packaging in the marketplace.

A few months ago, my daughter and I visited four stores near our home. We found 17 different weights in dry cereal packaging, 9 in peanut butter, 7 in corn oil, and 18 in rice.

Two packages of dried cereal from the same manufacturer were the same size but one package held 7 ounces at 49¢ and the other, 18 ounces at 53¢. The Unit Price signs told us we were paying at the rate of \$1.12 a pound for the 7 ounces and 47.1¢ a pound for the 18 ounces. The Unit Price on the shelf marker told the story, *not* the package price.

The information on the side panels indicated that one package contained 7 servings and the other, 18 servings. For a difference of four cents, the household would have an additional eleven servings! This kind of comparison shopping is one way to beat the high cost of food.

More information—not less—is necessary when the customer makes his decision. When he puts his feet up on a chair at home and peruses the store ads, he is doing what government extension courses tell him to do: make your decision at home, avoid impulse buying, shop wisely.

How can he when in one issue of the Boston Globe (February 21, 1974), five stores advertised frozen orange juice, one 2 fer, one 3 fer, two 4 fers and one 5 fer at four different prices? This is why the Mas-

sachusetts Consumers Council feels strongly that Unit Pricing should be included in newspaper and advertising in order to enable between store comparisons.

In addition, he needs better Unit Pricing in the store to facilitate comparisons between brands and sizes.

At present, the consumer is bewildered by confusing advertising and deceptive packaging. With escalating prices and food the only contractible item in his budget, he is uptight about what he has to spend to eat.

Against this background, the industry is preparing to introduce the electronic computer check-out. Items will be coded and tallied at the check-out by a computer. There will be no need to mark the price on the individual package, although the food industry, under pressure, appears to be willing to retain the price markings on the individual packages for the time being. In addition to other pressures, the consumer is now threatened by a robot adding up his sales slip.

The system has been developed without consultation with consumer representatives. Somewhere along the line, consumer voices should have said "Keep Unit Pricing on the tape" "Clean up packaging" "Improve shelf markings" "Will the consumer get the savings from this new system?"

If we assume that food prices will be influenced by the increasing interdependency of nations and if we assume that our government controls will be lifted at the end of this month, we can also assume that the price of food will remain of crucial significance to the consumer.

The only way to beat the game will be for the consumer to insist on getting the best buy for his money. To do this, he needs more information and education about what he is buying.

#### SPEAKER'S PRESS CONFERENCE ON THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, on April 9, shortly before the Easter recess, you held a press conference to review the Nation's economic plight and to document the economic mismanagement of the current administration. I submit your entire statement for inclusion in the RECORD:

STATEMENT OF REPRESENTATIVE CARL ALBERT, THE SPEAKER, U.S. HOUSE OF REPRESENTATIVES

When President Nixon took office in 1969, he inherited from his democratic predecessor a healthy, growing economy—one with low unemployment, tolerable inflation and a high rate of utilization of productive capacity.

Within 18 months, however, the President's economic policies plunged our stable economy into the first serious recession since the last Eisenhower slump in the late 1950's. Now, even before we have completely recovered from the Nixon recession of 1970, production is again falling, unemployment again rising, and the nation is in the grip of a raging inflation unparalleled in our peacetime history.

For the more than 95% of all Americans who must depend on their jobs and paychecks for their income and security, the Nixon Administration's management or mismanagement of the economy has been disastrous. Last year, for the first time since World War II the average worker saw his real spendable income decline by more than 4%. The average American worker clearly feels he and his family have been in a recession for more than a year.

The effect of rapid price increases at a time of declining production and rising unemployment has been severe, documenting the Administration's glaring failures. Unemployment was only 3.3% in January, 1969, when Mr. Nixon took office. Unemployment rose to 6% in his second year in office and is expected to be near 6% again at the end of this year. Meanwhile, the Nixon Administration stands idly by, as stagnation engulfs the economy and millions of workers lose their jobs.

Like unemployment, inflation is also rising rapidly. The overall rate of inflation for the five Nixon years in office is more than twice that of the rate during the Kennedy and Johnson Administrations. During the most recent twelve month period, price increases have soared above 10%—the first double figure inflation in twenty-seven years.

In the past five years the United States lost more than \$200 billion in output—more than \$1,000 for each man, woman and child in America.

Naturally, declining production has led to declining federal revenue and this revenue loss—not a spendthrift Congress—has been the basis of Mr. Nixon's huge budget deficits.

Not only has our nation forever lost a great amount of production under the Nixon Administration but \$10 billion has been shifted from the pockets of the poor and middle income families to the pockets of the rich.

Time and time again congressional efforts to move this country forward have been frustrated by vetoes, impoundments and dismantling of programs. Much more could be done to get this nation moving again. We in the Congress have not had the Administration's cooperation in achieving this goal and when all is said and done, the President is still the President: He does administer our national economic policies.

In his first Economic Report, Mr. Nixon said: "If we apply the hard lessons of the sixties to the decade ahead, and add a new realism to the management of our economic policies, I believe we can attain the goal of plentiful jobs earning dollars of stable purchasing power.

By his own standards, President Nixon has failed in his management of the nation's economy.

#### NIXON ADMINISTRATION MISMANAGEMENT OF THE ECONOMY

(Statement of Representative CARL ALBERT, the Speaker, U.S. House of Representatives)

Five years of Nixon Administration mismanagement of our economy has produced economic disaster for the American people.

By virtually any measure of performance, the five Nixon years have had dismal results for the more than 95% of all Americans who must depend on their jobs and paychecks for their income and security.

When he took office, Mr. Nixon inherited a healthy, growing economy—one with low unemployment, tolerable inflation, and a high rate of utilization of productive capacity. But within eighteen months, the President and his aides managed to turn our stable, healthy economy completely upside-down, plunging it into the first recession since the last Eisenhower slump, in the late 1950's.

And now, before we have even recovered from the Nixon recession of 1970, the economy is again on the skids. Production is falling, unemployment rising, and the Nation is in the grip of a raging inflation unparalleled in our peacetime history.

In his first Economic Report (1970), Mr. Nixon said: "If we apply the hard lessons learned from the sixties to the decade ahead, and add a new realism to the management of our economic policies, I believe we can attain the goal of plentiful jobs earning dollars of stable purchasing power."

Now, as we approach the middle seventies, it is time to examine the economic evidence in detail, to see how well Mr. Nixon has applied the "hard lessons" of the sixties, how well his Administration has performed in providing "plentiful" jobs which earn dollars of "stable" purchasing power.

And to these most important criteria of performance advanced by Mr. Nixon—jobs and purchasing power—we should add several of our own in evaluating his performance, including: full utilization of the great productive capacity of our economy; the size of budget deficits and their effect on national debt; the strength of advances in productivity; the maintaining of a high rate of economic growth; control of inflation; reasonably low interest rate levels; and the effects of all these factors on workers and consumers, as revealed in workers' real wages, housing availability, and a myriad of other important indexes of well-being of the average citizen.

Then, after examining all these measures of economic performance of the Nixon Administration, we can see clearly just how ineffective—and for the average working man, how truly calamitous—Mr. Nixon's handling of economic matters has been.

#### 1. UNEMPLOYMENT

Employment—the availability of meaningful, well-paying jobs—is the bedrock of both our Nation's prosperity and the individual citizen's security. Mr. Nixon was absolutely correct in stressing this vital factor so very heavily in his first *Economic Report*.

But how has the Nixon Administration performed on ordering the economy so as to maintain low unemployment?

The facts speak more eloquently to this point than any adjectives I can supply. Mr. Nixon inherited a legacy of low unemployment and, within eighteen months, had boosted it to recession levels.

A little background is helpful here. Unemployment was at a 35 year peak at the height of the second Eisenhower recession, in 1958. It was 6.8% in that year and was still high when John Kennedy took office in 1961.

For the next eight years, the economy was managed well and the trend of unemployment was practically straight down, from 6.7% during President Kennedy's first year in office to 3.6% in 1968, the last year of President Johnson's term.

When Mr. Nixon took office in January of 1969, unemployment was at 3.3%, the lowest level since 1953, and the momentum of a healthy economy kept it at this low level for about nine months. But by September of 1969, the effects of the new Republican Administration's economic policies had begun to show. Unemployment rose in that month to 4.0%; the following February it was 4.2%; by July it reached 5.0%; and, by December of 1970, unemployment rates were up to full-fledged recession levels, from which they have never completely emerged. In fact, during the last three years, since the beginning of the Nixon recession of 1970, unemployment has averaged 5.5%—50% higher than the 3.7% rate during the last three years of the preceding Democratic Administration (1966-68).

The number of unemployed Americans had dropped to about two and a half million by the end of the Johnson Administration. The Nixon recession of 1970 doubled that rate, to above 5 million persons, and the number of unemployed has remained above 4 million persons ever since.

In short, unemployment under Mr. Nixon has been unconscionably high ever since 1970, when his traditional Republican high unemployment policies first began to take effect.

Moreover, we have been looking only at a portion of the unemployment problem—measured unemployment. The truth of the matter is that real unemployment is far higher now than the measured unemployment statistics indicate.

There is a substantial amount of concealed unemployment currently in the economy, composed in part of the more than 700,000 "discouraged workers" who have been unemployed for so long that they have given up trying to find work.

Also to be included in measuring the true level of unemployment is the full-time equivalent of part-time unemployment.

Under previous Democratic Administrations, as unemployment dropped, the number of people involuntarily working part-time also declined. But under the current Administration, when full-time unemployment has declined—as during the recent partial recovery from the first Nixon recession—voluntary part-time unemployment has jumped. In other words, where we used to trade unemployment for full-time employment, under Nixon, we trade full-time unemployment for part-time unemployment—which does not show in the measured unemployment rate.

Taking into account both discouraged workers, who are not counted as part of the labor force, and the full-time equivalent of part-time unemployment, real unemployment (rather than measured unemployment) in February was 6.8%—and not the 5.2% level indicated in the measured unemployment statistics. And even this true level of unemployment does not measure the effects of under-utilization of full-time workers because of extensive slack in the economy, which is reflected in the sharply reduced productivity gains of the Nixon years.

The effects of Republican high unemployment policies are tragic. Despite our dependence on statistics to describe the problem, we are dealing in real men and women, not numbers. For the unemployed breadwinner, loss of his job means looking for work day after day without success, and the anguish of returning home empty-handed; the pain and fear of watching his family go without the things they need, food, clothing, medicine; and the heartache and loss of confidence that accompanies being unable to make a contribution to society and to one's own well-being through useful work.

For particular groups in our Nation, for instance, young people, minorities, and residents of depressed areas, the consequences of unemployment are particularly harsh.

The unemployment rate for our youngest workers was 17% during the peak year of the first Nixon recession, and it has come down very little (to 15.3%) since then. This means that a huge proportion of our youngest workers, who desperately need to learn good work habits and skills, cannot even find a job.

Among minority-group members, unemployment averaged 10% during 1971 and has come down hardly at all during the partial recovery from the first Nixon recession, to the still terribly high level of 9%. And, in the forgotten depressed areas of the United States there are whole counties where unemployment rates in the vicinity of 30-40% are not uncommon.

If the effects of unemployment are staggering to the individual, they are equally burdensome to the economy as a whole.

The number of hours of productive labor lost by the Nation to Mr. Nixon's foolish and inconsistent economic policies is incredible. More than 20 million man-days of productive labor are lost every week, more than one billion man-days of labor per year. Tapping even half that huge reservoir of time and talent would go far toward solving our Nation's great problems—poverty, pollution, lack of adequate housing, and many others.

While the great human costs of unemployment, such as hunger and fear and loss of self-esteem, can never be measured, some costs can be reduced to dollars and cents. For instance, our Nation has expended more than \$22 billion in unemployment compensation costs since Mr. Nixon took office; and

we have paid out more than \$100 billion in welfare, much of which has gone to families who simply had no money for food and shelter when the breadwinner could not find work. Much of this money could have been paid out for useful work, if the Administration had not been so senselessly opposed to meaningful public employment programs. And much more money need not have been paid out at all, if the Administration had not followed its game plan for certain recession.

Since the costs of unemployment—both to the individual and to society—are so enormous, it is reasonable to ask what the Nixon Administration is doing about this core problem.

Tragically, the answer is, nothing. This Administration has no commitment to maintaining low unemployment in an orderly, healthy economy, and the proof of this is all around us.

The average work week has dropped from above 37 hours in 1973 to 36.5 hours currently, and the trend is down. The number of workers leaving jobs voluntarily has declined sharply—a sure sign of the drying up of job opportunities. And newspaper space advertising jobs has declined by 10% in the last two months, indicating growing tightness in the job market.

Meanwhile, the Nixon Administration stands idly by and watches, as stagnation engulfs the economy, workers lose their jobs, and millions go on relief.

There is no commitment on the part of the Administration to implementing the full employment goals of the Employment Act of 1946. Instead, with utter disregard for the facts, Mr. Nixon simply looks at our monumental unemployment problem and proclaims that it is not there.

In what amounts to outright fraud, Mr. Nixon has said that our Nation nearly achieved full employment in 1973. The way he arrived at this conclusion is typical of the semantic trickery which has already destroyed the trust of the electorate in Mr. Nixon on so many other issues—he simply changed the definition of "full employment".

Under the Kennedy-Johnson Administrations, full employment was understood to be around 3.5-4.0%. This was the goal, and it was achieved.

But Mr. Nixon, unwilling to accept the responsibility for current high unemployment, has seen fit to proclaim 1973 a year of nearly full employment—despite the fact that unemployment averaged 4.9% for the year and was at 5.0% or above for one-third of the year, and despite the fact that there are nearly two million more workers unemployed than when Mr. Nixon took office.

The President's apologists say that the new "full employment" rate is at about 4.5% because of changes in the composition of the labor force.

This is indefensible. To begin with, changes in the labor force have not been particularly significant over the last four years. Big, broad social groups simply do not change so rapidly as that. And, more importantly, simply because a person happens to be a young Viet Nam veteran, or a woman (two areas of recent labor force growth), hardly seems sufficient grounds to justify Mr. Nixon in defining that person out of his need for a job.

The Republicans have tried this redefinition trick before, and they were just as wrong then as now. High unemployment in the second Eisenhower recession (6.8% in 1958) was defined as "normal" or unavoidable "structural" unemployment. The theory then was that, because of automation, technological progress and the rise of services over factory work, the economy would be unable to provide jobs which could be handled by the unskilled, non-farm workers, the "structurally" unemployed. Higher "normal" unemployment would be the new order of the day, and any attempt to bring down

this new high rate would only bring terrible inflation.

The structuralists were wrong, of course, just as the current Republican "changing labor force" theorists are wrong. By the end of 1965, after several years of Democratic administration, the "unavoidable structural unemployment" had dropped below 4%; and inflation remained at a very low rate, below 2% for the year.

At essence, the redefinition upward of "normal" unemployment rests on nothing more than traditional Republican Big Business discrimination against labor force minorities and against workers generally. The thinking goes like this: Viet Nam veterans, women, blacks and other minorities aren't really important, so it is all right to say we have full employment even if there are millions of these groups of people still unemployed. Then, when the public has come to accept terribly high unemployment as normal, Big Business can wield its traditionally increased bargaining power over a labor force in fear of losing their jobs.

The Administration's publicly stated reason for pursuing high unemployment policies—to keep inflation down—is looking a little weak these days, now that we have both terribly high inflation and high unemployment simultaneously. Inflation is advancing at a 10% annual rate, and unemployment is currently heading toward the six or seven percent level.

In reality, President Nixon and his economic advisors have done nothing more than implement traditional Republican policies of strengthening the power and financial gains of Big Business at the expense of workers. That, along with simple incompetence, is the real reason for current high unemployment and the reason why the President and his advisors pursue and defend it so vigorously.

## 2. LOST PRODUCTION

One of the most important consequences of the Nixon Administration's high unemployment policy, and numerous other pro-recession policies, has been a staggering amount of lost production.

In the five years since Mr. Nixon took office, the United States has forever lost more than \$225 billion in output or income and built up large pools of idle resources in all sectors of the economy.

When Mr. Nixon took office, he inherited a healthy economy, an economy whose actual performance was meeting its full potential. Within twelve months, the Administration had succeeded in dissipating the strength and momentum of the economy and in opening a gap of about \$25 billion between the economy's potential and its actual performance—2.7% gap. By a year later, Mr. Nixon and his advisors had widened that gap to 7.1% and the Nation was losing production for a time at a \$70 billion annual rate.

Mr. Nixon has never succeeded in closing this gap between our capacity and what we actually produce. By the end of 1971, the production gap had narrowed only slightly, to about \$60 billion annually.

For a brief time, at the height of the feeble economic recovery at the beginning of 1973, the gap between performance and potential did narrow somewhat, to within about \$20 billion annually. But it immediately began to widen sharply, and now, at the end of the first quarter of 1974, the gap appears to be widening to about \$65 billion annually again.

The approximately \$270 billion total lost production, which we will have lost forever by the end of this sixth year of Mr. Nixon's economic mismanagement, can never be recovered, no more than the millions of unemployed Americans can retrieve their lost hours of idleness.

What all this means is that there is less of everything to go around in the United

States. How much less is difficult to grasp. Suffice it to say that, if Mr. Nixon had maintained the rate of utilization of productive capacity which he inherited when he first entered office, this Nation would by now have produced an additional \$1285 for every man, woman and child in America, or more than \$5000 for a family of four—the equivalent of a new car, or the down payment on a new home.

If Mr. Nixon had maintained the sound economic policies of the preceding Democratic Administration, we would all be wealthier and more prosperous. Incomes would be rising, instead of sagging. Our industry would be running around 90% of capacity, as it was when Mr. Nixon took office, instead of limping along around 80% as it has done ever since the first Nixon recession. And the millions of workers now sitting idle would be doing useful, productive work, instead of drawing unemployment compensation.

Indeed, the costs of the unused resources of our society are enormous. And what has been the Nixon Administration's response to the tremendous waste of human and material resources engendered by their economic policies? Virtually nothing.

Rather than facing up to the enormous gap between America's capacity and her current level of production, and doing something about the gap, the President's economic assistants instead have simply lowered their estimate of growth capacity. This makes the gap look smaller, but it does nothing to put the unemployed to work or to increase utilization of our manufacturing capacity.

The most charitable thing which can be said for the lowering of estimates of productive capacity is that, because of prior lost production during the Nixon Administration perhaps our future productive capacity has indeed been impaired. The lack of new tools, of modernized industry, resulting from Nixon's high unemployment policies perhaps really has made it impossible for our Nation to be as productive in the future as we would have been if the high employment policies of Democratic Administrations had maintained.

Another response of the Nixon Administration to the gap between America's productive capacity and our actual production is far more serious than the mere revising downward of estimates of capacity. This more serious error is the Administration's failure to understand the role of scarcities of goods in the economic dilemma they have created. The Administration has yet to realize that, through their haste to hold down wages, they have destroyed purchasing power and demand and, ultimately, production. Businesses then raise prices, to ensure profits on lower sales volume, leading to inflation. So what does the Administration do then? Clamp down a little harder on employment, through monetary, spending, and tax policies, and so the vicious circle of economic stagnation and inflation continues to worsen.

The failure of Republican Administrations—from Herbert Hoover through Eisenhower to Nixon—to learn even the lessons of the Great Depression, much less "the hard lessons of the sixties", is almost astounding. The only thing which can explain it is the seemingly compulsive need of the Republican party to hold down wages while letting profits soar and to enrich the already wealthy at the expense of the average working people.

## 3. BUDGET DEFICITS AND NATIONAL DEBT

The current Republican President has frequently castigated the Democratic Congress as "big spenders" who have caused huge budget deficits and increases in the national debt. In fact, it is Mr. Nixon's economic policies which are chiefly responsible for Federal budget deficits.

The simple truth is that, of the approximately \$225 billion in production which our Nation has lost since Mr. Nixon took office,

at least \$70 billion would have come into the Federal treasury—more than enough to balance the books—if the economy had been operating at full capacity. For example, Mr. Nixon's budget for 1971 anticipated a surplus of \$1.3 billion in revenues over expenditures. In fact, the budget went \$23 billion into the red—and the lion's share of this amount was due to revenue shortfalls below original estimates caused by the recession of 1970.

Has the Congress gone on a spending spree? Over the five years of the Nixon Presidency, Congress has raised overall expenditures twice, lowered them twice, and left them unchanged once. The net effect has been a total budget increase of \$4.4 billion, or about \$0.9 billion per year in a budget which is now running above \$300 billion annually.

President Nixon's revenue estimates, on the other hand, have been low by tens of billions of dollars because of unanticipated recessions and falling Federal receipts.

Congress has not boosted the budget to an unwarranted degree. The Federal budget, as a per cent of the Gross National Product, has been remarkably steady for years. It is revenue shortfalls caused by bad economic management that have led to the large Nixon budget deficits.

Sooner or later, of course, budget deficits caused by revenue shortfalls show up in the figures on national debt. In this light, it is illuminating to review the growth of the Federal debt over the last decade. Under Presidents Kennedy and Johnson, the Federal debt grew by about \$77 billion over eight years, a rate of approximately \$9.6 billion per year. During this period many broad new programs were instituted and many advances toward economic and social justice were made. During the five years of the Nixon Administration, on the other hand, retrenchment has been the order of the day; effective, badly-needed domestic social programs have been attacked on all sides. And yet, during the five years of the Nixon Administration, the Federal debt has risen by about \$120 billion, an annual rate of \$24 billion.

What are the fruits of Mr. Nixon's massive build-up in Federal debt; what are the great new programs made possible by a rate of debt increase twice that of Kennedy's New Frontier or Johnson's Great Society? The answer is, quite simply, that there are no new programs, no new domestic initiatives. This rapid growth in Federal debt originated not as the cost of social progress, but rather as the consequence of economic mismanagement, as the result of revenue shortfalls stemming from high unemployment and no-growth economic policies.

## 4. PRODUCTIVITY, GROWTH, AND INFLATION

One of the cruelest misdeeds of the Nixon Administration has been to hold down workers' pay, claiming that productivity increases have not been great enough—while the Administration simultaneously pursues economic policies calculated to hold down the very productivity they say is lacking.

It is a well known economic fact that productivity rises when the economy is nearing peak performance, as workers and machinery are used at their full productive capacity. So Nixon economic policies, producing high unemployment and tremendous slack in the economy generally, have naturally led to very low increases in productivity. The Administration has then used low productivity increases as a rationale for holding down wages, leading of course to further declining consumption and further recession.

During the eight years of the Kennedy-Johnson Administrations, output per man hour advanced at an annual rate of 3.5%. During the Nixon Administration, with productivity held down by a sluggish, stagnating economy, the average annual rate of productivity increase has been 2.4%—barely two-

thirds the rate of the preceding eight years, and a clear reflection of the inadequacy of the Administration's low-growth and no-growth policies.

Meanwhile—while the Administration has held down wages—prices and business profits have been allowed to soar at almost unbelievable rates.

The consumer price index during the first five years of the Nixon Administration rose at an annual rate of 5.5%—more than double the rate of the previous eight years of Democratic management of the economy. Moreover, price increases have been accelerating. For all of 1973, the consumer price index moved up at the astounding rate of 8.8% and, by February, annual inflation had moved well into the 10% range.

The prognosis for the immediate future is a continuation of overall price rises at 10% annually or more. The wholesale price index gives a dire warning of what the longer-term future holds. Wholesale prices for industrial commodities—which for the most part have yet to be passed on to consumers—were up almost 20% in 1973. And, once again, the trend is toward an acceleration of rate increases. In the three months ending in February, 1974, wholesale prices for industrial commodities were rising at the incredible rate of about 30% annually.

The fearful "Latin American" style inflation which Arthur Burns warned might someday be visited on the American economy has already arrived, brought upon us by the Nixon Administration's mismanagement of our economy.

What is Mr. Nixon doing to curb our enormous inflation rate? Steering the economy further into recession, curbing employment and production instead of encouraging it. As Mr. Nixon has said, his is a "moderately restrictive" budget, and one guaranteed neither to curb inflation nor to increase employment, purchasing power and production.

What will it take to make the Republicans understand that the supposed trade-off between inflation and jobs is pure fantasy? How many times must they produce both galloping inflation and high unemployment before they realize that they cannot trade jobs for low inflation? When will Mr. Nixon, in his own words, learn the "hard lessons of the sixties"? Evidently not until the Administration has once again taken us to the brink of another Great Depression and flirted with Latin American-style inflation simultaneously.

Growth of the economy in 1974 is not expected to be more than about .5% and, in fact, the year may well see no growth whatsoever. Thus, by the end of 1974, we can anticipate having an overall six-year real growth record for the Nixon Administration of 3% annually, compared to the long-term 4% real growth rate our Nation needs to absorb new workers and to provide a technologically progressive economy.

Can America do better than this? During the eight years of the Kennedy and Johnson Administrations, real growth in the economy averaged 4.5% annually. Jobs were plentiful and prices advanced at less than one-quarter of their current rate. Clearly, under sound management, the American economy can perform very well indeed—far better than it has under the mistaken policies of the current Administration.

One of the most tragic aspects of the current inflation is that it is striking hardest at those who can least afford it—the elderly, the poor, and those living on fixed incomes. The price increases which have been most dramatic are for food (up 30% in 1973), and energy (up 76% in 1973). These are items which take a much larger chunk from low-income family budgets than they do from wealthier families, so the effects of food price rises, for example, will have far greater impact on a family earning \$5,000

annually than on a family earning \$15,000 annually.

Moreover, the prices of the foods which poor people depend on—potatoes, dry beans, cereals—have risen more rapidly than other kinds of foods. Thus, over the last year, the price of the Department of Agriculture's "low-cost" food plan has shot up at a rate 25% faster than the more "liberal" food plan intended for moderate-income families. So the effect of the inflation we are having has been magnified for low and fixed-income people.

But it is not just low-income families who are being hurt by the Nixon inflation. In fact, the average American worker is losing purchasing power at a rapid pace. Under Nixon economic policies and controls, the average non-agricultural worker's wages have gone up by 6%—but inflation has eaten 10% of his paycheck. When all adjustments have been made, the average worker has lost 4% of his spendable weekly income over the last twelve months. Over the last 15 months, the average worker's purchasing power is down by an even greater proportion—by 5.5%.

The Administration's wage and price control program was supposed to protect workers against the ravages of inflation. It has not.

When he introduced the first price freeze, in August, 1971, Mr. Nixon told working people that they had made little progress from 1965 to 1969. "Your wages were higher but you were not better off" the President said. In fact, workers may not have been much better off, but at least they were not so much worse off as they have been under Mr. Nixon.

Workers have been losing purchasing power under Mr. Nixon, as prices have outstripped wages. But what about profits, and the Administration's friends in Big Business? How have they been doing?

Corporate profits rose by 36.3% from 1971 to 1973. About half of all corporate stock in America is owned by less than 1% of the population—so clearly the Administration's wealthy Republican friends are doing very well under Mr. Nixon's policies—while the workers are being driven to the wall.

The concept of wage and price controls is a good one. They were intended by the Democratic Congress to be used to protect the average American family from the ravages of inflation. Unfortunately, however, Mr. Nixon has chosen to use wage and price controls to enrich the rich at the expense of the average American working family.

We have just experienced what the New York Times called "the worst set of monthly economic statistics in at least a quarter century" and we are well on our way to the worst quarterly figures since World War II. Administration economists keep telling us that things will get better—and things keep getting worse. The latest estimate for food price increases (responsible for fully half of all inflation 1973) is for inflation at a 20% annual rate—in a year of declining employment and little or no increase in production.

When this inflation will end, and when the economy will be restored to healthy, stable growth is beyond any of us to know. But of one thing we can now be quite sure: stability and prosperity are beyond the grasp of the Nixon Administration.

##### 5. INTEREST RATES

Inflation of interest rates is one of the most pernicious aspects of the current Nixon inflation. The cost of borrowing money has soared to the highest levels since the Civil War, practically doubling under the current Administration.

The high cost of money is pyramidized through the economy, making everything else more expensive to produce and to purchase. The consequence is obvious: higher prices, declining demand, declining production and continuing stagnation.

The construction industry is the most obvious victim of Mr. Nixon's brand of Republican economics. The level of unemployment in construction—often twice that of the whole labor force—is a national disgrace at a time when housing starts are running generally between 600,000 and 1 million below the government-established goal of 2.6 million annually and fully 20% of our citizens still live in inadequate housing. Nevertheless, we have a terribly high level of unemployment in construction, and a low level of housing starts, principally because of traditional Republican high interest rates.

Consider: a difference of 2% in home mortgage interest rates on a \$33,000 mortgage for 30 years adds almost \$10,000 to the total cost of purchasing a home. And the difference between the average FHA new home mortgage yield under the Nixon Administration and its Democratic predecessors is 2.2%.

Mr. Nixon has effectively added thousands of dollars in interests costs to the cost of purchasing a home for every young family in America. In so doing, he has virtually priced the low and middle-income family right out of the housing market and knocked the bottom out of the housing industry.

The lost production capacity of the construction industry represents one of the great drags on our nation's economy, as well as one of the great opportunities for turning idle resources to the work of solving our big problems. But the Nixon Administration has shown little or no interest in bringing interest rates down or putting construction workers to work. Instead, the Administration has visited upon us the "wild card" fiasco—the no-interest-limit certificate of deposit which nearly put the Savings and Loan industry out of the mortgage business last fall.

Of course, home building is not the only industry affected by the Nixon squeeze on money. All across America, discouraged businessmen, who cannot get credit at less than exorbitant interest rates do not expand, or even cut back on production, and so general construction jobs are lost. State, county, and local governments—who are paying some of the highest interest rates in history—put off building hospitals, schools, roads, and so more jobs are lost.

High interest rates hurt more than just home buyers. They affect every person who needs to borrow money—for a car, a college education, or other reason. Payments on debt are taking an all-time-high 23% of the average family's income, after taxes. And record high interest rates have made a large contribution to creating that burdensome record high debt load.

Naturally, workers and their families, staggering under the impact of higher prices, shorter work weeks and declining real income, are having a hard time repaying loans at Republican interest rates. Delinquencies on instalment loans are at 2.22%, up from 1.92% a year ago, and the highest level in 20 years. Mortgage delinquencies are also at 20 year highs.

Overall, high interest rates are one of the most destructive of all Mr. Nixon's economic policies.

##### 6. DISTRIBUTION OF INCOME

The "bottom line" of all the foregoing economic statistics is income distribution. What counts, after all, is not just whether inflation is rapid or interest rates are high, but rather what effect these factors have on the share of our national production received by each group in our society.

An examination of income distribution in America at the end of 1972 (the most recent data available) reveals just about the changes one might expect from four years of big-money Republican control of the economy. During the first four years of Mr. Nixon's term, he has succeeded in shifting

about \$10 billion from those families at the lower end of the income scale to the highest-income families.

What this means in dollars and cents is that as of 1972, using a four-person family basis, Mr. Nixon had provided each family with income above \$17,000 (one-fifth of all families) with an additional \$1,000 taken from the pockets of the 60% of families with lowest incomes (ranging up to \$13,000, but mostly far lower).

It is expected that when data for 1973 and 1974 become available they will show a continuation of this trend.

The current year, 1974, is expected to show an especially sharp decline in the share of national income going to the millions of average working men and women who constitute the backbone of America. After all, in times of recession and high interest rates, it is the average worker who pays for the Republican bankers' profits (up more than 30%) first with his income and purchasing power and, finally, with his job.

The typical factory or office worker, who has already lost more than 5% of his purchasing power in the last fifteen months, and whose family is already giving up a large part of its income to upper income families, is going to be squeezed even harder by the Nixon Administration again this year.

That wealthy, Republican 1% of Americans who own more than half of all corporate stock in this Nation are doing fine, of course; corporate profits are up sharply, to record levels.

Following is a table showing the relative share of family income going to families at various income levels.

#### PERCENT DISTRIBUTION OF AGGREGATE FAMILY INCOME

Income rank	1947	1960	1965	1968	1972
All families (total)	100.0	100.0	100.0	100.0	100.0
Lowest three-fifths	33.5	34.8	35.2	35.7	34.8
Fourth fifth	23.2	24.0	23.9	23.7	23.9
Highest fifth	43.3	41.2	40.9	40.6	41.3

As might be expected, the three-fifths of all families in the lower and middle portions of the income spectrum increased their share of total income by about one percent between 1960 and 1968 under the Democratic Kennedy and Johnson Administrations. These were years of high employment and steady, sustained growth.

Since 1968, however, upper income families have increased their share of income by about 1%—entirely at the expense of lower and middle-income families. This is due largely to the first Nixon recession of 1970. The second Nixon recession—the one we are now in—will have the same effect.

#### 7. CONCLUSION

For five years, the Nixon Administration has mismanaged the American economy, fostering inflation and unemployment, recession and high interest rates.

The current Administration, in a classic Republican maneuver, has managed to choke off first purchasing power, then demand and, finally, production, which has fallen more than 4% since November.

In only three years since 1950 has the production of the American economy for the entire year actually declined. Two of those three years belong to Mr. Eisenhower and one to Mr. Nixon—and now it appears that Mr. Nixon may have created another such year.

The signs of economic breakdown are all around us. Unemployment in January made its biggest one-month rise in years. Grocery bills are running 13% higher than last year, even though less food is being carried home. The average family is buying about 7% fewer goods at retail stores this year than a year ago—but spending about 3.3% more because

of higher prices. This is the price of Nixon's mismanagement of the economy.

Mr. Nixon says that 1973 was a "great year for consumers". A few more such great years and we will all be going barefoot and hungry. Mr. Nixon promises that we will not have a recession this year. The average working man and his family are already in a recession, and have been for fifteen months.

The Federal budget, like the working man's family, has been taking a licking, not because Federal spending has moved suddenly higher, but because Federal receipts, tied to our faltering economy, are plunging as rapidly as unemployment is rising. Instead of the small deficit originally expected for Fiscal Year 1975, it now appears that the budget deficit will be about \$20 billion.

Does this anticipated \$20 billion deficit mean that Federal spending is too high? Not at all. At full employment (4% unemployment rate) the economy would actually produce a surplus this year of about \$10 billion. If well managed, the economy can carry the current spending load with ease.

But the economy has not been managed well. We are not at full employment. Instead, Mr. Nixon has brought us to—or perhaps across—the brink of recession. In fact, taking into account loss of purchasing power, it is fair to say that most American families have been living under recession conditions for more than a year.

Unfortunately, the Nixon Administration, like its Republican predecessors, is neither very concerned nor very competent to deal with the current economic slump.

The Democratic Congress, on the other hand, has done a great deal to protect workers and consumers from Mr. Nixon's economic mistakes.

For instance, we have repassed minimum wage increase legislation to protect the very lowest income workers from the ravages of the Nixon inflation. This is important legislation which Mr. Nixon vetoed last year. We have passed a major Farm Bill, to increase agricultural supplies during the present period of scarcity, and we are working on an extension of the Public Works and Economic Development Act.

We are also working on consumer protection legislation, badly needed now that prices have risen so terribly high, and we are trying to work out a compromise Housing bill with an Administration which remains philosophically opposed to the goal of the Democratic Congress of decent housing for all Americans.

Of course if Mr. Nixon were truly concerned with correcting his misguided economic policies, a great deal more could be done to, in John Kennedy's words, "get this Nation moving again." For instance, we could have a real recommitment to the goals of the Housing Act of 1949, instead of the compromise measure we will have to work out with this Republican Administration. After all, millions of Americans still need better housing, and we have a large pool of idle construction manpower.

And, we could have a really meaningful renewal of effort toward the goals of the Employment Act of 1946, and a meaningful public employment program instead of the battles the Democratic Congress now must fight with Mr. Nixon merely to keep these badly needed programs alive.

These are all programs our Nation needs, and we could have them. But can we expect to have them with Mr. Nixon in the White House and a strong Republican minority in Congress? I think not. When unemployment rises and production drops, when interest rates and inflation soar while growth declines, there are only two things which we can expect with real certainty: that we have a Republican in the White House, and that the working man is about to pay for this fact once again—first with his purchasing power, and then with his job.

#### NO U.S. AID FOR EGYPT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LEHMAN) is recognized for 5 minutes.

Mr. LEHMAN. Mr. Speaker, President Nixon has proposed a massive new foreign aid program for Egypt. This proposal represents another futile attempt to use the American taxpayer's hard-earned dollar to buy friendship. This policy has not worked in India or France; and in Turkey, U.S. money cannot even prevent the growing of opium.

Egypt's request for U.S. aid is just the latest chapter in a long history going back to the 1950's when Egypt began to play the United States and Russia off against one another in return for billions in American dollars and Russian rubles.

The United States has already given Egypt more than \$1 billion in foreign aid and in return we received for years a steady stream of anti-American propaganda from Cairo.

If Egypt is in such desperate need of aid, why doesn't it look to its oil-rich Arab neighbors? Because the cost of oil production has remained stable, the recent gasoline price increase of 20 cents a gallon becomes an involuntary \$3 to \$5 billion program of U.S. aid to the Arab oil countries. Together, the oil consuming nations of the West including the United States will be providing the Arabs with more than \$100 billion each year.

We cannot afford foreign aid for Egypt on top of these exorbitant oil profits.

Let Saudi Arabia and Libya and Algeria and Kuwait give aid to Egypt, not the American taxpayer.

#### SMALL BUSINESSMEN NEED HELP FROM CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, America owes much to its small businessmen. The debt is too often forgotten, however, in our preoccupation with giant corporations, big unions, conglomerates, multinational corporations, and agribusiness.

In our fascination with bigness, Americans often lose sight of the importance of the "smalls"—the small businessman who is the economic and commercial backbone of our communities. Anyone who has walked around a courthouse square in rural America or down most any street in an urban business district is soon made aware of the role the small businessman plays in his community. SBA Administrator Thomas Kleppe recently commented on the significance of the small businessman in America when he said:

Our traditional values of individual initiative, social mobility, and political freedom are significantly dependent upon the strength of the free enterprise system, a system which is itself dependent in large measure upon the maintenance of competition provided by the existence of a large and healthy community of small enterprises.

The contributions of small entrepreneurs to our society are legion. Such

technological marvels as the rocket engine, the Polaroid camera, the helicopter, the jet engine, the xerox process, insulin, the vacuum tube, and countless other production devices and processes have been developed by independent inventors and small farms.

The people of the Ninth Congressional District in southeastern Indiana depend upon the small businessman for most of their daily needs. He contributes to the wide diversity of the economy in our communities. He is independent, civic-minded, resourceful, and self-reliant. These are the qualities that go to the heart of what our Nation is all about. The small businessman has contributed significantly to the quality of life in America. His demise would have an unfortunate and worrisome impact.

That is why I am concerned that so much of what the Government does places a special hardship on the small businessman. He is less apt to be able to absorb higher taxes, inflation, increased wage rates, more paperwork, and tighter Federal regulations. Environmental and consumer legislation often cause him severe problems. All of these governmental actions fall with great force upon the small businessman, and I am persuaded he needs relief and special attention.

In economic terms, the small businessman's impact is enormous. Small businesses comprise 98 percent of the country's total business units, employ 65 percent of the Nation's nongovernmental work force, and produce about 40 percent of our gross national product. In 1972, they were responsible for 29 percent of total Government procurement.

Despite these contributions, small businesses are losing ground rapidly and disastrously to larger firms in terms of market share, assets and profits. In 270 of 413 manufacturing industries—the business sector where figures are most complete—the eight largest companies account for 40 percent or more of the value of the shipments from their industry.

In 1960, small- and medium-sized corporations in manufacturing had 50 percent of this sector's assets and were responsible for 41 percent of the profits. By 1970, these firms had only 33 percent of the assets, and by 1972 this had declined to 30 percent of the assets and 28 percent of the profits.

Small businesses are also losing out to the "bigs" in terms of tax liability. Recent studies, including one by my colleague, Congressman VANIK, have shown that the biggest U.S. corporations pay taxes at half the rate paid by small- and medium-sized businesses—26.9 percent against 51 percent.

Furthermore, the small businessman carries the heaviest portion of the enormous Federal paperwork burden. A firm employing fewer than 50 people, for example, may be required to fill out as many as 75 to 80 different types of forms in the course of a year. For a business with a small office staff, and especially for the "mom and pop" stores, completion of these forms is a tremendous time-consuming and costly operation. Unlike large corporations, they cannot draw on in-house accountants or tax

lawyers to handle this work. Small businessmen do it themselves.

Mr. Speaker, I am quite concerned by these developments that so adversely affect small businesses. The small businessman's situation remains tenuous, and the Federal Government should do all that it can to improve his chances for successful operation and growth.

One way to help would be for the Congress to enact the Federal Paperwork Relief Act, H.R. 12269, which I cosponsored earlier this year with several of my colleagues. This bill requires the General Accounting Office to study how reporting requirements could be reduced and streamlined and to report its findings to the Congress and the Executive, within a year after enactment, for legislative action and administrative improvements. In this way, small businessmen would be relieved of the unnecessary portion of an estimated yearly load of 4½ million cubic feet of Federal paperwork. I am hopeful that the House Government Operations Committee, where the bill is now pending, will see fit to take action on it this year.

Another important congressional move of assistance to small firms would be passage of the Small Business Tax Simplification and Reform Act, known as the Evins-Bible bill. I introduced this bill in the 92d Congress, along with more than 100 of my colleagues, and am introducing it again in hopes that the Ways and Means Committee will include it in its forthcoming sessions on tax reform. This bill creates a permanent Federal Government committee to make a continuing effort to simplify our tax system, including business taxation; restructures downward the tax rates for firms earning less than \$1 million in receipts a year in order to bring the rates more into line with the principle of ability to pay, the principle now applied to individual income taxes; encourages the establishment of new small business enterprises; promotes modernization, efficiency and cost reductions for small business with provisions such as a 10-year carryover for small business net operating losses, accumulated earnings tax, and multiple surtax exemptions for certain small businesses under single family control; and authorizes a comprehensive study of the factors causing business failures, with recommendations to be made for preventing future failures.

The Evins-Bible bill, like the paperwork bill, is just pending, with no action scheduled. I hope this will not be the case for much longer. The challenges and obstacles that small businesses face are not going to disappear to improve small firms' chances of survival, and would be one small way of thanking small businessmen for their tremendous contribution to the strength of our society and economy.

#### NATIONAL LIBRARY WEEK—A TIME FOR RENEWAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, this is National Library Week, April 21–27, and I want to suggest to my colleagues several ways in which we can renew our dedication to and support for the library as an institution as essential to the strength of American culture and education as are our schools and colleges.

And make no mistake, our libraries do require Federal support, notwithstanding anything the administration may say to the contrary. Last week, addressing the Library Staff Forum in Minneapolis, I observed that the library has been one of the most successful institutions in American education, and added that:

Perhaps due in part to the success of libraries, the Administration contends that the Federal mission has been fulfilled and because of the libraries' success, they no longer need Federal support. We still need public libraries, school libraries, college and university libraries. Libraries are changing with the times but libraries need a Federal leg of support on which to stand.

One way this changing role of the library can be reemphasized and reexamined is through holding a White House Conference on Library and Information Services in 1976, our Nation's bicentennial year. Assuming favorable action soon in the Education and Labor Committee, this body soon will consider Senate Joint Resolution 40, which authorizes the President to convene such a conference in 1976, with State and local conferences preceding it. I commend this legislation to my colleagues as a means of allowing the Nation to give appropriate attention to the many rapid changes occurring in the provision of library and information services and to the rising demand for them. Undue postponement of this consideration would be unwise, in my opinion.

Second, we can demonstrate our support for our public, academic and school libraries by continuing to support authorizations and appropriations for library purposes, as we have already done by including some \$179 million for library programs in the 1974 Labor-HEW appropriation, where the administration had proposed no Federal funding at all. Although this year the administration has retreated from its position of total withdrawal of Federal support from all library programs, it did propose zero-funding of college library resource programs, drastic reduction and phaseout in Federal support for public libraries, and incorporating school library resources support in a consolidation with other programs as a part of a revised Elementary and Secondary Education Act. Mr. Speaker, I am sure that our committees will demonstrate sounder priorities. An estimated 20 million Americans do not have access to an adequate public library, between 30 and 40 percent of our Nation's elementary schools are without anything that could be called a library and academic libraries are in fear of a double blow resulting from the administration's proposed elimination of Federal funding at the same time as it shifts its emphasis from institutional support to inadequate student assistance programs.

A third opportunity for us to manifest

our support for our libraries will be offered when we consider legislation such as is being offered by Mr. HANLEY and others to provide a public service subsidy to the U.S. Postal Service and an increased period of phasing for postal rate increases for books and other educational and cultural materials. Such legislation would insure that libraries would not have to devote even more exorbitant portions of already skimpy budgets to paying for postage on the books they receive. Libraries pay the full cost of such postage and, as the American Library Association repeatedly points out in congressional testimony, every dollar spent on increased postal charges means a dollar less spent on keeping library collections up to date.

Mr. Speaker, these are at least three ways in which the Congress can act to make National Library Week more than a perfunctory observance.

**LABOR—FAIR-WEATHER FRIEND—  
XXI**

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, one of the moving spirits in the Labor Council for Latin American Advancement has been especially vocal and emotional in his denunciation of me—not because I am any kind of labor enemy, but because this man bears personal malice against me, and is using his position to give vent to that malice.

This man is Arnold Flores, and I am sure that nothing would delight him more than to be able to use all his connections and influence, such as they are, to embarrass and discredit me. Arnold Flores bears a personal grudge, one that has nothing to do with unionism. And he is an opportunist, using his union offices in a way that he thinks will gain him personal revenge.

Arnold Flores is not what you would call a professional union man.

The first time I ever heard of this man was about 6 years ago, when he was employed by the Government in a civil service job. He wrote to complain that he had been victimized in some way, and that he had not received a promotion that he felt he should have. He was appealing to me for help. But Flores did not live in my district, and in keeping with the custom of the House and the Texas delegation, I referred him to his own Congressman. Flores did not like this. He thought that I had a duty to take up his case, because of ethnic loyalty. The next thing I knew, he was going around saying what a bad guy I was, and how I had forgotten the poor Mejicano.

Flores soon became an officer in the Government employees union, and after that went to work for the Service Employees, where he now works. And for this whole time he has used every opportunity to belittle me.

So it is not much of a surprise that this same man would be in El Paso last week denouncing me as a traitor to la

raza in general and labor in particular, and declaring war on me. It is nothing new; it is merely the rantings of a man whose old animosity has grown so calloused that he cannot do anything other than hate me. In this hatred he is willing to twist and use his union offices in any and every way he can to oppose me. All of this is his perfect right. But it also explains a little more about how a few people have been able to use their positions in a way that finally involved using the AFL-CIO itself in an attack on me.

As I have said, Arnold Flores is no professional union man. In fact, his conversion is relatively new. While he now rails against me for imagined offenses against the Amalgamated Clothing Workers, I cannot recall that he ever went to the defense of beleaguered unionists in San Antonio or anywhere else, when his personal interests were not at stake. Virtually every clothing shop in San Antonio was once organized, but I did not see Flores around when those unions were being destroyed, their members harassed and arrested, and their progress erased, some 10 years ago. These crusaders were nowhere to be found then. But they know that I was the only public official willing to stand up for these unionists, and to defend their rights to organize, and to call for decency and fair play. No, Arnold Flores was not there, then. But then in those days he was not being paid to be there. I wonder if he would be a crusader if it were not in his job description.

So much for Arnold Flores, latter day defender of the faith.

If this man and his friends have personal malice for me, I understand that, and can deal with it. But the tragic thing is that the AFL-CIO has allowed its organizations and its money be used by such people as this Flores, who do not care so much about helping the poor, or organizing the unorganized, as they do about gaining personal positions of power and carrying out their own private vendetta.

There are many hundreds of workers in San Antonio who would benefit from union organization. They need help. But Flores and his friends waste their time and resources in fights against other unions, or in personal grudges against me. The losers are the unorganized workers.

It is shameful that the AFL-CIO should have its resources and good intentions maliciously abused by such people as Flores. But if that is going to continue, it will be the responsibility of the AFL-CIO, which alone controls its purse and programs. I would rather not see it go to waste; but it is not my decision to make.

**STETSON MODEL SENATE—A  
UNIQUE EDUCATION EXPERIENCE**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. CHAPPELL) is recognized for 5 minutes.

Mr. CHAPPELL. Mr. Speaker, I will have the opportunity this weekend to

participate once again in what I consider to be a unique educational experience. Stetson University, in DeLand, Fla., will sponsor its third annual U.S. model senate, a program which seeks to duplicate as closely as possible the activities and atmosphere of the U.S. Senate.

Sixty students, representing 20 colleges and universities across the Southeast, will each assume a senatorial characterization and participate in 4 days of committee hearings, party caucuses and Senate floor sessions.

The students have already been actively researching and rewriting some of the major proposals we, in the Congress, are now considering.

Mr. Speaker, this particular form of simulation is an important learning tool for our Nation's future lawmakers. The interchange of ideas which has occurred in past sessions and which is certain to occur again this weekend is stimulating and productive for both students and congressional representatives.

I believe one of the most remarkable features of this program is that it was initiated and is carried out by the students themselves. These young people have planned the program, invited the congressional representatives and handled the local arrangements. It is a bipartisan effort, as evidenced by representatives from both sides of the aisle.

Joining in the model senate program this year are Senator ERNEST HOLLINGS, Dr. Floyd Riddick, Senate Parliamentarian, and Florida State Senator Richard Pettigrew. I welcome these colleagues to the fourth and foremost district of Florida as they visit our State's oldest institution of higher learning. By their presence and participating, they are helping to provide our young people with a deeper knowledge and understanding of our governmental process.

President John E. Johns is to be commended for providing an educational atmosphere at Stetson which encourages this kind of learning experience. Dr. T. Wayne Balle and Dr. Gary Maris have inspired the students to continue the program, however, the implementation of this program has rested with the students. I should like to commend the student chairman, Mr. Jeff Hurley, of Daytona Beach, Fla., for his effective leadership. Other Stetson students vitally involved in the program are Diane Bird, Miami, Fla.; Richard George, Jacksonville, Fla.; Nancy Kingstad, Miami, Fla.; Ray McCleod, Apopka, Fla.; Bob Schumaker, Fort Pierce, Fla.; Bruce Thomas, Daytona Beach, Fla.; Pam Waxler, Stuart, Fla.; and Matt Wimer, DeLand, Fla.

**A TRIBUTE TO GOLDA MEIR AND  
HER WORK**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 5 minutes.

Mr. PODELL. Mr. Speaker, last week the woman that could have been anybody's grandmother, Golda Meir, decided to end her career in Israeli politics. Her work in the last few years would have taxed the strength and capacities of a

much younger person, and yet she kept on working, driving herself, to ensure peace and prosperity to her tiny country.

Golda Meir was a rare figure in world politics, and not just because she is a woman. She was perhaps one of the toughest politicians ever produced by any country, and yet she was not ashamed to cry out in anguish when the tragedy of Arab terrorism repeatedly struck out at her people. What she lacked in glamour and style she made up for in guts and determination. She has consistently been one of the world's most admired heads of state, and with good reason.

The Prime Minister of Israel has no easy job. It is made even more difficult when Israel is at war. In the last 6 months, Israel was first brutally attacked by Egypt and Syria, and then tried to recover from that attack and the economic and political disruptions it caused. It was that vicious aggression which may have been ultimately responsible for Mrs. Meir's resignation coming at this time.

Israel was still reeling from the aftermaths of war when she was hit by the Agranat Report, which attempted to fix the blame for Israel's slow start in combatting Arab aggression last October. The report focused on individuals high in Israel's military and government circles. The repercussions shook Mrs. Meir's coalition cabinet so badly that she perhaps had no choice but to resign. After last winter's inconclusive elections, she worked long and hard to form a coalition out of the myriad diverse elements which characterize Israel's Government. That she was able to form a government at all is a testament to her skill and strength as a politician. That the coalition as too unstable to survive the added stresses of the Agranat Report, cannot take away from Mrs. Meir's achievements as Prime Minister.

Frankly, I do not blame her for resigning in the face of adversity. Rather than political cowardice, it may be wisdom of the highest sort. She did everything she could to give Israel a good government, one that tried to meet the needs of its people, from the generations of sabras to the greenest immigrants from Russia. But it was hard work, and she did all she could. It was time for somebody younger and stronger than this grandmother from Minneapolis to take over the reins of government.

Mrs. Meir's stewardship will always be remembered as a period in which Israel made great economic strides forward. The economic strength and self-sufficiency of Israel has always been a point of pride in the free world. True, Israel has long been the recipient of aid from the United States for military purposes, but her economic growth has been entirely self-directed.

Mrs. Meir's term as prime minister was continually marked by her peace efforts, and just as consistently met with rebuffs. Until only recently, the open face-to-face negotiations with the Arabs in the hope of ending decades of conflict and bloodshed were fantasies. Long before Henry Kissinger took an interest in the Middle

East, Golda Meir was seeking ways to reach the Arabs and convince them that Israel was genuinely interested in peace.

It is rare that the world is treated to so singular a figure among its politicians. It is rarer still when that figure is a woman who looked like she would be more at home in her kitchen making chicken soup than in a parliament hall making far-reaching political decisions. The world is fortunate that it was Golda Meir who was Prime Minister of Israel for the last 5 years. She tempered military strength and determination for victory with an unquenchable thirst for genuine peace. She felt the loss of every Israeli soldier who dies since the outbreak of the Yom Kippur War as though it was her own son who had been killed. And as any mother would, the desire for peace and rest for her country, her children, was at all times uppermost in her mind.

I regret to see her leave the prime ministership, while understanding her reasons for doing so. One can be asked to give only so much, to make only so many sacrifices, to devote only so many years to the welfare of others, before saying "Enough, I am tired." I welcome Itzhak Rabin as he carries on in Mrs. Meir's footsteps, and I wish him the best in his efforts to create a new coalition government. It will not be easy. But I am confident that he can complete the work which she began.

This is an important time not only for Israel but for the United States. Secretary of State Kissinger will soon leave on another trip to the Middle East, hopefully to bring Israel and Syria a little closer to peace negotiations. Whether Israel under the leadership of Rabin, who was once Ambassador to the United States, will change in her attitude toward Syria, is impossible to know at this time. However, I strongly urge the Secretary to redouble his efforts to bring peace to the Middle East. It is more important now than ever before, and it would be the most fitting tribute that the United States could pay to the service Golda Meir gave to Israel and the world.

#### INNOVATIVE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Roy) is recognized for 5 minutes.

Mr. ROY. Mr. Speaker, I wish to bring to the attention of my colleagues a piece of innovative legislation which was recently approved by the Kansas State Legislature and signed into law by Governor Docking. This legislation will permit graduates of Haskell Indian Junior College, located in Lawrence, Kans., to be considered residents of Kansas for the purposes of tuition to State colleges and universities. The new law will allow Haskell graduates to attend any State college or university in Kansas and pay only in-State tuition. Several of the students at Haskell are out-of-State residents. This action on the part of the State legislature will mean considerable savings for those Indians who graduate from Haskell and who wish to con-

tinue their education in Kansas. I am most pleased with this situation and am confident that many students will avail themselves of this newly enacted opportunity.

#### A TIME TO HELP THE STEEL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 10 minutes.

Mr. GAYDOS. Mr. Speaker, we can be gratified that the new no-strike agreement between the United Steel Workers and the steel corporations has worked out with a contract providing much-needed raises to the workers and the promise of labor peace in the years ahead.

But the contract, I fear, is not the full answer to what has gradually become the Nation's steel problem. Though enlightening and setting the course for future labor-management relationships, the contract also underscores the steel industry's vital needs, many of which can be met only by governmental consideration and action, especially in the field of trade regulation and taxes.

I am indebted, as I feel this Congress should be indebted, to Holmes Alexander, a columnist whose writings appear in the McKeesport, Pa., Daily News in my steel-producing district, for wrapping up the steel industry's concerns in such succinct terms that all can understand them.

He wrote recently:

In 1955, we had only five percent of the world's population, but we produced and consumed nearly 40 percent of the world's steel. Our exports of steel stood at about 14 per cent of international trade, and our imports were about 3.2 per cent of the world's imports of steel. This was true self-sufficiency.

I might add to Mr. Alexander's conclusion that it, too, marked a high point in this Nation's prosperity at home and prestige abroad. Steel remains the basic element in industry, and while we were self-sufficient in the production of this element, then our industrial structure was firmly based and confident.

What has happened since these percentages prevailed? Mr. Alexander supplied the answer. He reported:

We dished out dollars and technology to rebuild Western Europe and Japan, and to aid underdeveloped nations. By 1972, our production and consumption (of steel) had dropped from 40 to 20 per cent of the world total. Our exports had plunged from 14 to 2.6 percent of international totals. Instead of importing a mere 3.5 percent, we were importing over 16 percent of the world's inbound cargoes of steel.

There is little wonder, then, that American steel jobs have vanished by the thousands over recent years, a fact which should not be obscured by the current high rate of production here or the demand for metal which continues brisk. Our industry has been unable to keep pace and, therefore, no longer is dominant in the world markets and this, certainly, is a sorry turn in affairs for all of us. The industry now must be safeguarded and helped and it behoves this Congress, and most surely the White

House, to accept this proposition with a resolve to do something about it.

Mr. Alexander, in his column, also pointed out that our steel industry is now competing in a world in which 70 percent of the steel output is nationally owned or controlled, and where steel, in consequence, has become a matter of state policy. In other words, our competitors in this business who make up the 70 percent enjoy subsidies, tax breaks, and every other type of governmental aid possible to keep them in good position vis a vis U.S. production while our own industry gets little such help. In fact, the American steel industry rates at the bottom of the First National City Bank, N.Y., list of industries in return on investment.

Mr. Speaker, it appears that, in this steel situation, our foreign aid chickens have come home again to roost. We did much to end our advantageous steel position by giving away tax dollars to foreign interests so they could build new competing plants and refurbish existing ones in the postwar era. We did this for interests in Western Europe and Japan. We also gave aid funds to nations which were our steel customers so they could build steel-making industries of their own and thus remove themselves from our trade lists.

Not only this, but, in a strained notion of our global responsibility, we supplied the technical assistance which these new steel-producing countries needed to get their plants operating. We did so in most cases at no cost whatsoever to those helped. Our own people footed the bill. And now we see the effects of all this on our once mighty steel industry. It no longer is the unquestioned leader because we, in truth, harpooned it as we pursued our "world mission" of spreading our wealth and, indeed, what were the jobs of thousands of our workers all over the map. I need not point out that, in today's international trade crunches, we have received little gratitude in return.

What are we going to do for our steel companies? Is the Government going to get off their backs and assist them where necessary, and thus enable them to regain top position? Or are we going to settle back as a second-rate steel producer, knowing, as we must, that, as steel goes, so goes the military strength of a nation? The new United Steel Workers contract is such that it provides a period of labor peace for the industry in which the overall problem can be studied and proper measures taken to modernize and construct the facilities required for self sufficiency once more. I wince at Mr. Alexander's description of American steel today as a "distressed industry." Can we allow this condition to continue?

Also, I question whether we have learned our lesson from steel. Secretary of State Kissinger was in a very generous mood at the United Nations recently, promising all kinds of U.S. cooperation in building up the supposed "have-not" nations and giving little notice to the fact that, in some important things, we have become a "have-not" Nation, too. What is more, the Secretary, according to the

Wall Street Journal, is planning to visit India some time this summer to announce there a resumption of our bountiful aid to that country despite its penchant for getting on the side opposite to us in issues of international significance.

But, is it not time that, instead of responding so readily to the needs of others, we Americans begin paying full attention to the needs here at home? Our first duty ought to be one of getting this country back in first place again in those fields where it once prevailed. I, as one Congressman, shall not rest content until our steel industry regains the No. 1 spot in the world and I hope others here will join in seeing that whatever it takes for Government to help bring this about will be provided.

#### RODINO REPORTS ON ACTION TO MEET ECONOMIC AND SOCIAL NEEDS

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

Mr. RODINO. Mr. Speaker, I would like to take this opportunity to report to my constituents on developments during the first 3 months of the new session.

#### CONSTITUTIONAL QUESTIONS

This Congress is now faced with challenges unparalleled in my 25 years as the Representative of the 10th District of New Jersey. For only the second time in our Nation's history we have been called on to consider the possible impeachment of a President of the United States. On February 6 the House voted overwhelmingly to direct the Judiciary Committee to proceed with an inquiry that should settle once and for all the grave doubts that the American people have about the conduct of their Government. In asking that day for support for the House resolution I stated:

We are going to work expeditiously and fairly. When we have completed our inquiry, whatever the result, we will make our recommendations to the House. We will do so as soon as we can, consistent with principles of fairness and completeness.

Whatever the result, whatever we learn or conclude, let us now proceed, with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: That was the right course. There was no other way.

While I have been called on to direct this constitutional inquiry for all the people, I continue to be concerned about the very real human needs of my constituents. The hundreds of letters I receive each week show that people are worried about shortages of food and fuel, rising prices, rising unemployment, and continuing high crime rates. These are problems that challenge the elected representatives of the people.

#### WORKING FOR MORE JOBS

Increasing the number of jobs for people of the 10th District is a major concern for me. To fight higher unemployment I called on the Labor Department to take immediate action to assist my jobless constituents. Nearly \$3

million will be spent to sponsor manpower programs for the unemployed and to give work experience to disadvantaged high school students. New jobs in local public service programs will be available soon, as a result of a bill I sponsored last session. I have pushed for improvement of waterways to Ports Newark and Elizabeth as a boost to maritime activity—a vital economic asset and employment center in the 10th District. In order to insure against sudden and widespread unemployment, I have introduced a bill that calls for planning ahead to control the relocation or closing of an industrial plant.

#### HOLDING DOWN PRICES

Rising prices are forcing most Americans to cut back on spending for such basic items as food and fuel. As Monopolies Subcommittee chairman I am taking action to hold down food prices by working for vigorous enforcement of antitrust laws. One bill I sponsored would require the Justice Department to publicize information on antitrust suits that are settled out of court. Hearings held by my subcommittee last summer called attention to the need to learn more about practices of the food industry, and the FTC recently acted to begin an investigation into the industry's pricing system.

#### HELPING OLDER AMERICANS

Action is necessary to protect the purchasing power of our senior citizens who have a particularly hard time making ends meet. I sponsored a bill to assure that veterans receive the full benefit of both their pension and the recent 11 percent increase in social security payments, by raising the ceiling on total allowable payments. Other bills I introduced would provide tax counseling to the elderly in the preparation of their Federal income tax returns and would protect them from being denied credit cards because of their age. The House recently passed a bill I introduced to extend the nutrition for the elderly program that currently provides a hot meal every day for 200,000 needy, older Americans.

#### FIGHTING CRIME

Crime is a problem that has plagued us too long already. Recent statistics show that we have made progress in reducing crime against property. But I have called on Attorney General Saxbe to take action to reduce crimes against people, which remain at a high level. I have also told Secretary of State Kissinger of my alarm that Turkey may again begin growing opium poppies, an action that would increase drug-connected crime by renewing the flow of illegal drugs into U.S. cities. It was legislation I introduced that forced Turkey to stop growing poppies or lose U.S. aid.

Money is vital to controlling crime, and the Law Enforcement Assistance Administration—which was established by legislation I sponsored—has awarded nearly \$19 million to New Jersey to improve its criminal justice system.

Innocent victims of violent crime would be compensated by a bill I introduced again this session. Another bill—

scheduled for action this week—would provide benefits to survivors of policemen and firemen killed in the line of duty.

#### SEEKING ADEQUATE ENERGY SUPPLIES

In February the people of the 10th District faced severe shortages of gasoline. A survey I conducted showed gas prices in Newark service stations up 30 percent since last year, with sales down 57 percent.

While the crisis has eased, it is vital that we now focus on what happened in order to assure that it never happens again. There are unanswered questions of whether the shortage was real or was part of an oil industry effort to raise prices for their own benefit at the expense of the consumer.

In order to protect the consumer from that kind of action, I have been pushing for antitrust measures that would guard against the higher prices encouraged by monopolies. At my urging, antitrust provisions were included in legislation that provides for research and development of new energy sources. Other measures I have introduced seek to improve our energy situation by eliminating special tax breaks to the oil companies for drilling outside the United States, and by improving regulation of pricing and allocation of oil and natural gas.

#### QUALITY OF LIFE

Personal safety, adequate transportation, food—these are basic to human survival. But we must do more to assure a truly satisfactory quality of life.

At my urging the Subcommittee on Housing is considering effective solutions to nationwide problems of public housing. A new health maintenance plan I supported will encourage preventive medical care at a paid-in-advance, fixed cost. I am also cosponsoring with Senator KENNEDY, a new national comprehensive health insurance plan that will assure lifelong health care at a reasonable cost for all Americans. Finally, a clean Passaic River may be possible if the President responds to my request, along with other New Jersey representatives, to release funds for construction of water pollution control facilities.

Mr. Speaker, these are some of the actions I have urged be taken by this Congress—a Congress faced with serious social and economic problems as well as what may be the most important constitutional question ever to face the Nation. I am confident that the people of this country and the Members of this Congress have the strength and the determination to resolve these problems. I think we stand on a new threshold—where we can look forward to realizing a greater part of the potential of this Nation.

#### THE ARMENIAN MASSACRES, THE FIRST GENOCIDE OF THE 20TH CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 30 minutes.

Mr. DANIELSON. Mr. Speaker, last week I was visited by a group of young people representing the April 24 Coali-

tion for Armenian Rights, who engaged in an occupation, or sit-in in my District office in Monterey Park, Calif. Those young people presented me with a protest against certain actions and policies of the U.S. Government. The citation of their grievances is a legitimate exercise of their Constitutional rights as citizens to freedom of speech and to petition their Government.

The protest of the coalition made three points:

First. They protest the payment of money by the United States to Turkey in exchange for a promise that Turkey will bring an end to the production of opium. They claim that the Turkish Government has received more than \$35 million through that program but that Turkey continues to produce opium poppies which produce the heroin and morphine which finds its way into the illicit drug traffic.

Second. They have also protested against the granting of all financial aid by America to Turkey, which today amounts to more than \$300 million per year. As citizens and taxpayers, they help raise and provide that money while, at the same time, their relatives and friends who are a part of the Armenian community in Turkey are being denied their rights to own real property, to build and operate churches and schools of their own choice, and to participate in other activity to which all free people are entitled.

Third. Lastly, they protest the policy which has been followed in the United Nations by the U.S. Representative who acquiesced in a report which denies that the Armenian massacres of 50 years ago were the first genocide of the 20th century. They protest that this is a gross understatement and misstatement of historical fact, and an insult to their own people.

Mr. Speaker, today is April 24, 1974, the 59th anniversary of the day on which the Armenian massacre began in Turkey. I submit that the following book jacket description of a book entitled "Armenia: The Case for a Forgotten Genocide," written by Mr. Dickran II. Boyajian, summarizes the situation and the depth of feeling that still exists concerning this black period in history.

#### ARMENIA: THE CASE OF A FORGOTTEN GENOCIDE

(By Dickran H. Boyajian)

On the Night of April 24-25, 1915, the inhumane rulers of Turkey swooped down on the leaders of the Armenian people and ticketed them for deportation and almost certain death. With this single stroke the Turkish government wiped out the existing leadership of a great and noble people and left the great mass of Armenians without a single effective buffer against disaster. It was an act worthy of the ruthless cunning of the Nazis a generation later.

A month earlier the Turkish co-dictators Talaat Bey and Enver Pasha had decreed the Armenian's extermination. Emboldened by the failure of the British invasion campaign at Gallipoli, the Turkish rulers turned on the defenseless Armenian population—easily the most advanced and civilized group within its borders—the full fury of a corrupt and merciless horde. The Turkish plan of genocide was as simple as it was heartless; to round up and drive forth into the Syrian desert every Armenian of whatever age until all

were gone and the "Armenian Question" was solved.

By mid-1916 between a half and two-thirds of the Armenians had been exterminated, most of them in the most horrible manner conceivable. The first genocide in history was complete.

The author has assembled documentary evidence from every conceivable source to bring the reader the historical background of this enormous crime and to show that the responsibility lay squarely with the Turkish government and its World War I ally, Germany. The tale is one of incredible misery and human waste, lightened if at all by the heroism of the Armenians themselves.

The author has done more than make the great crime against Armenia real again. He has presented with eloquence the case for the restoration of the Armenian homeland. After Turkey's humiliating defeat under Minister of War Enver, the Armenian Republic was formed in 1918, thus creating for the first time in half a millennium an independent Armenia. But through treachery, indifference, confusion, and fear, Armenia had no chance for survival. The Treaty of Lausanne gave Armenia nothing, even of its most basic rights, and gave Turkey everything it asked, and our President Woodrow Wilson's plan for an Armenian homeland became a forgotten document.

Yet the case for Armenia is not closed. The forgotten genocide has never had its Nuremberg, but the case for justice in the form of an Armenian homeland remains valid today. Conceived as a legitimate legal demand, the plan for an Armenian homeland would rectify some of the ancient wrongs committed against a universally admired people.

Historian Arnold J. Toynbee has described the situation as follows:

Only a third of the two million Armenians in Turkey have survived. . . . The other two-thirds were "deported"—that is, they were marched away from their homes in gangs, with no food or clothing for the journey, in fierce heat and bitter cold, hundreds of miles over rough mountain roads. . . . They died of hunger and exposure and exhaustion, and in lonely places the guards and robbers fell upon them and murdered them in batches. . . . About half the deportees—and there was at least 1,200,000 of them in all—perished thus on their journey, and the other half have been dying lingering deaths ever since.

Therefore, my colleagues can better understand the concern that has been generated by the third point which was made by the April 24 Coalition for Armenian Rights—acquiescence by the United States representatives to the United Nations in the position taken by the Turkish representative concerning the Report on Genocide of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

Mr. Speaker, I am asking Secretary of State Henry Kissinger to review personally the questions brought up in a letter I have received from Mr. Albert Bagian, Chairman, Armenian National Committee of America, which relates to this latest affront to all Americans of Armenian descent. The full text of the letter is as follows:

ARMENIAN NATIONAL COMMITTEE,  
Boston, Mass., April 11, 1974.  
The Honorable GEORGE DANIELSON,  
U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN: It has come to our attention that, in the March 6, 1974 discussions of the United Nations Human Rights Commission which considered the Report on

Genocide of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the Representative of the United States, Mr. Phillip Hoffman, spoke in support of a move by Turkey to remove a brief reference to the 1915 genocide of the Armenians by the Turks from the report.

The reference in question, Paragraph 30 of the report, is in itself grossly inadequate as a description of the holocaust that shocked the entire world at the time: "Passing to the modern era, one may note the existence of relatively full documentations dealing with the massacres of Armenians, which have been described as 'The first case of genocide in the Twentieth Century.' Strangely, the reference does not even mention Turkey, making the Turkish reaction an interesting example of guilt expressing itself.

To advance his position, the Turkish Permanent Representative, His Excellency, Mr. Osman Olcay, presented a distorted and one-sided view of the genocide, asserting that it was a measure necessary to prevent wartime seditious activities and stem a planned nationwide uprising by Armenians in the Ottoman Empire. These Turkish arguments, which are myths concocted as pretexts to "justify" the murder of two million people and which have been refuted by countless authorities, including Arnold Toynbee (in the work referred to below), are clearly designed to screen from view the guilt of Mr. Olcay's nation in that act.

The American Representative agreed with His Excellency, Mr. Olcay, that the view of the Report presented the Armenian viewpoint. In so doing, the American Representative completely ignored the fact that there were numerous non-Armenian observers of the genocide, on the side of the allies (Britain and France), neutrals (the United States), and the Turkish-German belligerents, each of whom testify to the actual nature of the events which took place and support the so-called "Armenian" viewpoint.

Ample documentary evidence is available to show that Turkey was indeed guilty of a carefully planned, premeditated, and brutal genocide for which it has not atoned. Such evidence includes but is not limited to the following works: /Viscount Bryce (with Arnold Toynbee), *Treatment of the Armenians in the Ottoman Empire* (London, 1916)—About 150 documents and statements by eyewitnesses, diplomats, etc.; /Naim Bey, *The Memoirs of Naim Bey* (London, 1920)—Contains numerous Turkish telegrams and governmental decrees ordering the massacres and testifying to their nature, by a Turkish official who was personally involved; /Mevlazadeh Rifat, *Turkia Inkilabinin Ich Yuzu* (*The Inner Folds of the Turkish Revolution*) (Aleppo, 1929)—More first hand information by a Turkish official involved in the planning of the genocide, including minutes of secret meetings; /Johannes Lepsius, *Deutschland und Armenien, 1914-1918*. *Sammlung Diplomatischer Aktenstücke* (Potsdam, 1919)—Contains 295 documents of a diplomatic nature concerning the genocide; /Henry Morgenthau, *Ambassador Morgenthau's Story* (Garden City, 1918)—The report of the American Ambassador who held numerous meetings with Talaat and his henchmen who planned and directed the genocide from Constantinople.

We would be glad to provide you with further references if you wish, for we are confident that you will agree that, in view of the facts and the enormity of the crime, the one sentence reference in the UN Report not only must not be deleted or distorted, but ought to have been expanded considerably.

It should be clear that the American commitment to justice for minority peoples and our nation's specific commitments to the Armenians after World War I, deserve better expression that Mr. Hoffman has provided.

While we appreciate that Mr. Hoffman did not completely concur with Mr. Olcay, we are surprised that he did so at all after Olcay's tendentious assertions. Mr. Hoffman cautioned against the use of sources subject to bias, but ignored the fact that the Turkish Representative's account itself was a transparent attempt to distort recognized historical fact and expunge it from the record. We expect that the American government would make extra efforts to insure that the United Nations remain a forum in which those national minorities which are not officially represented still have a voice. We further stress our displeasure that the United States saw fit to support and come to the aid, in whatever way, of the Turkish Representative's attempt to distort and erase historical fact.

We urge that you contact the State Department immediately on this matter and inquire as to the instructions given to our UN delegation on this matter. Does the United States agree that the Turkish government was justified in perpetrating the genocide against the Armenians in 1915 in spite of the testimony of its own Ambassador (Morgenthau), does our government concur in the Turkish myth that the Armenians "revolted"? If our government's position is that the "Turkish viewpoint" should be presented in the interest of "fairness" as one source had indicated, can we assume that our government is prepared to assume an equally distasteful position vis-a-vis the Jewish genocide and insist that the Nazis be treated "fairly"? Is Mr. Hoffman aware of the fact that, in unleashing his horror, Hitler cited the Armenian Genocide with the comment "Who today remembers the Armenians? The world believes in success alone!" Are Mr. Hoffman and our State Department willing to give further encouragement to future Hitlers by conspiring to erase the first genocide of this century from the record or by distorting it as an "act of war"?

We ask that you take every effort to clarify these questions, and use all your influence to alter the indefensible position of our Government.

We would appreciate a reply at your earliest convenience describing your efforts in regard to this matter.

Very sincerely,

ALBERT BAGLAN, Chairman.

#### THE NEGLECTED POTENTIAL OF HYDROGEN FUEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, the immense potential of hydrogen as a fuel for the future has been absolutely neglected in our past energy research and development efforts. Hydrogen offers a limitless supply of pollution-free fuel. We can generate hydrogen by splitting apart water into its chemical components—hydrogen and water. When hydrogen is burned, there are no pollutants; the only byproduct is water. In short, the development of hydrogen as a fuel offers us the opportunity of creating a self-perpetuating energy system.

An excellent discussion of hydrogen fuel was presented in an article by Wilson Clark, which appeared in the Smithsonian magazine of August 1972. I would like to take this opportunity of reprinting major portions of Mr. Wilson's article in the RECORD.

I would also like to draw the attention of my colleagues to the fact that tomor-

row consideration will be given to authorization legislation for both the National Science Foundation and the National Aeronautics and Space Administration. It will be my intention during consideration of this legislation to question the limited commitment the Federal Government has shown to hydrogen research.

Mr. Clark's article follows:

**HYDROGEN MAY EMERGE AS THE MASTER FUEL TO POWER A CLEAN-AIR FUTURE**

(By Wilson Clark)

Hydrogen is the most abundant stuff of the Universe, but the average American thinks of it only in terms of a high school physics experiment. Yet in the last few years a determined and scattered band of inventors, chemists, businessmen, scientists and citizens have found a compelling use for this lightest of all elements. They have identified simple hydrogen, which can be made from ordinary water, as the most flexible fuel Man has yet learned to harness.

In addition, they have tackled one of the single greatest enemies of the world environment—the automobile engine—and have converted it into a machine capable in some cases of expelling water vapor as its single emission.

In 1969 more than 90 million tons of assorted pollutants were emitted in the United States by cars, one-third of total air pollutants.

With the passage of the Clean Air Act, as amended in 1970, stringent federal standards have been set for the emissions of major pollutants arising from the combustion of gasoline in automobile engines: primarily hydrocarbons, carbon monoxide and oxides of nitrogen (NO<sub>x</sub>). To enforce the new standards, the Environmental Protection Agency's strategy is to compel automobile manufacturers to place as many antipollution devices as possible on the mass-produced car, and the news is full of the manufacturers' difficulties as they try to meet EPA's timetables.

The emission-control systems for cars in the next two or three years will cost anywhere from \$300 to \$700. You can either pay the stiff penalty for "cleaning up" the internal-combustion engine, give up your car, or find a different kind of automobile. Many have been proposed and built experimentally, including rotary turbine cars and hybrids.

However, very little attention has been paid to changing the fuel instead of the engine. It is, after all, the fuel—gasoline—not the engine, that is dirty. So far, experience with fuels other than gasoline has been primarily confined to cars using natural gas or propane, which burn without the mass of noxious combustion by-products identified with gasoline. To burn propane or natural gas, a car needs a new fuel tank and modifications of the engine, particularly the carburetor. The cost of conversion is about \$300.

According to a recent EPA report, "Enough experience has now been accumulated with gaseous fuel vehicles to demonstrate that under closely controlled fleet-operation, the fuels can be used safely." EPA concludes that a "significant reduction in hydrocarbons and carbon monoxide can be expected," and "some reduction in oxides of nitrogen." Fuel costs are lower. The only major operating drawbacks to natural gas are a 15 percent reduction in engine horsepower at high speeds and a more limited operating range.

Given such a rosy prospect, the use of gaseous-fueled vehicles might increase rapidly—except for one problem. The supply of the key ingredient—the fuel—is dwindling. Severe shortages of natural gas exist in the United States and imports are necessary. Propane, a by-product of natural gas processing and petroleum refining, is next. Even oil supplies, ultimately, are finite.

Fortunately, a substitute fuel is available, though few people know of it. Yet hydrogen put the first man on the moon. Engines have been powered with it on a small scale in this country since the early 1920s. It contains more than twice the energy per pound of gasoline but no hydrocarbons. It burns well in almost any vehicle engine and it would not require a complete retooling in Detroit.

Most current experiments with hydrogen engines are relatively simple, if ingenious, adaptations of standard internal-combustion engines.

However, another scheme, tested by Union Carbide Corporation, employs a fuel cell which combines oxygen and hydrogen to produce electricity which drives a converted Austin. Though in the early stages of engineering, these experimental engines demonstrate the feasibility of using hydrogen for transportation. Three additional problems need to be explored: safety, storage, and production of hydrogen fuel.

The simplest and most common method of hydrogen storage is as a gas under pressure, but this method is bulky and impractical for long-distance (200 miles) range in an automobile. A normal 20-gallon tankful of gasoline weighs about 120 pounds. To store the equivalent amount of energy in the form of hydrogen gas would require an enormous container holding 66 cubic feet of gaseous hydrogen and weighing a ton.

A lighter, more compact means of storing hydrogen is as a supercold liquid. The liquid hydrogen storage tank equivalent to the normal gasoline tank weighs 353 pounds and stores the hydrogen in a 10.2 cubic-foot tank, four times the size of a normal gas tank.

Dr. Lawrence W. Jones of the University of Michigan reported last year in *Science* magazine that the future large-scale uses for liquid hydrogen fuel would logically be in airplanes, long-haul trucks and city buses. He recommended the development of replaceable tanks (dewars) which could be quickly installed on vehicles. For private cars, he suggested "local hydrogen refrigerators" or a "home delivery" of liquid hydrogen by service stations.

Dating back to the tragic experience of the Hindenburg explosion, considerable public fear exists over the explosive potential of hydrogen. However, wrote Dr. Jones, "In many ways hydrogen is safer than gasoline in that any escaping hydrogen goes directly into the air rather than remaining as a slowly evaporating liquid." He cited a potentially serious accident in which a truck carrying liquid hydrogen went off a mountain road and broke apart, spilling the tanks' contents: "No fire ensued and the driver walked away."

EPA's Charles Gray says that it is conceivable that hydrogen fuel tanks could be designed "so that on impact the fuel tank would rupture and the hydrogen would quickly disperse. Even if the hydrogen ignited, it would probably be rising so rapidly that you wouldn't get an explosion. Such tanks are not commercially available, though a similar—and safe—storage technology already exists for natural gas."

In addition to its vast potential for transportation, hydrogen could supplant all the uses of natural gas for fuel in the United States, including heating and air conditioning for buildings and fueling gas turbines for the production of electricity. Before such a "hydrogen economy" can emerge, a major concern must be: Where is the hydrogen going to come from and how much is it going to cost? Hydrogen is already being produced for many industrial applications, most of it by reforming hydrocarbon "feed" materials, such as natural gas, propane and butane.

#### HOW TO PRODUCE HYDROGEN

Another commercially viable process, electrolysis, uses electricity to break water down to produce hydrogen and oxygen. Any source of electricity can be used.

Scientists at the Institute of Gas Technology (IGT) recently estimated that with further improvements in electrolyzer technology, hydrogen may become available at prices competitive with expensive imported natural gas. The IGT hopes that a proposed new generation of nuclear power reactors, called "breeder reactors," will be available in a few years to provide almost unlimited supplies of electricity to fuel the water electrolyzers. Many hydrogen-fuel researchers are pinning their hopes on yet another experimental power device, the nuclear fusion reactor. Nuclear fusion works on the principle of the sun's own heat source, as well as that of the hydrogen bomb.

#### CONJURING THE GODS OF SUN AND SEA

Another long-range possibility for production of hydrogen fuel is the use of solar radiation falling on the Earth's surface to power machines which would break hydrogen out of water. One ambitious scheme, called "Helios-Poseidon," after the gods of sun and sea, was suggested last April by a Michigan engineer, William J. D. Escher. It would use vast arrays of solar energy collectors (mirror-like energy-concentrating devices) to heat steam-turbogenerators, which in turn would produce electricity for the conversion of sea water, purified first by simple solar distillation, to hydrogen (and oxygen) through electrolysis. The hydrogen production plant could be in the mid-Pacific Ocean near the Marquesas Islands where there is little annual cloud cover, allowing bright sunshine year-round.

Hydrogen fuel, as well as oxygen produced from the solar electrolysis system, would be liquefied to supercold (cryogenic) form and transported to home port in special tankers. The "Helios-Poseidon" plant would occupy a square area of ocean about 4.3 miles on a side (see next page). Its basic advantage, Escher notes, is its low environmental impact. No natural resources or fresh water would be depleted for initial fuel and no land would be used up.

Other schemes for hydrogen production include windmills and the use of enzyme-enriched green plants in large ponds. Techniques already exist for the large-scale conversion of organic and agricultural wastes into methane (natural gas) which can be further converted to hydrogen. Another immediate source is coal, the most abundant of all fossil fuels in North America. In a rush to supplant the diminishing supply of natural gas with a synthetic substitute, a number of coal, oil and gas companies have begun developmental efforts to produce natural gas (methane) from coal. The Nixon administration places a high priority on the technology of gasifying coal, and the Interior Department is spending \$75 million on coal gasification.

Dr. Derek Gregory of IGT believes that coal gasification plants will eventually produce both methane and hydrogen, depending on user needs. He notes that the transmission of hydrogen in pipelines and its use as a fuel are not unknown in this country. "Twenty or 30 years ago, when we manufactured gas from coal, the gas in everyone's kitchen was 50 percent hydrogen." Today, he says, the transition to higher hydrogen concentrations would not be difficult.

Nuclear scientists at the Ispra (Italy) Euratom research center have developed a chemical process which uses the heat produced by a nuclear reactor to decompose water to produce hydrogen fuel. Dr. Cesare Marchetti, director of the Materials Division of Euratom, says that the chemical decomposition method was being pursued by his group because the process is half as expensive and twice as efficient as splitting water in an electrolyzer. Furthermore, hydrogen can be both transmitted and stored more readily than electricity. Existing natural gas pipelines could be adapted in many cases for hydrogen transport.

#### CLEAN, EFFICIENT, AND UNFUNDED

In a projected "hydrogen economy," no unsightly power lines would slash continents with enormous rights-of-way and the environmentally destructive method of storing peak-period electrical energy as water in mountain reservoirs would be eliminated. Hydrogen can be stored (similarly to the storage of natural gas) simply by pumping the gas into underground caverns, certain types of sandstone formations and depleted oil wells. When needed during peak-use periods, it can be pumped out of the ground and into a pipeline. When it reaches the final engine, house heater or electrical generator, it can generate energy at that point efficiently, cleanly and quickly.

The U.S. government is apparently spending nothing for specific research on hydrogen-fueled vehicles or other aspects of an integrated, modern, clean hydrogen-energy system. The only industry that is actively supporting the concept of the hydrogen economy is the now-threatened natural gas industry.

In a recent article in a European scientific review, Dr. Marchetti described many of the aspects of a hydrogen economy, but mused that "politics is a far more complicated sphere than technology. . . ."

#### RESTRICTING FETAL RESEARCH: THE CHILLING EFFECT ON MEDICAL PROGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 40 minutes.

Ms. ABZUG. Mr. Speaker, last summer when the House voted to approve an amendment to the National Science Foundation bill placing restrictions on fetal research, I warned that the effect would be to shackle medical progress. Events since then are tragically bearing out this warning.

Once again Congress is under pressure from the scientific know-nothings who are using the issue of fetal research to generate emotional heat without compensatory enlightenment. If Congress again acts in haste, ignorance, and without any hearings on this issue, then it will be on the conscience of this body that its Members, albeit unwittingly, have acted to halt or impede medical research that is of the greatest importance to humanity and generations to come.

The irony is that in imposing a restriction on the NSF, the House was telling the Foundation to stop doing something it has not done and does not intend to do. The NSF does not fund research on fetuses and I understand that it will not do so. Furthermore, the language of the restriction, approved by the Congress, presumably intended to prevent experimentation on "live" fetuses, was so poorly worded that it could easily have been interpreted to preclude attempts to sustain the life of a premature infant.

Irrelevant as the rider was to reality, it set a dangerous precedent of uninformed legislative meddling with scientific research and has resulted in further attempts in the States to place harmful restrictions on medical researchers and even to threaten them with imprisonment. In California, the legislature approved a bill making it unlawful for any physician in the State to do scientific or laboratory studies on a live abortus except to preserve its life. This ap-

parently could prevent a medical researcher from taking a blood sampling from an abortus, a routine medical procedure that almost all of us accept for diagnostic purposes in humans.

In opposing the California law, Dean Clayton Rich of the Stanford University Medical School, one of the most highly rated medical schools in the world, described the bill as "potentially more harmful than beneficial." He pointed out that—

Although maternal mortality has decreased remarkably since 1935, neonatal mortality remains disappointingly high. One of the reasons . . . is our ignorance of fetal physiology. Simply stated, we need new knowledge.

Nevertheless, the California bill passed with only minor modifications.

In Cleveland, an ordinance was enacted prohibiting research on, or medical use of, products of aborted human conception. The result, according to Dr. Fred Robbins, dean of Case Western Reserve University Medical School, is that—

We are in danger of losing a major ground that is built around developing diagnostic tests for early diagnosis.

The most alarming development has been the indictment on April 11 of a Boston physician charged with manslaughter in connection with a legal abortion. The abortion was performed at Boston City Hospital in 1973 by Dr. Kenneth Edelin, the hospital's chief resident in obstetrics and gynecology. Simultaneously, four other physicians were indicted in connection with studies they performed at Boston City Hospital on dead fetal tissue. The studies involved a comparison of two antibiotics administered to 33 women scheduled to undergo therapeutic abortions in an effort to determine which drug was more effective in treating infections in the unborn child. After abortion, the fetal tissues were analyzed to determine the result. The four physicians were indicted by a county grand jury on charges of illegal dissection, under an early 19th century statute pertaining originally to grave robbing. It should be noted that in former centuries medical researchers sometimes surreptitiously had to obtain human cadavers in order to gather basic information about physiology and disease processes. Now, of course, autopsies are routinely performed and pathology research has provided the fundamental core of knowledge upon which modern medical advances have been based.

The Boston indictments are a throwback to the oppressive and fantasy-ridden Salem witch hunts and they are viewed with shocked horror by medical researchers and lay people who know how indispensable fetal research is to preventing and curing a great variety of diseases.

A bill to prohibit research on human fetuses has been introduced in the Massachusetts Legislature and a similar bill is pending in the New York Legislature.

It is most unlikely that the Boston indictments will be sustained in court, but nevertheless this action as well as restrictive legislation will have an inhibiting effect on vital medical research.

A New York Times reporter, Dr. Lawrence K. Altman, reported on April 20, 1974, that—

The curbs are now affecting research on cancer, birth defects, aging, the common cold and other major health problems.

He quoted Dr. Robbins, of Case Western Reserve, as saying:

You have to be a brave fellow to do fetal research these days.

Dr. Duane Alexander of the National Institutes of Health reportedly said that in the wake of the Boston indictments, officials at Johns Hopkins Hospital in Baltimore "had prohibited their doctors from obtaining samples of fetal cells, which would otherwise have been discarded, as material for scientific controls for tests used in treating mothers and newborns."

According to the Times story:

Concern resulting from debate over the ethics of fetal research has reportedly led to curtailment of some grants to researchers using fetal tissue. Further, researchers here (New York), in Boston, Philadelphia and Cleveland said the growing public debate over fetal research had hampered some of their projects.

Over the last several decades, fetal research has resulted in successful preventions of cripplers such as polio and German measles (rubella). And successful treatments of newborns as well as adults have resulted since World War II from research dependent on fetal tissues obtained from natural miscarriages and legal abortions.

But the investigators said that such therapies had become so routine that the public took them for granted and overlooked the fact that they had been developed from fetal research.

Since the Boston indictments members of my staff have talked to a number of physicians and medical researchers, including Dr. L. Stanley James, a pediatrician on the staff of Columbia-Presbyterian Medical Center, in my district. Dr. James is the chairman of the American Academy of Pediatrics Committee on Fetus and Newborn and he also happens to be the pediatrician of the Klenast quintuplets, who were born at Columbia-Presbyterian several years ago after their mother had been treated with fertility drugs. Dr. James said flatly that development of the fertility drugs, which have helped so many women to conceive and give birth, was dependent on fetal research.

Dr. James also cited the following examples of new methods of diagnosis and treatment that have been made possible only through research on the human fetus and newborn:

#### A. AMNIOTIC FLUID REMOVAL FROM THE AMNIOTIC CAVITY

This technique was first used for the measurement of intrauterine pressure during labor and could in no way have been considered beneficial to that particular fetus or could the information be obtained from research on animals. During the past decade application of this technique to study amniotic fluid has made possible the detection of over 50 diseases before birth. Many of these diseases result in death during childhood or profound mental retardation.

**Familial Disorders of Intracellular Metabolism.**—Over 15 such disorders can now be detected. The risk to families of having a child affected with any of these disorders can be as high as 1 out of 4. Many of these disorders have been detected in utero and in a few cases treatment has been started during intrauterine life. In instances in which parents have elected termination of pregnancy,

examination of the fetus has provided important insight into the fetal manifestations of the disease and has indicated that if rational postnatal treatment is developed, it may have to be started during intrauterine life to be maximally effective.

**Chromosomal Aberrations** such as mongolism or Down's syndrome occur with a frequency of 1 in 600 live born births. These can now be detected early in pregnancy. This information is of immense value to those families who are at high risk of having children with this disorder. The ability to detect chromosomal aberrations provides families with the option of having normal children rather than a child with an untreatable disease in which profound mental deficiency is the hallmark.

**Iso-Immune Disease—Rh incompatibility.** The antenatal prediction of those fetuses which would be most severely affected from this condition and of greatest risk of dying in utero was made possible through amniocentesis.

#### B. RETROLENtal FIBROPLASIA—BLINDNESS FROM OXYGEN TOXICITY

Control studies in human infants demonstrated that oxygen toxicity was the cause of retrorenal fibroplasia; this led to specific animal experiments where the lesions were reproduced. These human observations performed in the early 1950's revealed the role of oxygen in this disease and led to the prevention of blindness in thousands of children. The original control study could not have been considered as beneficial to that particular infant in the light of knowledge available at that time, nor could this initial information have been obtained through animal experiments.

#### C. FETAL MONITORING DURING LABOR

This important field could not have been developed and advanced to its present state without closely coordinated animal research and observations on the human fetus. The actual application of the techniques to the human fetus could in the initial phases not have been considered beneficial to that particular fetus.

#### D. RESPIRATORY DISTRESS SYNDROME OR HYALINE MEMBRANE DISEASE

This condition is responsible for more deaths in infancy than any other single cause. (This was the disease that claimed the life on the infant son of President and Mrs. Kennedy.) In the last 20 years the cause of this condition, its diagnosis, treatment and even prevention, has been possible primarily through human investigation. This led to the development of animal models from which details of pathogenesis and prevention were derived. Application of this new information to the human would of necessity again require human investigation.

#### FUTURE RESEARCH WHICH CAN ONLY BE POSSIBLE IN THE HUMAN

##### A. Perinatal Pharmacology

Because of marked interspecies variation in rate of development and in the degree of maturity at birth, animal experimentation will provide only leads, but not specific answers. The ultimate research will always have to be done on the human fetus or newborn if new therapies are going to be introduced or the toxicity of current modes of therapy are to be evaluated.

**Placental transfer.** Study of the placental transfer of drugs must also in its final analysis be done in the human subject. This is essential if we are to make advances in the area of obstetrical anesthesia; it is vital to increase our knowledge of teratology.

##### B. Endocrinology

A study of steroid metabolism by the fetoplacental unit has been shown to have an important bearing on the onset of labor. An understanding of the onset of labor is es-

sential if we are going to make any inroads into the perinatal mortality figures—between 18 and 30/1000. Without such knowledge we will not be able to control gestation and prevent prematurity. In the last analysis no animal can be used for this.

Fetal Parathyroid Function. In the future, a study of this condition is likely to lead to an understanding of tetany and convulsions in the newborn.

#### C. Immunology

There is now evidence that maternal-fetal cell transfer is a cause of runting (an undergrown or undernourished fetus). Furthermore, there is also evidence that the transfer of cells which are least incompatible to the fetus could be a cause of childhood leukemia. In the last analysis research in this area can only be carried out in the human fetus.

#### D. Normal Growth and Development

A study of the normal growth and development of both the fetus and newborn infant is essential if departures from normal through various disease and genetic processes are to be appreciated. Information on this area can be derived as a byproduct from much of the fetal and newborn research outlined above. Prohibitions of research on the fetus and newborn would prevent the advances necessary for the improvement in the health and wellbeing of the mother and child.

In other words, according to Dr. James, speaking in behalf of the American Academy of Pediatrics Committee on Fetus and Newborn, a fetal research is vital to the preservation of life and the health of the fetus, the infant, the child, and the mother.

A similar explanation has been given in a statement submitted to the New York State Legislature by the deans of the following medical schools: Albany Medical College, Albert Einstein College of Medicine of Yeshiva University, Columbia University-College of Physicians and Surgeons, Cornell University Medical College, Mount Sinai School of Medicine of City University of New York, Colleges of Medicine and Dentistry of New Jersey, New York Medical College, New York University School of Medicine, School of Medicine and Dentistry, University of Rochester, State University of New York-Downstate Medical Center, Stony Brook and Upstate Medical Center, and the New York Academy of Medicine.

In their statement opposing enactment of the proposed New York bill which prohibits any kind of research or study on "any live human fetus, whether before or after expulsion from its mother's womb—except to preserve the life of said fetus," the medical deans said they "strongly feel" it would "place serious obstacles in the path of research toward the improvement of the quality of life of children and toward the development of diagnostic and therapeutic measures designed to preserve the safety of pregnant women." They said:

There is even now a large body of knowledge which has become invaluable along these lines, made possible by the study of the fetus and the abortus. A few of the many examples which can be cited are: the prenatal diagnosis of genetic diseases and defects including mental retardation which could, by extension of research, result ultimately in prevention of these tragic defects by enzyme therapy and other measures; the understanding of the effects on the fetus of drugs taken by the mother; the early detection and treatment before birth of severe Rh

incompatibility and the prevention of death of or defects in the infant; the effects of maternal infections on the fetus and the host defense mechanisms of the fetus against such infections as well as their therapeutic modification; prenatal factors leading to increased susceptibility in later life to leukemia and cancer.

Much of what we now know would never have been learned had research on the fetus been prohibited earlier; much that is still to be learned will remain unknown if this research is prohibited now.

Whatever feelings one may have about abortion, and there are of course differences of opinion among reasonable people, nonetheless as long as planned abortion is practiced legally, to ban the opportunity to reduce human suffering through the study of the non-viable abortus impairs the right of the future citizen to be born without preventable injuries or handicaps.

As the bill in question recognizes, there are problems relating to research on the non-viable fetus which shows some evidence of life. We agree that human sensibilities and ethics must be respected in this regard, but a complete ban on any studies, even such procedures as are customarily done on living individuals of any age, such as the drawing of body fluids, the obtaining of cell samples and the like, would again result in missed opportunities to advance knowledge without compromising human rights or dignity. As to the abortus that has died, the postmortem examination is as important as the examination after death at any age and as valuable as autopsies are and have been in contributing to human welfare through the extension of understanding of disease processes.

I understand that tomorrow another Roncallo amendment will be submitted to the National Science Foundation bill, again without hearings having been held on the issue of fetal research and without Members of Congress, most of whom are laypersons, having had an opportunity to familiarize themselves with the medical or legal ramifications of this very complicated matter.

It is my belief that this is not a subject for legislation. It should be dealt with in a rational and studied way by those who have a background and direct concern with medical research and related issues of ethics. That is being done.

After the two Roncallo amendments were adopted by the House last year, the National Institutes of Health, concerned about charges of gruesome experiments on so-called live fetuses, determined that of its 15,000 outstanding grants, only two or three concerned preivable human fetuses, and those studies were halted. There is a reason for this. It is an extremely rare event in the United States to get an abortus with a beating heart. Only when an abortion is performed by hysterotomy is such an abortus delivered, and, according to information I have received, abortions are not performed by hysterotomy in this country except at one medical center in Kansas. The preferred abortion techniques are curettage, saline injection, or injection of prostaglandin. In none of these methods does the abortus emerge with a beating heart.

Although the uninformed layperson defines a fetus outside the womb with a beating heart as a "live" fetus, medical researchers disagree. For example, Dr. Peter A. J. Adam, associate professor of pediatrics at Case Western Reserve University, says:

People need to understand that the fetus doesn't have the neurologic development for consciousness or pain and that it also doesn't have the pulmonary system to survive.

Despite the fact that the NIH funded only two or three studies involving a fetus with a beating heart and has halted these it is now in the process of developing regulations that deal with the entire subject of experimentation on human subjects and such special groups as prisoners, the mentally retarded, the emotionally disturbed, as well as the pregnant woman, the child, the fetus and the abortus.

Preliminary regulations were published by NIH in the Federal Register of November 19, 1973 and a period of public comment followed. The NIH has since revised those regulations, and I have seen a copy of the revised regulations which, it appears to me, deal adequately with research related to the fetus and the abortus.

The regulations provide, for example, that "no procedures should be undertaken on an abortus which clearly affront societal values" and ethical review boards would be authorized to evaluate and authorize such procedures. The regulations state that:

Nevertheless, certain research is essential to improve both the chance of survival and the health status of premature infants. Such research must meet ethical standards as well as show a clear relation either to the expectation of saving the life of premature infants through the development of rescue techniques, or to the furthering of our knowledge of human development and thereby our capacity to offset the disabilities associated with prematurity. It is imperative, however, that the investigator first demonstrate that appropriate studies on animals have in fact been exhausted.

The proposed regulations state further:

In order to insure that research considerations do not influence decisions as to timing, method, or extent of a procedure to terminate a pregnancy, no investigator engaged in the research on the abortus may take part in these decisions. These are decisions to be made by the woman and her physician.

The attending physician, not the investigator, must determine the viability of the fetus at the termination of pregnancy. In general, and all other circumstances notwithstanding, a beating heart is not sufficient evidence of viability. At least one additional necessary condition is the possibility that the lungs can be inflated. Without this pre-condition no currently available mechanisms to initiate or maintain respiration can sustain life; and in this case, though the heart is beating, the fetus is in fact non-viable (i.e., an abortus).

If there is a reasonable possibility that the fetus may be viable, experimental and established methods may be used to achieve that goal. Artificial life support techniques may be employed only if the physician of record determines that the fetus is not viable. It is not acceptable to maintain heart beat or respiration artificially for the purpose of research on the abortus. Experimental procedures which of themselves will terminate respiration and heart beat may not be undertaken.

Although these regulations have not yet been formally promulgated, I believe that they will provide a more satisfactory safeguard and ethical resolution of

the issues involved in fetal research than we can expect from a hasty and limited consideration on the floor of the House.

In closing, I was impressed by a statement ascribed in the New York Times article to Dr. Fred Robbins, a Nobel laureate and president of the American Pediatric Society. He said:

The most important thing in the debate is the infringement curbs offer to human rights by imposing one group of standards on us all. I don't care for it. If there were more women in Congress, I don't think you'd have quite this problem.

As one of the few women we do have in Congress, I agree. As a mother of two grown daughters whose births were preceded by several miscarriages, I have a personal and very deeply felt appreciation of what medical research has accomplished. In the year 1974, in the most medically advanced nation in the world, I believe it would be inappropriate for Congress to succumb to emotional and uninformed pressure that in the name of safeguarding life would deny life and health to the unborn and to their mothers.

#### CONGRESSIONAL BANQUET— ORDER OF AHEPA

Mr. BRADEMAS. Mr. Speaker, on March 25, 1974, I had the privilege, together with the distinguished Vice President of the United States, the Honorable GERALD R. FORD; the Ambassador of Greece to the United States, His Excellency, C. P. Panayotacos; the distinguished junior Senator from Washington, the Honorable HENRY M. JACKSON; and our distinguished colleague in the House of Representatives, the Honorable JOHN B. ANDERSON of Illinois, of addressing the 21st National Banquet of the Order of Ahepa, in honor of the 93d Congress of the United States.

Mr. Speaker, excerpts from the proceedings follow:

##### THE ORDER OF AHEPA

American Hellenic Educational Progressive Association, 21st National Banquet in honor of the 93d Congress of the United States, Monday, March 25, 1974, Washington, D.C.

WILLIAM F. TSAFFARAS, SUPREME PRESIDENT,  
ORDER OF AHEPA

Mr. TSAFFARAS. On behalf of the members of the AHEPA family and our friends, I extend to you our most cordial and warmest welcome on this our 21st biennial Congressional banquet. I may note that this day, March 25th, also commemorates the 153rd anniversary of Greek independence. The Order of AHEPA, known as the American Hellenic Educational Progressive Association, is an American organization dedicated to promote and promulgate the ideals and principles of Hellenism through education, programs of charity, philanthropy, the creation of social programs for the enjoyment of our members and an association of people always striving for a better way of life for our families.

I could spend several hours extolling the many deeds and accomplishments of this organization, but I can find no better words than those of the late Senator WILLIAM B. KING of Utah, who was the principal speaker at the first national banquet of AHEPA in 1929:

"The work of AHEPA has been of higher character and its accomplishments of inesti-

mable value, not only to its members but to those who have been brought within its influences. It has been a sincere teaching of Americanism and has exercised a powerful influence upon those of Hellenic birth or descent within and outside the United States. It has impressed the Hellenes who have come to America that they were serious and heavy responsibilities resting upon them when they sought citizenship in this country. In addition to its demands that all of its members be patriotic and loyal to the spirit and the institution of this republic, it has emphasized moral, ethical and spiritual precepts as indispensable guides to their way of life."

Yes, during the past 50 years our predecessors left their mark. They have taught us loyalty, obedience, respect for our elders and above all, love and understanding for our fellowmen. Today we must not only continue to observe and practice these ideals and precepts but we must instill in the hearts and the minds of our fellowmen other important values.

##### EIGHT BASIC VALUES OF AHEPA

As we look back in history we cannot help but look to those inspiring years of greatness attached to ancient Greece. Yes, when we speak of Hellenism we speak of a way of life that demanded from its citizens its best performance. In a program for AHEPA recently prepared by Dr. Peter Paulus, past supreme treasurer of the Order of AHEPA, he stated that there are eight basic values that truly define Hellenism. The first three, which make up the mental attributes of men, are truth, reason and a free mind. The fourth is the constant desire for excellence.

Consider also the aesthetic values, which are two well placed precepts. These are the appreciation of beauty and the joy of life. Finally, the seventh and eighth values are the most powerful and revolutionary even under today's standards. These are freedom, the right of being free born, and last but not least the right of the individual. Yes, ladies and gentlemen, these basic values brought about an expression of joy and happiness. They brought about major accomplishments in the field of science, art, literature, government and many others which still make up our way of life.

Today these values have been diluted. We have substituted for these values dogma, emotions, pessimism, filth, conformity. For many years we have been told that this United States is a melting pot of all races, all creeds, of ethnic backgrounds. No, ladies and gentlemen, these ingredients do not mix. Each of us must maintain his ethnic background. We must pass on to our children and to our grandchildren those traditions, those cultures and bonds and the many other attributes handed down to us by our ancestors. We must encourage the maintenance and the continuation of ethnic studies and languages. All ethnic groups have so many values that they contribute to our way of life. These values are what made these United States the number one nation in the world. Let us once again evaluate these precepts and ideals. We look to you, our Congressmen, for leadership. For the adoption of legislation and programs which will raise our standards to their highest pinnacle.

Let me assure you of our utmost cooperation in this important undertaking. Thank you very much.

Ladies and gentlemen, the first speaker on this evening's program is a young man who I know needs no introduction to most of you. We have had the honor and the privilege of having this man as member of our dinners for many, many years. I speak of none other than the Honorable JOHN BRADEMAS, United States Representative from the Third District of Indiana, from South Bend, Indiana.

HON. JOHN BRADEMAS, U.S. REPRESENTATIVE, INDIANA

Mr. BRADEMAS. As many of you know, I am the first native American of Greek origin elected to the Congress of the United States and, as I was explaining to our former colleague in the House of Representatives and our beloved Vice-President, Mr. Ford, a few moments before the dinner began, the first member of Congress of Greek origin was a man named Lucas Miltiades Miller, who represented the State of Wisconsin and who, I am distressed to have to report, was a Republican.

You will, I am sure, appreciate why I take great pride in the fact that I am the first native born American of Greek origin elected to Congress. But for eight long years Mr. Vice-President, I was the only Hellene in either the House or the Senate and it has therefore been a still greater source of pride to me that, during the years since 1968, more Americans of Greek descent have been elected to Congress. One of them who served in the House with great distinction is this year making a second effort to be the first Greek-American elected to the United States Senate and I refer of course to our dear friend, whom I shall ask to take a bow, Nick Galifianakis.

Tonight, as dean of the Greek bloc in the Congress of the United States, I have the high honor to present to you a quartet of outstanding Hellenes in the United States House of Representatives. I am proud to serve with all of them and proud to ask each of them to stand a moment, so that all of you may meet them.

##### HON. PETER N. KYROS OF MAINE

First, in order of seniority, elected in 1966 and re-elected since, is a vigorous and hardworking member of the House Committee on Interstate and Foreign Commerce and Merchant Marine and Fisheries. His legislative expertise ranges from regional medical programs and drug abuse to air and water purification, cancer control and fishing rights—Representative in Congress from the First District of Maine, the Honorable Peter N. Kyros.

##### HON. GUS YATRON OF PENNSYLVANIA

Second, first elected in 1968, a leading businessman in Reading, Pa., an outstanding legislator in both his state House of Representatives and Senate, he now serves with distinction and dedication on the prestigious committee on foreign affairs—Representative in Congress from the Sixth District of Pennsylvania, the Hon. Gus Yatron.

##### HON. PAUL S. SARBANES

Next, first elected in 1974, a Rhodes Scholar at Oxford and, like Peter Kyros, a graduate of the Harvard Law School, he serves on the House Judiciary Committee and the Merchant Marine and Fisheries Committee. In the present Congress he has as well served on the committee to reassess the jurisdictions of House committees. One of the most thoughtful and respected members of the House, representing the Third District of Maryland, the Hon. Paul S. Sarbanes.

##### HON. SKIP BAFALIS

And finally, elected in 1972, a successful investment banker, civic leader and member of both the Florida House and Senate, now serving on the House Committees on Public Works and Post Office and Civil Service, and the only Republican in the Hellenic House quintet—but we're working on him—Representative in Congress from the Tenth District in Florida, our colleague and friend, the Hon. Skip Bafalis.

And so Mr. Vice-President and Senator Jackson, I most respectfully draw your attention to the obvious fact that "Greek power" is on the march in the Congress of the United States.

And let me, Supreme President Tsaffaras, say this only in conclusion about my colleagues and myself.

All five of us are Ahepans and proud of it.

All five of us are of Greek origin and proud of it.

And all five of us are Americans and proud of it.

AMBASSADOR C. P. PANAYOTACOS OF GREECE TO THE UNITED STATES

Ambassador PANAYOTACOS. As the distinguished president of Ahepa has just pointed out, by a happy coincidence today's gathering in honor of the Congress of the United States, is being held on the very day when Greeks all over the world are celebrating the 153rd anniversary of the outbreak of their long struggle for independence.

When a handful of Greek freedom fighters raised the flag of revolution against foreign oppression, their cause immediately caught the imagination of the young American nation which had recently earned its own independence by means of a similar uprising against foreign and arbitrary rule.

Spontaneous expressions of sympathy and solidarity were forthcoming from communities all across the country, while President James Monroe was addressing on the December 3rd, 1822, his historic message to the Congress. Other eminent Americans such as Senators Henry Clay and Daniel Webster have joined in voicing their profound admiration for the general arousing of the valiant Greek nation, and various Hellene organizations were extending a helping hand.

The USA and Greece have remained ever since closely linked by common heritage and a common destiny in a joint pursuit of lofty principles they both cherish. The Greek people, having a built in sense of gratitude, shall always keep alive in their hearts the memory of these early American supporters of their cause. Nor will they ever forget President Truman's timely intervention in their behalf, both morally and materially when their very survival as a free nation was at stake in the aftermath of World War II. Calling to mind this vital American assistance in our darkest hours, I deem it a duty as Ambassador of Greece to pay once more tribute to this great country and express to its representatives here present our deep gratitude for each longstanding and generous contribution to our national security and welfare.

On the other hand, I take this occasion to also congratulate the distinguished members of the Order of AHEPA who spared no efforts for making this biennial national banquet in honor of the American Congress such a successful ritual.

Actually, I am very pleased that Americans of Greek extraction are becoming such an integral part of American life in all its manifold manifestations, and I feel equally proud to observe that Green Americans, without departing from the primary loyalty which they owe to their country of adoption, are still keeping a prominent place in the bottom of their hearts for the birthplace of their forefathers thus building a living bridge between two great nations.

My dear Ahepans, and distinguished guests, allow me to conclude my short remarks by reiterating the feelings of deep rooted friendship of the Greek nation towards the American people as well by thanking once more the Order of the AHEPA for this pleasant and meaningful evening. Thank you.

RE. REV. GEORGE BACOPOULOS, CHANCELLOR, GREEK ORTHODOX ARCHDIOCESE

Chancellor BACOPOULOS. I have the honor because of the illness of his Eminence, Archbishop Iakovos, to bring to you his message which I trust you realize he truly regrets being unable to deliver in person.

MESSAGE OF HIS EMINENCE, ARCHBISHOP IAKOVOS

Songs and poems and hymns and hallelujahs flood my ears with resounding echoes this evening when one of the greatest episodes of history is unfurled before our very eyes.

The episode of which I speak is of course the pulverization of a mighty empire by the rushing, refreshing winds of the passion for liberty. Eyes with lightning and thunder, refreshing faceless spiritual human forms, shadows together with scorched slopes and hopes all join my soul tonight in an endless litany prayer.

A litany of prayer which in essence is a painful quest for the ideals that made possible an uprising of a few against the hoards. A revolution of the enslaved against their powerful tyrants and ultimately the triumph of justice over injustice and the inhumanity of the captors.

What then is truly the meaning of this celebration this year, of this commemoration, of this banquet, of this Congressional dinner? Is it that we need to once again nurture in our hearts the withering flower which announces the coming of spring in the midst of an icy desolate and frustrating winter, a winter which covers with frost our intermost hopes for a national rebirth, or is it that the chalice which Christ and human history offered to us, even now touches our parched lips?

The saga of 1821 tells us that there was a time when faith in God and love of country could move the dead in their tombs, could move mountains from their unshakeable foundations, and could remake life and remake the world itself; the saga of 1821 tells us that there was a time when ideals had some practical validity, a time when moral and spiritual values would intermingle with ideals and together weave not simply flags and banners of national pride but the very texture and fibre of the life of a nation.

Tonight here in Washington, our nation's capital, the saga of 1821 tells us that national might, political power, financial stability, economic strength, industrial superiority, diplomatic excellence, if void of morality and of elementary ethics avail you nothing, not even self-defense. For it is faith, not expediency; it is honesty, not diplomacy, moral and intellectual integrity not cleverness and craftiness and humility and self-respect not arrogance, which make up the conscience and the psychiognomy of a nation.

The 1821 saga finally tells us that history is written by gallantry and valor and not by cowardice or the dishonesty of the great and powerful. It tells us that freedom belongs only to the worthy, those who prize dignity high above all other dehumanizing commodities, conveniences or accommodations.

In our dual capacity and our dual identity as Americans of Greek origin, we would do well even for a brief moment to rise and pray not for the souls of the heroes of 1821, but for the sustenance of those souls which would even conspire in these troubled times against the land of the free and the home of the brave. Let us search the pages of our history and let us search the hearts of our people for a promising light which would lead us again unto the sunlight of true patriotism, a sunlight which would add more radiance to the ageless ideals of Hellenism and Americanism and more beauty to the faces of men who live and die for these principles. Thank you.

HON. JOHN B. ANDERSON, U.S. REPRESENTATIVE, ILLINOIS

Mr. ANDERSON. We are here tonight to salute the contributions of Greek Americans and the great heritage that they have

brought to the cultural bloodlines of American society and since as you have already learned the blood of ancient Greece is mingled with that of my own Viking forebears in the five children, with whom my Greek American wife has presented me, I think perhaps I can speak with some authority this evening on that subject.

I have had the opportunity after all to admire Greek beauty for more than 21 years now, even as I have been exposed to a mild tendency on the part of Greek women to display on occasion a somewhat fiery temperament and even a certain tendency to be argumentative when provoked and on those rare occasions I always like to tell Keke, well, my dear, like the Queen of Hellenes, you have a face that has launched a thousand ships to which she invariably replies, yes, but why do the ships have to belong to Onassis instead of you? Now, if that isn't a perfectly balanced tribute to the Hellenes, I will undoubtedly hear more about it when I get home tonight.

The Order of AHEPA is certainly known and honored wherever men and women enjoy the great tradition of western civilization, a tradition decisively marked by the union of two great spiritual, cultural and intellectual streams, represented by our Judeo Christian ethic and we who live in a free society are particularly sensitive to the contribution of Helos, mother and progenitor of democracy and those humane ideals imperishably associated with that precious flowering of the human spirit, that we call the age of Pericles.

We know all of us here tonight that we are living in deeply troubled times for America. Times in which the ideals and values that have been basic to our history are under unprecedented challenge and strain, and while external threats do remain, I believe that the roots of our present difficulties come primarily from within.

We are suffering a loss of confidence in our democratic institutions, a situation that's grave in its implications as that posed by any external threat. Those of us who are familiar with the long experience of Greek people are moved therefore to turn to them for instruction, to turn to the past in the hope of illuminating the present and helping us to shape a future closer to the one that we desire in our hearts.

Now, historical analogies and parallels are always inexact inasmuch as the unfolding process of history is forever new and unique, yet while this is so it is equally true that history reveals the structure, the pattern and the continuities which reflect the enduring realities of our human nature in every age. And we may therefore look with some measure of justification to man's past in search of insights for our own pilgrimage.

In the extraordinary annals of the ancient Greeks there is a period strikingly and even disturbingly like our own time. The aftermath of disastrous civil conflict we know as the Peloponnesian Wars. The ancient enemy Persia had receded as a threat for as the real danger Macedon, under Phillip the Father of Alexander, was perceived, if at all, by the Greek city states, and what strikes us about this period in Greek history are some of the parallels that extends to our time today.

The Peloponnesian Wars, the great 30 years of war of the ancient world had weakened the Greek cities, accentuating their derisive rivalries and shattering any possibility of common action on collective security. Moreover, and more serious, there was a profound change in Greek public life, a loss of morale, a loss of confidence in the political and social order, the fabric and traditional religions had been rent beyond repair. The centers of family worship in the countryside had been virtually destroyed. The fires of faith burned

low throughout that society as the pursuit of self interests replaced religious traditions.

The long war years had left a legacy of instability in government, questioned military leadership and declining popular morale. The classic qualities of hope, of reverence, self-discipline and liberty had gradually given way before the war spirit to greed and anger, suspicion and envy. The death of Pericles himself and the rise of a man like Alcibiades and whom intellectual was present without morale scruple or principle marked that change of spirit in which mere expediency and naked self-interest replaced the idealism of an earlier time.

Listen to me tonight to the greatest voice of that era in the Greek community, Thucydides, the great historian speaking of this very time, that I have just described. Fear of gods or laws of man there was none to maintain them, and looking back on the results of the wars he wrote "Words had to change their ordinary meaning and to take that which was now given them. The cause of all these evils was the lust for power, arising from greed and ambition." Thus spake Thucydides.

I suppose that lust for power arising from greed and ambition is not peculiar to any age or society. Indeed it would seem too endemic to man, and yet societies, especially free societies have always constructed restraints moral and legal and have called forth resources of good to enable men to live together with some measure of justice. and Greece in the century that I have described witnessed the tragic weakening of those restraints and the impairment of those resources with a result that eventually a people who had successfully resisted the influence of Greek political ideals, won mastery of all Greece on the field of battle.

In short, it was indeed a time of sad decline for the glory that had been Greece, and yet and surely this is the most striking and hopeful note for our consideration here tonight, the Greek spirit was not destroyed. Indeed, it was destined not only to survey, but to take on a larger sphere of culture and spiritual influence than ever before, thanks to the rise of Hellenism and its spread by the advance of the great Alexander profoundly shaping all subsequent history.

The civilizing mission of Hellas, transformed every people that it touched, giving rise to the same that captive Greece had taken her captor captive. Moreover, the century of which I have been speaking and rather somberly this evening was paradoxically enough a time of remarkable cultural and intellectual vitality. It was after all the age of Socrates or Plato and Aristotle, and a spirit of artistic refinement. The age of the great orators, Isocrates and Demosthenes. In other words, there was light in the darkness and in the end it was that light that triumphed. There was an ineradicable character of strength, or resiliency, of renewal, of courage and of hope deep within the soul of Greece which endured the worst only to triumph in unexpected and unforeseen ways in the end.

And so it has been through the centuries, that the Greek people have survived. They have preserved for us traditions and ideals which are a part of our heritage as 20th Century Americans. And in the most trying times they have held to faith, faith in God and in man formed in God's image and endowed with the gifts of reason, truth and justice and I believe that this is the same spirit which will surely bring this nation of ours through our own difficult time to a new and better era in which the promise of America will find greater fulfillment.

Let us therefore here tonight dedicate ourselves to all that may be needed to bring about that spiritual renewal. A renewal of integrity and confidence in the common life

of our people, in Government, in business, in church, in home and family. This is the kind of spirit which can restore unity and trust in our land and your organization as has been amply pointed out by others who have preceded me to the rostrum this evening, the order of AHEPA exists for the very purpose of identifying and preserving respect for the profound contribution that Greek Americans have made in the building of our nation.

You are rightfully proud of your heritage and I think you rightfully look back to gain a better perspective for the journey that still lies ahead. I know in my own case, and you will pardon me if I close these remarks on a personal note, there is no man who has had a more profound impact on my own life than my own immigrant father. He brought with him from the old world not just a desire to succeed in the new but more importantly some very basic principles and beliefs, a deep religious faith and commitment and also a determination to become an active participant in the role of being an American citizen.

I was rather appalled last week on Tuesday when my own State of Illinois conducted a primary at the very low rate of voter participation, something like 20 percent and I called my father the following day but I wasn't surprised and he told me—and mind you, he's now in his 90th year, when I asked him about the results that of course he had gone to the polls and he had voted, and so I think that in many respects, he is like those many Greek immigrants who were represented in spirit and perhaps even in fact, by this great audience tonight, those immigrants who constitute that resolute breed of men of whom a great American poet, Walt Whitman, wrote these lines:

"There is no week nor day nor hour when tyranny may not enter upon this country, if the people lose their supreme confidence in themselves, and lose their roughness and spirit of defiance, tyranny may always enter. There is no charm, no bar against it. The only bar against it is a large resolute breed of men."

HON. HENRY M. JACKSON, U.S. SENATOR,  
WASHINGTON

Senator JACKSON. You make me feel as welcome as 32 cent gasoline. Vice-President and Mrs. Ford, Congressman and Mrs. John Anderson, Congressman John Brademas—and Tom Korologos, you have been left out here tonight. I think it takes a Democrat to recognize a Republican.

You know, after listening to my old friend, John Brademas, I got the impression that the Greeks are coming. I thought it would stop there, but then John Anderson gets up and they are still coming. Now, my parents were born in Norway. We were not landlocked like the Swedes and last week I pointed out to the Friendly Sons of St. Patrick that the Vikings, the Norwegians and the Danes that is, founded Dublin and that's how the Irish got their rosy cheeks and blue eyes and I ought to have a chance at least to extend John Anderson's tie here to Greece by pointing out that there are a number of blue eyed Greeks and the Vikings also got into the Mediterranean.

And so I really do feel at home. I have been to so many of the AHEPA banquets over the years. This is a great organization. I think of all of the organizations that really endeavor to maintain the traditions of the old world and John Anderson has covered and saved you ten minutes of my speech by doing such a scholarly job, as John Brademas also always does, of covering early Greek history. I should just like to be extremely brief this evening and say first, I am proud that AHEPA is maintaining these basic values of individual liberty and freedom, the great culture that has meant so much to what we constantly refer to as western civilization.

I should just like to say a few words about post war Greece. I was in the House when the decision had to be made and it was bitterly fought whether Greece and Turkey would be saved, and that was known as Greek/Turkey aid and it became known and followed by Republican as well as Democratic administrations as the Truman Doctrine and Harry Truman in my book will go down in history as one of the great, great Presidents.

That was bitterly fought. There was a division in both parties on whether or not the United States should provide that aid at a critical time, and thank God the decision was in the affirmative. Greece has been going through a very difficult period. During this entire post war era. It has been a traumatic experience for the people of Greece. We know that Greece is indeed of great strategic importance to the whole North Atlantic Treaty Organization, of great importance to the entire western world. And the people of Greece have kept their commitment to NATO and to the American forces in the Mediterranean and we are mighty proud of that contribution.

More recently there has been a growing instability in Greece and all Americans and all Greeks and all people committed to individual liberty and freedom are concerned about those developments. May I say that in the context of that instability and concern, I have joined with Senator Pell last year on an amendment that he sponsored declaring that it was the policy of the United States to provide military assistance to Greece only when the Greek government was in fulfillment of its NATO Treaty obligations.

These include both adherence to the political principles stated in the preamble to the treaty and the maintenance of its capability to perform the common defense and the functions assigned under the current North Atlantic Treaty Organization defense plans. A bill to carry out that objective which Senator Pell sponsored and I co-sponsored with him passed the Senate unanimously just a few days ago.

I hope that our legislative move will have a positive effect, not only in the situation in Greece, but on the alliance as a whole. We want to see Greece restored to its full freedom so that it can play a more effective role in the alliance, and I have the privilege of personally talking with some of the top Greek military leaders of the past pointing out the weakening of their contribution as the result of that instability.

And while I mention this particular problem, may I say that I think our government has the responsibility in talking with our allies to see to it that we are constructive in our criticism when our allies in the Atlantic community do not fulfill all of their obligations. We in the Congress have provided under special amendment that I sponsored with Senator Nunn of Georgia, a requirement that all of our allies fulfill their commitment in providing an offset on the balance of payments because I believe American presence in Europe is vital to the security of Europe and all we ask is that they contribute equally and I refer to all of our allies in western Europe.

But I get a little concerned when some top officials spend a great deal of time criticizing our allies and if we criticize the French, that's a different thing. I am not quite sure which side they are on, but I know when they're in trouble, whom they'll be calling upon for help in that situation.

But my friends, I am concerned as you must be when so much time is devoted the last few weeks to criticizing our allies and not very much is said about some of the problems that our Russian friends have caused particularly in the Middle East, and the Mediterranean. All I can say is that if we continue to treat our friends as adversaries and our adversaries as friends, we shall find

ourselves with a declining number of friends and an increasing number of adversaries.

And so Greece has gone through a traumatic post World War II period. We have our problems in our own country and we have been passing through a very difficult period in our governmental history. To me there is only one way I know for us to overcome the mistakes of the past, for us to insure that those mistakes will become nothing more than a distant memory and that is for us as Americans together to reach out for a future that is waiting to be born.

I mean business and labor, parents and children, north and south, black and white, farm and city, yes, Democrats and Republicans and Independents. That's what most Americans want to do and what they expect of their Government is to lead them in that effort, not to demean or degrade this country's noble purposes. We've got a lot of work to do together but it's the kind of work—it's the work millions of us are eager to start on. It's the work of decent and concerned citizens all across this land.

Others may seek to make America great again. I seek to make America good again.

For that is our best claim to greatness, decency and dignity, justice and freedom, honesty and integrity. That is our heritage and if we just put our minds and our hearts to this great task it can also be our legacy. Thank you.

HON. GERALD R. FORD, VICE PRESIDENT OF THE UNITED STATES

Vice President FORD. Mr. Chairman, Reverend Clergy, Your Excellencies, Senator Jackson, my former colleagues in the House of Representatives, John Brademas, John Anderson and others in the audience, our loyal worker on behalf of all of us in the United States Senate, Tom Korologos, members of the American Hellenic Educational Progressive Association and guests, it's a very great privilege and honor to have the opportunity of participating in this 21st Congressional dinner of AHEPA.

It's also a privilege to have an opportunity to say a few words here tonight in the 52nd year of AHEPA. In looking through the history of your great organization, I found that in 1929 at the outset Senator King had the privilege and distinct honor of speaking to your first organization meeting here in the nation's capital. It's been my privilege to attend 13 out of the 21 AHEPA meetings in our nation's capital.

In looking at the ends or objectives of AHEPA, I found at the outset when it was founded in Atlanta, Georgia, that one of the basic purposes was to help to Americanize the Greek immigrant, and this very worthy objective, as I look from one end of the country to the other, has been achieved and has been accomplished.

And I know first hand whether it's first generation, second generation, third or on that our Greek-Americans have assimilated all the great principles and objectives of our country because I have had the privilege of working with and for two of my very best friends at home, Alex Demar and Bill Scrugis, who helped to give me whatever character, whatever dedication that I have had.

And may I say that in the process of achieving the objectives of AHEPA, it's obvious that those who came to America from Greece have accomplished all that others from other nationalities have achieved, dedication, hard work, high moral standards, the principles that have made America what it is today.

But the important point is in the process of becoming the best of Americans they have not in AHEPA lost the great heritage, the great traditions of Greece itself. And this is true of so many of our nationalities that have come and become a part of America and we have among all of us the good Swedes,

as John Anderson, our good Norwegians, our good Italians, good Irish and the Fords go back to Ireland, but the thing that really is important as we become a bigger and better America, it reminds me of a quotation from the Bible that I think goes something like this. "The beauty of Joseph's coat is its many colors". The beauty of America is its many nationalities.

When I first came to the ambition that I had to serve in government back in 1946 and 1947 the first person that I sought advice from was our then senior senator from the State of Michigan, a fellow townsman of mine by the name of Senator Arthur Vandenberg. A man who had been in a period prior to World War II an isolationist but a man who after going through the traumatic experience of World War II, realized that no longer could the United States be an island in a globe where conflict and controversy over the centuries had prevailed.

And I sat down literally at the feet of Senator Arthur Vandenberg and asked him for advice and counsel, and if you will refresh your memory you will recall that President Truman took the initiative. He was for Greek-Turkish aid. He had problems in the United States Senate, both Democratic and Republican, and the man that he sought to give him assistance in this hour of dire need and necessity was Senator Arthur Vandenberg who was then one of the more senior members of the opposition party.

And Senator Vandenberg after going through this period in his early days as a member of the United States Senate where he thought we could be an island as a part of a globe came to the conclusion that isolationism no longer was a viable policy and that the United States had to look beyond its border and become a part of the world and give leadership and to take responsibility and so he stood shoulder to shoulder in the United States Senate with President Harry Truman.

And I think the record is clear that Senator Vandenberg was an inestimable help and assistance to a great President Harry Truman in this hour of need. But the advice that Senator Vandenberg gave to me, a young, somewhat idealistic person who was challenging not a Democrat but a Republican in the primary, was that as the United States moved ahead in the latter part of this century, we as a nation have to stand up and be a part of the world and not retreat behind the oceans that were either side of our coast. And he urged that in this rather remote campaign in a sort of isolationist part of Michigan that it would be well if I followed his example, and so I did and I am proud that in that campaign I made a commitment, as many others in the House and Senate have, that in the area of foreign policy, it was bi-partisanship that was needed and necessary if America was to be strong and to give the leadership to the world that was so essential if we were to achieve and to maintain peace.

I cannot recall the precise language that was used in the United States Senate or the House in those days when Greek-Turkish aid was debated, but if my memory serves me correctly, it was that when we left our shores we stood as Americans, not as Democrats or Republicans. That we had an obligation to 200 million people plus some five times that number throughout the world, if we were to provide peace and a better life for all of us.

And in the years since then the United States has maintained this leadership, not because of one President or another or one Congress or another, but because a number or a sufficient number of members on both sides of the aisle working with Presidents of different political philosophy, have realized that we had to work with our allies, that we

had to negotiate with our enemies, if we were to maintain for us as well as the rest of mankind throughout the world the kind of a life that was needed for this generation and those generations to follow.

Now, I am an optimist. I happen to believe that in the decade of the seventies we can expect the same kind of bipartisan foreign policy in this decade that we had in post World War II, that saved Greece, that saved Europe, that has brought peace in the Middle East. I believe that there are sufficient number of members of the House and the Senate on both sides of the aisle who will stand up and dedicate themselves to policies, with some differences here and there, that will give to us as well as to the others in other nations a good life and peace for all. Thank you very kindly.

ORDER OF AHEPA,  
Washington, D.C., April 3, 1974.  
Hon. JOHN BRADEMAS,  
U.S. House of Representatives,  
Washington, D.C.

DEAR JOHN: Please accept my congratulations on the outstanding presentation you made at our Congressional Banquet. This should always be a part of every banquet program, and I will keep insisting on it.

Enclosed is a copy of the remarks made at the banquet—I trust that you will see that it is inserted in the Congressional Record at your first opportunity.

I have indicated thereon the parts that should be deleted, and trust that this meets with your own judgment. If there are any questions, please have a member of your staff call me.

We are vitally interested in the Ethnic Heritage Studies Program, for which \$2.3 million has been committed this fiscal year. In conjunction with other groups, we have met with the office of Education (Mr. Robert Leestma, Associate Commissioner for International Education) in HEW and although time is a factor, his office is proceeding on this year's program. We hope, eventually, to realize the use of Ethnic History in the U.S. in our schools, as a part of the curriculum.

The present problem is the introduction of legislation for next fiscal year on this same program, and we look forward to, and hope for your personal support. I know your schedule is always swamped, but is there sometime I can meet with you or your legislative staff, to discuss this matter? As you know, Ahepa has been doing work in this field, and we want to do a great deal more. I am available at any time and hope a meeting can be arranged soon.

With best personal regards,  
Sincerely,

GEORGE J. LEBER,  
Executive Secretary.

ORDER OF AHEPA, 21ST NATIONAL BANQUET  
IN HONOR OF THE 93D CONGRESS OF THE  
UNITED STATES, MARCH 25, 1974, WASHING-  
TON HILTON HOTEL

WELCOME

The Order of Ahepa respectfully dedicates this 21st Ahepa Biennial National Banquet to the 93rd Congress of the United States.

We thank the Members of Congress for their attendance this evening, and hope that you will derive as much pleasure in being present as we, the Order of Ahepa, will experience in having you as our guests this evening.

We hope you will have a pleasant evening, and that you will return to meet with us again at future dinners of the fraternity.

Again, our warm thanks for your presence.

WILLIAM P. TSAFFARAS,  
Supreme President.  
ANDREW MANOS,  
Banquet Chairman.

## DINNER MENU

Iced Fruit Macedoine Supreme.  
Cambas Wine from Greece.  
Roast Prime Ribs of Beef, au Jus.  
Baked Potato with Sour Cream and Chives.  
Broccoli with Herbed Breadcrumbs.  
Salad au Suise.  
Oil and Vinegar.  
Bombe Glace Fantasie.  
Crushed Strawberries.  
Coffee.

## PROGRAM

Rendition: National Anthems, Australia, Bahamas, Canada, Greece and United States of America.

Invocation.

Welcome: Andrew Manos, Chairman.

Toastmaster.

SPEAKERS:

The Honorable John Brademas, U.S. Representative, Indiana.

His Excellency C. P. Panayotacos, Ambassador of Greece to the United States.

The Honorable John B. Anderson, U.S. Representative, Illinois.

The Honorable Henry M. Jackson, U.S. Senator, Washington.

The Honorable Gerald R. Ford, The Vice President of the United States.

Response: Mr. William P. Tsaffaras, Supreme President, Order of Ahepa.

Benediction.

MEMBERS OF CONGRESS AND HOST CHAPTERS (Acceptances Received as of the printing deadline for Program Book)

## Alabama

## Host Chapters

No. 3, Birmingham.

## Honor Guests

Sen. James B. Allen.

## Arizona

## Host Chapters

No. 219, Phoenix.

No. 275, Tucson.

## Honor Guests

## Arkansas

## Host Chapters

No. 338, Hot Springs.

## Honor Guests

Rep. John Paul Hammerschmidt.

## California

## Host Chapters

No. 171, Oakland.

No. 233, San Pedro.

No. 342, Long Beach.

No. 440, Inglewood.

No. 212, Stockton.

No. 318, Hollywood.

No. 411, Anaheim.

No. 231, Roseville.

No. 430, Norwalk.

No. 223, San Diego.

No. 152, Los Angeles.

No. 246, Modesto.

## Honor Guests

Rep. Harold T. Johnson.

Rep. Del Clawson.

Rep. Charles H. Wilson.

Rep. George E. Danielson.

Rep. Andrew J. Hinshaw.

Rep. Bob Wilson.

Rep. John J. McFall.

## Colorado

## Host Chapters

No. 145, Denver.

## Honor Guests

Rep. Patricia Schroeder.

## Connecticut

## Host Chapters

No. 98, New Haven.

No. 48, Waterbury.

No. 62, Bridgeport.

## Honor Guests

Rep. Robert N. Giaimo.  
Rep. Ronald Sarasin (Reception).  
Rep. Stewart B. McKinney (Reception).

## Delaware

## Host Chapters

No. 95, Wilmington.

## Honor Guests

Sen. William V. Roth, Jr.

## Florida

## Host Chapters

No. 14, Miami.

## Honor Guests

No. 409, Fort Pierce.

## Honor Guests

No. 421, North Miami.

## Honor Guests

No. 16, Tarpon Springs.

## Honor Guests

No. 18, West Palm Beach.

## Honor Guests

No. 394, Ft. Lauderdale.

## Honor Guests

No. 296, Pensacola.

## Honor Guests

Sen. Edward J. Gurney.

## Honor Guests

Rep. Bill Gunter.

## Honor Guests

Rep. William Lehman.

## Honor Guests

Rep. Robert L. F. Sikes (Reception).

## Honor Guests

Rep. L. A. (Skip) Bafalis.

## Honor Guests

Rep. Dante F. Fascell (Reception).

## Honor Guests

Rep. J. Herbert Burke.

## Georgia

## Host Chapters

No. 5, Savannah.

## Host Chapters

No. 1, Atlanta.

## Honor Guests

Sen. Herman E. Talmadge (Reception).

## Honor Guests

Rep. John W. Davis.

## Honor Guests

Rep. Andrew Young.

## Honor Guests

Rep. Ronald "Bo" Ginn.

## Hawaii

## Host Chapters

No. 450, Honolulu.

## Honor Guests

Rep. Spark M. Matsunaga.

## Idaho

## Host Chapters

No. 254, Boise.

## Honor Guests

No. 238, Pocatello.

## Honor Guests

Sen. Frank Church.

## Honor Guests

Rep. Orval Hansen (Reception).

## Illinois

## Host Chapters

No. 46, Chicago.

## Honor Guests

No. 424, Park Forest.

## Honor Guests

No. 325, Rockford.

## Honor Guests

No. 388, Glenview.

## Honor Guests

No. 260, Chicago.

## Honor Guests

No. 218, Waukegan.

## Honor Guests

No. 131, Joliet.

## Honor Guests

No. 204, Evanston.

## Honor Guests

No. 304, Alton.

## Honor Guests

Rep. Frank Annunzio.

## Honor Guests

Rep. Edward J. Derwinski.

## Honor Guests

Rep. John B. Anderson.

## Honor Guests

Rep. Samuel H. Young.

## Honor Guests

Rep. Kenneth J. Gray.

## Honor Guests

Rep. Cardiss Collins.

## Honor Guests

Rep. Robert McClory.

## Honor Guests

Rep. George O'Brien.

## Honor Guests

Rep. Melvin Price.

## Indiana

## Host Chapters

No. 100, South Bend.

## Honor Guests

No. 157, East Chicago.

## Honor Guests

No. 232, Indianapolis.

## Honor Guests

No. 227, Kokomo.

## Honor Guests

Rep. John Brademas.

## Honor Guests

Rep. Ray J. Madden.

## Honor Guests

Rep. Roger H. Zion (Reception).

## Honor Guests

Rep. William H. Hudnut.

## Honor Guests

Rep. Earl F. Landgrebe.

## Honor Guests

Rep. Elwood Hillis (Reception).

## Honor Guests

Rep. William G. Bray (Reception).

## Iowa

## Host Chapters

No. 261, Dubuque.

No. 194, Cedar Rapids.

## Honor Guests

Rep. John C. Culver.

Rep. William J. Scherle.

## Kansas

## Host Chapters

No. 187, Wichita.

## Honor Guests

Sen. Robert Dole (Reception).

## Kentucky

## Host Chapters

No. 129, Louisville.

No. 258, Lexington.

## Honor Guests

Sen. Marlow W. Cook (Reception).

Rep. Tim Lee Carter.

## Louisiana

## Host Chapters

No. 8, Shreveport.

No. 13, New Orleans.

## Honor Guests

Sen. J. Bennett Johnston, Jr.

Rep. Corrinne Boggs.

Rep. John R. Rarick.

## Maine

## Host Chapters

No. 82, Portland.

## Honor Guests

Rep. Peter N. Kyros.

## Maryland

## Host Chapters

No. 30, Baltimore.

No. 364, Baltimore.

## Honor Guests

Rep. Paul S. Sarbanes.

## Massachusetts

## Host Chapters

No. 57, Brockton.

No. 102, Lowell.

No. 112, Pittsfield.

No. 80, Worcester.

No. 85, Springfield.

No. 105, Marlboro.

No. 119, Peabody-Salem.

No. 24, Boston.

## Honor Guests

Rep. James A. Burke.

Rep. Edward P. Boland.

Rep. Harold D. Donohue.

Rep. Paul Cronin.

## Michigan

## Host Chapters

No. 40, Detroit.

No. 141, Flint.

No. 196, Grand Rapids.

No. 371, Detroit.

No. 135, Pontiac.

No. 142, Lansing.

No. 213, Muskegon.

No. 374, Dearborn.

## Honor Guests

Sen. Philip A. Hart.

Rep. Charles C. Diggs, Jr. (Reception).

Rep. John Dingell.

## Minnesota

## Host Chapters

No. 66, Minneapolis.

No. 267, Duluth.

## Missouri

## Host Chapters

No. 53, St. Louis.

No. 73, Kansas City.

## Honor Guests

Sen. Stuart Symington.

Rep. William L. Hungate.

Rep. Jerry Litton.

*Montana*  
Host chapters  
No. 239, Missoula.  
Honor guests  
Rep. Dick Shoup.

*Nebraska*  
Host chapters  
No. 47, Omaha.  
Honor guests  
Sen. Carl T. Curtis.

*Nevada*  
Host chapters  
No. 314, Las Vegas.

*New Hampshire*  
Host chapters  
No. 44, Manchester.  
No. 215, Portsmouth.  
No. 248, Dover.  
Honor guests  
Sen. Thomas J. McIntyre.  
Rep. Louis C. Wyman.

*New Jersey*  
Host chapters  
No. 52, Newark.  
No. 69, Camden.  
No. 75, New Brunswick.  
No. 285, Hackensack.  
No. 300, Dover.  
No. 54, Paterson.  
No. 72, Trenton.  
No. 108, Jersey City.  
No. 288, Perth Amboy.  
No. 169, Atlantic City.  
Honor Guests  
Rep. Edward J. Patten.  
Rep. Robert A. Roe.  
Rep. Henry Helstoski.  
Rep. Charles Sandman.  
Rep. Edwin B. Forsythe.  
Rep. William B. Widmire.  
Rep. Joseph J. Maraziti.

*New York*  
Host Chapters  
No. 51, Yonkers.  
No. 143, Utica.  
No. 170, Hempstead.  
No. 186, New York City.  
No. 140, Albany.  
No. 115, Newburgh.  
No. 125, Schenectady.  
No. 86, Jamaica.  
No. 91, Buffalo.  
No. 158, Poughkeepsie.  
No. 175, Bronx.  
No. 349, Staten Island.  
No. 327, Saratoga Springs.  
No. 37, Syracuse.  
No. 97, Astoria.  
Honor Guests  
Sen. James L. Buckley (Reception).  
Rep. Mario Biaggi.  
Rep. Angelo D. Roncallo.  
Rep. Henry P. Smith III.  
Rep. Jack F. Kemp (Reception).  
Rep. Lester L. Wolff.  
Rep. Peter A. Peyster.  
Rep. Robert C. McEwen.  
Rep. James J. Delaney.  
Rep. Benjamin A. Gilman.  
Rep. Hamilton Fish, Jr.  
Rep. William F. Walsh.  
Rep. Carleton J. King.  
Rep. John M. Murphy.  
Rep. Samuel S. Stratton.  
Rep. Donald J. Mitchell.

*North Carolina*  
Host Chapters  
No. 2, Charlotte.  
No. 10, Raleigh.  
No. 28, Asheville.  
No. 9, Fayetteville.  
No. 32, Winston-Salem.

No. 11, Wilson.  
No. 257, Greensboro.  
Honor Guests  
Rep. Wilmer D. Mizell.  
Rep. L. H. Fountain.  
Rep. Roy A. Taylor.  
Rep. Charles Rose.  
Rep. James G. Martin.  
Rep. Walter B. Jones.  
Rep. Richardson Preyer.

*North Dakota*  
Host Chapter  
No. 398, Minot.  
Honor Guests  
Sen. Quentin N. Burdick.

*Ohio*  
Host Chapters  
No. 88, Warren.  
No. 127, Cincinnati.  
No. 59, Canton.  
No. 36, Cleveland.  
No. 118, Toledo.  
No. 89, Youngstown.  
No. 209, Middletown.  
No. 74, Massillon.  
No. 113, Dayton.  
No. 247, Springfield.  
Honor Guests  
Rep. Charles J. Carney.  
Rep. Ralph S. Regula.  
Rep. Charles W. Whalen, Jr.  
Rep. Donald D. Clancy (Reception).  
Rep. Walter E. Powell.  
Rep. Louis Stokes.  
Rep. Thomas L. Ashley (Reception).  
Rep. Clarence J. Brown.

*Oregon*  
Host Chapter  
No. 154, Portland.  
Honor Guest  
Rep. Edith Green.

*Pennsylvania*  
Host Chapters  
No. 84, Scranton.  
No. 445, Upper Darby.  
No. 55, Wilkes-Barre.  
No. 61, Reading.  
No. 26, Philadelphia.  
No. 60, Allentown.  
No. 156, Canonsburg-Washington.  
No. 34, Pittsburgh.  
No. 116, Uniontown.  
No. 109, Pottsville.  
No. 65, Bethlehem.  
No. 107, Erie.  
Honor Guests  
Rep. Daniel J. Flood.  
Rep. Lawrence G. Williams.  
Rep. Joseph M. McDade (Reception).  
Rep. William S. Moorhead (Reception).  
Rep. Joseph F. Vigorito.  
Rep. Thomas E. Morgan.  
Rep. Gus Yatron.  
Rep. William J. Green.  
Rep. Fred B. Rooney.  
Rep. Frank M. Clark.

*Rhode Island*  
Host Chapters  
No. 106, Providence.  
No. 245, Newport.  
Honor Guests  
Rep. Robert O. Tiernan (Reception).

*South Carolina*  
Host Chapters  
No. 4, Charleston.  
No. 242, Greenville.  
No. 284, Columbia.  
Honor Guests  
Rep. Mendel J. Davis.  
Rep. James R. Mann.  
Rep. Floyd Spence.  
Rep. Tom S. Gettys.

*Tennessee*  
Host Chapters  
No. 7, Memphis.  
No. 358, Chattanooga.  
Honor Guests  
Rep. LaMar Baker.  
Rep. James Quillen.  
Rep. Joe L. Evins.

*Texas*  
Host Chapters  
No. 29, Houston.  
No. 333, San Angelo.  
No. 311, San Antonio.  
No. 341, Corpus Christi.  
Honor Guests  
Rep. O. C. Fisher (Reception).  
Rep. Bill Archer.  
Rep. John Young (Reception).

*Vermont*  
Host Chapters  
No. 244, Burlington.  
Honor Guests  
Sen. Robert T. Stafford.  
Rep. Richard W. Mallary.

*Virginia*  
Host Chapters  
No. 88, Richmond.  
No. 241, Newport News.  
No. 122, Norfolk.  
No. 438, Arlington.  
Honor Guests  
Rep. G. William Whitehurst.  
Rep. Thomas N. Downing.

*Washington*  
Host Chapters  
No. 177, Seattle.  
No. 256, Everett.  
Honor Guests  
Sen. Henry Jackson  
Rep. Julia Butler Hansen.

*West Virginia*  
Host Chapters  
No. 103, Weirton.  
No. 68, Wheeling.  
No. 307, Huntington.  
No. 96, Clarksburg.  
No. 309, Charleston.  
Honor Guests  
Rep. Ken Hechler.  
Rep. John Slack.  
Rep. Robert H. Mollohan.

*Wisconsin*  
Host Chapters  
No. 43, Milwaukee.  
Honor Guests  
Rep. Clement J. Zablocki (Reception).

*Wyoming*  
Host Chapters  
No. 159, Casper.  
No. 211, Cheyenne.  
Honor Guests  
Rep. Teno Roncalio.

*District of Columbia*  
Host Chapters  
No. 31, Washington, D.C.  
No. 236, Washington, D.C.  
Honor Guests  
Rep. Walter E. Fauntroy.

*Guam*  
Host Chapters  
Honor Guests  
Rep. Antonio Borja Won Pat.

The Order of Ahepa strongly endorses and supports: research for Cooley's Anemia (Thalassemia); and the Ethnic Heritage Studies Program.

## 1974 NATIONAL BANQUET COMMITTEE

William P. Tsaffaras, Supreme President,  
Honorary Chairman.

Andrew Manos, Chairman.

Charles J. Papuchis, Vice Chairman.

William G. Chirgios, Supreme Vice President,  
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Zourdos.

## SAN FRANCISCO TRAGEDY

(Mr. KOCH asked and was given per-  
mission to extend his remarks at this  
point in the RECORD and to include ex-  
traneous matter.)

Mr. KOCH. Mr. Speaker, a tragedy in-  
volving racism is occurring in San Fran-  
cisco. On the one hand there is an ap-  
parent indiscriminate shooting of whites  
by a black gunman or gunmen; 12 whites  
have been killed, 6 others wounded in a  
series of random street shootings. Those  
shootings began in November 1973 and  
claimed their most recent victim on April  
16, 1974. As a result of that horror, Mayor  
Joseph Alioto on April 17 publicly an-  
nounced that a stop and search dragnet  
would be used to try to find a suspect.  
The dragnet provides for the stopping  
and searching by the police of black  
males between the ages of 20 and 30 from  
5 feet 9 inches to 6 feet tall, of slender  
to medium build. As of today the police  
say they have stopped and searched more  
than 500 such individuals. The black  
community quite rightly is outraged as  
are those in the white community who  
are concerned not only with civil lib-  
erties but with the extraordinary adverse  
impact on racial relations that must flow  
from such police action.

While it is possible the police may ar-  
rest a suspect and even one of the gun-  
men by such an indiscriminate search,  
it is hardly likely and the remote possi-  
bility is surely not worth the enormous  
damage to the civil liberties of all blacks  
and to relations between the races.

Thirty-three years ago a similar panic  
precipitated the detention of Japanese-  
Americans during World War II. It took  
many years before that wrong was  
righted and today there is no one I know  
who would defend that action. While I  
do not for a moment consider that Mayor  
Joseph Alioto is anything but a decent  
human being who has taken an action  
out of frustration and in response to pub-  
lic demand that he do something, one

cannot accept such action that chal-  
lenges the constitutional rights of every  
American. You simply cannot indiscrim-  
inately stop and question every individ-  
ual who may remotely fit into a category  
as loosely described by the police in San  
Francisco. San Francisco Police Chief  
Donald Scott is quoted in today's Wash-  
ington Post as saying:

We're not going to stop very young blacks  
or big fat blacks . . . 7-foot blacks or 4-foot  
blacks.

What a cavalier response to a serious  
problem in which such questionable  
measures are being taken.

Of course, every legitimate police ac-  
tion consistent with constitutional pro-  
tections should be undertaken by the  
San Francisco Police Department. I sus-  
pect that when these gunmen are caught  
it will not be because of an indiscrimi-  
nate dragnet but because the police zero  
in on their quarry on the basis of specific  
leads and information. In the meanwhile  
the country must sympathize with the  
plight of every citizen in San Francisco,  
the whites afraid to walk the streets for  
fear of being killed and the blacks fear-  
ful of being unfairly swept up in a de-  
meaning dragnet.

## THE TRAGEDY OF ARMENIA

(Mr. KOCH asked and was given per-  
mission to extend his remarks at this  
point in the RECORD and to include ex-  
traneous matter.)

Mr. KOCH. Mr. Speaker, April 24 is a  
day of remembrance and mourning for  
people of Armenian ancestry the world  
over. On that day in 1915, the Ottoman  
Turks commenced the planned elimina-  
tion of 2,000,000 Armenians in the Otto-  
man Empire. For the world, it marked  
the first policy of genocide witnessed in  
modern times. For the Armenians, it was  
the most barbaric period in centuries  
of subjugation at the hands of more  
powerful foreign rulers. It is important  
to reflect upon this event, not only in  
tribute to Armenians past and present,  
but also in recognition of its meaning for  
all mankind.

As a geographical bridge between East  
and West, Armenia's location has made  
it particularly vulnerable to invading  
forces from Asia and Europe. In modern  
times Persians, Russians, and Ottoman  
Turks have contended for mastery of  
Asia Minor and ruled over most or all  
of Armenia, holding its inhabitants as  
conquered subjects. The Turks held a  
large portion of Armenian territory from  
early in the 16th century until the end  
of the First World War. During this time,  
the Armenians suffered under a policy of  
active racial and religious discrimina-  
tion. In spite of repeated attacks on their  
national consciousness, the Armenians  
retained their national church, lan-  
guage, and sense of unity. Their vision  
of freedom and autonomy did not appeal  
to their absolutist rulers and, by the turn  
of the 19th century, the Turks had de-  
cided to solve the "Armenian problem."  
The design was to eliminate some 2,000,-  
000 Armenians through mass deporta-  
tion, starvation, and massacre. It was  
implemented with brutal success, as up-

wards of 1,000,000 Armenians were re-  
moved. Others survived in the Ottoman  
Empire only by submitting to servitude  
in Turkish homes.

After the defeat of the Turks in  
World War I, Armenians who escaped the  
massacres regrouped and declared the  
independence of Armenia on May 28,  
1918. The new nation, a fitting monu-  
ment to the victims of 1915, survived  
barely 2 years. Threatened by armed  
attack by Turkish nationalists the  
weaker Armenians accepted a cease-fire  
imposed by Soviet Russia and were  
forced to submit to the incorporation of  
Armenia into the U.S.S.R. To this day,  
the historic Armenian struggle for na-  
tional identity continues against over-  
whelming odds.

Mr. Speaker, I wish to submit for in-  
clusion in the RECORD a petition sent to  
the congressional delegation from the  
Greater New York area by a large group  
of New York citizens of Armenian de-  
scent. The petition calls our attention  
to the tragic historical fact that this  
nation did nothing to prevent the geno-  
cide of 1915. In addition, the U.S. Sen-  
ate has consistently refused to ratify  
the United Nations treaty which would  
build a prohibition against genocide into  
the canons of international law. The  
petition is an eloquent reminder that  
the oppression of any minority in any  
nation must weigh upon the conscience  
of not only the oppressor, but of all na-  
tions refusing to relieve the suffering of  
the oppressed. Perhaps it will give cause  
for reflection to those who would insist  
that our foreign policy not take note of  
the internal affairs of other countries.

The petition follows:

PETITION TO THE U.S. CONGRESSIONAL DELE-  
GATION FROM GREATER NEW YORK AREA

Whereas, People of Armenian ancestry all  
over the world commemorate April 24 of each  
year as a day of mourning for the victims  
of the genocide perpetrated upon Armenians  
living in Turkey, particularly in 1915;

Whereas, Reliable and comprehensive doc-  
umentation of this terrible atrocity was  
made known in full detail to the American  
people at the time of the tragedies through  
the medium of U.S. Embassy reports and  
the entire press of the Western World;

Whereas, The Senate of the United States  
has again chosen to defer ratification of the  
U.N. sponsored Treaty on Genocide presum-  
ably for reasons disassociated from the tradi-  
tional American sympathy for the suffering  
of others;

Whereas, Despite extensive documenta-  
tion, the U.S. delegation to the recent ses-  
sions of the United Nations Commission on  
Human Rights supported Turkey and others  
to delete reference to the massacres of the  
Armenian people from the report on Geno-  
cide submitted by the Sub-Commission on  
Prevention of Discrimination and Protection  
of Minorities;

We, the undersigned Americans of Arme-  
nian Extraction, in our concern that such  
callous indifference on the part of the United  
States to the Genocidal evil that has struck  
Armenians and others in the past will in-  
crease the likelihood of wholesale slaughter  
of other minorities in the future,

Do hereby petition the Congressional Dele-  
gation from the Greater New York area to  
introduce the necessary resolutions in the  
Congress to establish a National Day of  
Reminder of Man's Inhumanity to Man and  
to accept the offer of the Armenian people

to designate their sacred day, April 24, for this purpose.

#### GALLOPING INFLATION

(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, it really is incredible that the Congress sits on its hands while it witnesses a galloping inflation. To permit all wage and price restraints to be discarded as they have been by the administration when we are presently facing a record rate of inflation now at 12 percent in the cost of living with an expectation that it will get worse, is something that this Congress will be held accountable for in the fall. While it is true that the Nixon administration failed to use the Economic Stabilization Act in a manner that would have restrained prices as it did in restraining wages, the Congress cannot abdicate its responsibility to pass appropriate legislation even when the President either refuses to employ the legislation or when he does use it, does so unfairly.

The Economic Stabilization Act expires at the end of this month—6 days away. The Banking and Currency Committee of which I am a member, by a vote of 21 to 10 on April 5 tabled legislation which would have at the very least provided stand-by controls. Even those who are not for controls at the present time should at least support stand-by controls so that when as undoubtedly will be the case, the inflation becomes so massive and damaging to our people, there will be the possibility of putting into effect wage and price controls.

I am appending an excellent article which appeared in the Wall Street Journal on April 15, authored by the noted economist Walter W. Heller which urges:

First. A quick and simple extension of the stand-by powers of the Economic Stabilization Act;

Second. Granting of the authority requested by John Dunlop for the transitional period; and

Third. The establishment of a monitoring agency—preferably by statute and equipped with last-resort suspension and rollback powers.

[From the Wall Street Journal, Apr. 15, 1974]

#### THE UNTIMELY FLIGHT FROM CONTROLS

(By Walter W. Heller)

Congress is about to outdo the White House in running away from the inflation problem:

While correctly observing that business and labor are bitterly opposed to wage-price controls—and that consumer views range from skeptical to cynical—Congress is mistakenly sending such controls to the gas chamber rather than putting them in cold storage.

While correctly concluding that broad-scale mandatory controls had outlived their usefulness in an excess-demand, shortage-plagued economy, Congress is mistakenly walking away from its responsibility to assert the public interest in price-wage moderation in an economy plagued by softening demand and rising unemployment.

While correctly observing that the White House has done its level worst to discredit controls, Congress is mistakenly refusing even to give John Dunlop and the Cost of Living Council the leverage they need to insure that the pledges of price moderation and

supply increases made in exchange for early de-control by many industries will be redeemed.

Granting that controls are in ill repute, one wonders how Congress can explain to itself today—let alone to voters next fall—the discarding of all wage-price restraints in the face of record rates of inflation of 12% in the cost of living and 15% in wholesale prices (including an ominous 35% rate of inflation last month in industrial commodity prices). Is it the product of a growing “what’s-the-use” attitude? Is it an implicit surrender to an inflation that is deemed in part to be woven into the institutional fabric of our economy and in part visited upon us by uncontrollable external forces like world food and material shortages and oil cartels? In short, is inflation now thought to be not just out of control but beyond our control?

#### MILTON FRIEDMAN'S STREAK

An affirmative answer to these brooding questions seems to underlie Milton Friedman's recent economic streak—one which evokes surprise, astonishment, and disbelief in the best streaking tradition—from Smithian laissez-faire to Brazilian indexation. At present, we use the cost-of-living escalator selectively to protect 32 million Social Security and civil service beneficiaries and 13 million recipients of food-stamps and to hedge inflation bets in wage contracts for 10% of the labor force. Mr. Friedman would put all groups—those who profit from inflation and those who suffer from it alike—on the inflation escalator and thus help institutionalize our present double-digit rates of inflation.

Meanwhile, interest rates are soaring as Arthur Burns and the Fed man their lonely ramparts in the battle against inflation. With wage-price control headed for oblivion in the face of seething inflation, the Fed apparently views itself as the last bastion of inflation defense. So it is adding to the witches' brew by implicitly calling on unemployment and economic slack to help check the inflation spiral.

In this atmosphere, and deafened by the drumfire of powerful labor and business lobbies, Congress seems to have closed its mind to the legitimate continuing role of price-wage constraints. What is that role in an economy relying primarily, as it should, on the dictates of the marketplace?

First are the important transitional functions of the Cost of Living Council for which Mr. Dunlop, with vacillating support from the White House, asked congressional authority. In its new form after April 30 the Council would have:

Enforced commitments made by the cement, fertilizer, auto, tire and tube, and many other de-controlled industries to restrain prices and/or expand supplies—commitments that would become unenforceable when COLC goes down the drain with the Economic Stabilization Act on April 30;

Protected patients against an explosion of hospital fees by keeping mandatory controls on the health-care industry until Congress adopts a national health insurance plan;

Prevented an early explosion of construction wages and the associated danger that housing recovery might be crippled;

Maintained veto power over wage bargains that are eligible for reopening when mandatory controls are lifted.

Beyond Phase 4's post-operative period, government needs to assert its presence in wage-price developments in several critical ways.

The first would be to continue the important function of monitoring other government agencies, of keeping a wary anti-inflationary eye on their farm, labor, trade, transport, energy and housing policies. The point is to protect consumers from the price consequences of the cost-boosting and price-propelling activities of the producer-oriented

agencies. The White House could continue this function without congressional authority, but a statutory base would give the watchdog agency much more clout.

Second would be the task of working with industry, labor, and government units to improve wage bargaining and relieve bottleneck inflation by encouraging increased production of scarce goods and raw materials.

Third, and by far the most important, would be the monitoring of major wage bargains and price decisions and spotlighting those that flout the public interest.

The trauma of Phases 3 and 4 has apparently blotted out memories of the painfully relevant experience of 1969-71:

The school's out, hands-off policy announced by Mr. Nixon early in 1969 touched off a rash of price increases and let a vicious wage-price spiral propel inflation upward even while the economy was moving downward.

Only when Mr. Nixon finally moved in with the powerful circuit-breaker of the 90-day freeze was the spiral turned off.

Today, the urgent task is to see that it's not turned on again. In that quest, some forces are working in our favor:

Much of the steam should be going out of special-sector inflation in oil, food, and raw materials.

The pop-up or bubble effect of ending mandatory controls should work its inflationary way through the economy by the end of the year.

As yet, wage settlements show few signs of shooting upwards as they did in 1969-70, when first-year increases jumped from 8% to 16% in less than a year. Wage moderation in 1973—induced in part by wage controls, but even more by the absence of inordinate profits in most labor-intensive industries and by the fact that the critical bottlenecks were in materials and manufacturing capacity rather than in labor supply—has set no high pay targets for labor to shoot at.

Thus far in 1974, the aluminum, can, and newly-signed steel settlements won't greatly boost those targets. So the wage-wage spiral is not yet at work. Since, in addition, cost-of-living escalators apply to only one-tenth of the U.S. work force, the ballooning cost of living has not yet triggered a new price-wage spiral. Still, there is a distinct calm-before-the-storm feeling abroad in the land of labor negotiations.

#### A MODERNIZATION IN INFLATION

With demand softening and shortages easing in large segments of the economy, the old rules of the marketplace would suggest that inflation is bound to moderate. And the odds are that it will—but how fast, how far, and how firmly is another matter. And that's where a price-wage monitor with a firm statutory base is badly needed. It could play a significant role in inducing big business to break the heady habit of escalating prices and in forestalling big labor's addiction to double-digit wage advances.

Industry after industry has gotten into the habit of raising prices on a cost-justified basis as energy, food, and raw material prices skyrocketed. De-control will reinforce that habit.

Once these bulges have worked their way through the economy, we tend to assume that virulent inflation will subside. Indeed, in some areas such as retailing, farm products, small business, and much of unorganized labor, competitive market forces will operate to help business and labor kick the inflationary habit.

But in areas dominated by powerful unions and industrial oligopolies, a prod is needed if habitual inflation—inflation with no visible means of support from underlying supply and demand conditions in the economy—is to be broken. If it is not, the threat of a wage break-out will loom large in upcoming

wage negotiations in the construction, communications, aerospace, ship building, airlines, mining, and railroad industries. In those critical negotiations, the wage moderation of the past two years could go up in smoke if the ebbing of non-labor cost pressures is simply converted into profits rather than being shared with consumers in price moderation.

Congress and the White House are taking undue risks if they rely entirely on market forces to achieve this end, especially in those large areas of the economy where competitive forces are not strong enough to protect the consumer. To serve as his ombudsman and to help prevent the picking of his pocket by a management-labor coalition, the consumer needs a watch-dog agency that will bark and growl and occasionally bite. Such an agency—which could accomplish a good deal by skillful exercise of the powers of inquiry and publicity and much more if it were able to draw, sparingly, on powers of suspension and rollback when faced with gross violations and defiance—could provide substantial insurance against inflation by habit.

#### CONTENTS OF AN ACTION PROGRAM

An action program to accomplish the foregoing would have included—indeed, given a miracle of courage, conviction and speed could still include—the following elements:

A quick and simple extension of the standby powers of the Economic Stabilization Act. Granting of the authority requested by John Dunlop for the transitional period.

The establishment of a monitoring agency—preferably by statute and equipped with last-resort suspension and rollback powers, but if that is not to be, then by White House action and relying mainly on instruments of inquiry and publicity—to look over the shoulder of big business and big labor on behalf of the consumer.

To declare open season on price-wage decisions under present circumstances—as we seem hell-bent to do in our disenchantment with controls and sudden revival of faith in the market system—would be one more example of the classic action-reaction pattern that excludes the middle way. The Congress and the country may well rue the day when, largely at the behest of big business and organized labor, the government presence in their price and wage decisions was mindlessly liquidated, leaving the consumer to fend for himself.

#### ARTICLE STRESSING DUBIOUS ASPECTS OF HOUSE RESOLUTION 988, THE SELECT COMMITTEE ON COMMITTEES REFORM PROPOSAL

(Mrs. SULLIVAN asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, on March 21, 25, and 26 and on April 1 and 4, 1974, I inserted articles in the RECORD showing how decisions of the Select Committee on Committees which stripped away important portions of the Merchant Marine and Fisheries Committee jurisdictions were ill-conceived and incorrect. Today, I would like to insert in the RECORD an article from the April 1974 issue of the publication "No Man Apart," published by Friends of the Earth, an important international environmental organization. I commend this excellent article to the Members' attention because it illustrates the very points I have been making with respect to the Select Committee's decisions.

The article focuses on one of the many basic flaws in the Select Committee's reform proposal. The article discusses the transfer of jurisdiction over the National Environmental Policy Act—NEPA—from the Merchant Marine and Fisheries Committee to the proposed Committee on Energy and Environment. It points out the dangers inherent in this transfer and discusses the adverse effects on NEPA and on the program itself under the proposal to remove it from the expertise of its sponsor, Congressman JOHN D. DINGELL, chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment. The article points out quite correctly that under the proposed change of jurisdiction this landmark environmental legislation may be subject to debilitating amendments and attack which may result in mutations in and setbacks for this environmental program.

The environmental work of the Committee on Merchant Marine and Fisheries will not be the only jurisdictional matters suffering under such a transfer. The present wildlife jurisdiction of the committee will also be put in jeopardy by this proposed reform proposal. Anyone who has any knowledge at all of the work of the House of Representatives recognizes that conservation and wildlife matters have had a protector and most effective advocate under the chairmanship of Congressman DINGELL, and the production of legislation from Chairman DINGELL's subcommittee concerning these important matters has been prolific and of the highest quality. Congressman DINGELL has been a Member of the House of Representatives for 19 years and has been chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment since 1965. I have worked closely with JOHN over all these years, as I did with his father before him. In these last 9 years, Chairman DINGELL has fashioned an unparalleled record with respect to fisheries and wildlife conservation and the environment. These legislative accomplishments did not just happen. They were the result of JOHN's intelligence, boundless energy and enthusiasm within his areas of expertise, with the assistance of two very able staff lawyers who have assisted Mr. DINGELL in this work over the years.

What will happen to Congressman DINGELL and his excellent staff under House Resolution 988, the Select Committee's reform proposal? How has the Select Committee made provision for handling the situations in which JOHN DINGELL and many other able Members of the Congress would find themselves, should the reform proposal not be voted down?

I think it is revealing to examine the way in which the Select Committee has proposed to treat these transition situations and these useful Members.

In the report to accompany House Resolution 988, the Select Committee comments on its so-called transitional provisions. Its summary of the "transitional devices" states:

In order to facilitate the reforms proposed, the Select Committee believes that it

should be the sense of the House that the Members who by these reforms may be required to leave one of two committees should be allowed to select the committee on which they wish to remain. It is also recommended that a Member who presently serves on a committee which has significant jurisdiction transferred may be permitted to join that committee to which the jurisdiction is assigned, with his or her service on the former committee appropriately recognized.

According to the Select Committee on Committees, this appropriate recognition of former service shall be taken into account by the "Democratic Caucus and the Republican Conference." This is indeed a feeble attempt to deal with a very complex and highly significant aspect of the so-called reform proposal. Obviously, the party caucus will not force a committee to accept a member in a lateral transfer and jump that member to a position of seniority above those members who have been sitting and working in the committee over a number of years. Thus, for example, one cannot believe that JOHN DINGELL would be put in a position of seniority in the proposed Energy and Environment Committee over the existing members of the Interior Committee, to become chairman of a subcommittee dealing with NEPA or wildlife conservation. Indeed, it is not clear what kind of status these important jurisdictional matters would have in the new Committee on Energy and Environment.

The Select Committee's treatment of the displacement of valuable staff members is equally cynical, impotent, and insensitive. It is stated, on page 74 of the report, that:

The Select Committee realizes that its proposal to reorganize the committees will disturb established patterns of committee staffs. It realizes also that staff-Member relationships require mutual confidence, trust, and political compatibility. Yet the Select Committee believes that the reorganization of House committees should not result in the loss of valuable staff. When, by necessity, such loss occurs the Select Committee recommends that the placement office of the Joint Committee on Congressional Operations give high priority to relocating staff members in appropriate positions.

In the real world, it is perfectly clear that the hortatory phrase "that the placement office of the Joint Committee on Congressional Operations should give high priority to relocating staff members in appropriate positions" are just words and lip-service and that this valuable resource could for the most part be wasted and lost.

I submit that the dislocation of Members and staff goes to the heart of the Select Committee reform proposal and that the Select Committee's cavalier treatment of this critical matter is far from satisfactory. Surely with 10 Select Committee members, a staff of 12 persons, a budget of \$1.5 million, and deliberations for almost a year and a half, one might reasonably expect a more comprehensive examination and a more complete and satisfactory recommendation and solution to such a basic problem as this.

The article points out very well the weaknesses in and problems resulting

from the Select Committee decisions and provides more evidence that House Resolution 988 does not provide positive and necessary reform but is in reality a scheme that will in fact result in a weakening of the processes and work of the House of Representatives. The proposal must be defeated.

The article, "A Dubious Reform Plan," follows:

[From *No Man Apart*, April 1974]

#### A DUBIOUS REFORM PLAN

(By Ann Roosevelt)

The House Select Committee on Committees is continuing the mark-up of its reorganization plan that would reorganize House committee jurisdictions and limit members to serving on one committee. The Committee hopes to have the reorganization plan come up for a vote on the House floor sometime in April.

Originally, many environmental jurisdictions were shuffled and assigned to the commodity-oriented Agriculture Committee. Through the work of FOE and others, however, Wildlife, National Parks, Wilderness, and Fish and Fisheries have been removed from the hostile Agriculture Committee and placed in the newly created Energy and the Environment Committee, which will become the successor to the Interior Committee. FOE is still very much concerned over the fate of Public Lands and National Forests, however.

At press time, public lands jurisdiction is going to be split functionally, with grazing, farming, and forestry placed in Agriculture. Wilderness, wildlife, and mineral leasing on public lands will be given to the Energy and Environment Committee. From a management standpoint, this does not allow a coordinated land-use approach toward the public lands. We believe it would be better to have all these jurisdictions go to the committee having primary responsibility for land-use policy. Under the new proposal, this committee would be the Energy and Environment Committee.

Another aspect of the reorganization plan that causes concern is the proposal to limit members to service on one committee. This scheme would concentrate power by reducing the number of committees, and chairmanships as well. It would also encourage further identification of committee members and staffs with the more limited number of special interests and agencies which they would oversee. Further, it might be particularly detrimental to environmental and consumer interests that are of important national concern but which may be of secondary concern to specific congressional constituencies. Thus, a Northeastern representative with a strong environmental interest but a strong labor constituency may feel compelled to join the Labor Committee rather than the Energy and Environment Committee. We think it would be better to limit members to two committee assignments and make provisions for extra staff for those members serving on two committees. Problems such as scheduling conflicts for committee meetings could be alleviated by expansion of the legislative work week from three days to four or five.

A further worrisome aspect of the reorganization plan is that jurisdiction over the National Environmental Policy Act (NEPA) will be transferred from the Merchant Marine and Fisheries Committee (which at press time is slated to become a minor committee) to the Energy and Environment Committee. John Dingell (D-Mich.) is the subcommittee chairman of the Merchant Marine and Fisheries subcommittee, which now has jurisdiction over NEPA, and it is largely through his efforts that NEPA has been preserved from debilitating amendments. Transferring jurisdiction over NEPA to the Energy and the Environment Committee opens the door to possible amendments.

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This transfer of NEPA jurisdiction comes at a politically inopportune time. There was a secret, high-level meeting at the White House a few weeks ago to discuss the possibility of amending NEPA in such a way as to permit energy-producing facilities not to file environmental impact statements. Since NEPA has forced agencies to consider the environmental impact of their action and has permitted public participation in decision making, this Administration proposal would be a disastrous setback for the public interest.

In the tightly knit world of Congress, one of the best ways to prevent crippling amendments to a law is to reject these amendments when they are offered for consideration at the subcommittee level. So far environmentalists have been lucky in having a friend, John Dingell, as chairman of the Subcommittee of the Merchant Marine and Fisheries Committee that has jurisdiction over NEPA. If the NEPA jurisdiction is transferred to the Energy and the Environment Committee, NEPA will be in dire trouble.

#### SLUMPFLATION IS A GOOD REASON NOT TO END ALL CONTROLS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, as the Congress prepares to abandon economic controls on April 30, headlines in the daily press convey the bad news to the American consumer—*inflation is worse now than at any time in the last 25 years*, climbing at over 13 percent on an annualized basis. "Double-digit inflation" will become a household phrase unless the Congress acts forcefully and responsibly before it is too late. I include an article from the *Washington Post* of April 20, 1974, and an editorial from the *New York Times* of April 22:

[From the *Washington Post*, Apr. 20, 1974]

#### INFLATION RATE IS HIGHEST IN 25 YEARS

(By Hobart Rowen)

The worst inflation rate in nearly a quarter of a century continued to plague the nation in March, when the consumer price index rose another 1.1 percent, equivalent to an annual rate of 13.2 percent.

It was the second consecutive day of bad economic news, the government having reported a recession-like drop in the Gross National Product Thursday by 5.8 percent.

The combined squeeze of higher prices and sluggish production has government officials worried, but the current posture of the Nixon administration, fearful of worsening the inflation rate, is to try to ride out the storm without stimulative measures.

The March result compared with a 1.3 percent increase in February and 1 percent for January (all figures seasonally adjusted.) But while food price pressures eased somewhat, inflationary pressures in non-food items and services became more severe.

The food price index increased by 0.8 percent in March, substantially less than the 2.5 percent in February or 1.6 percent in March, thanks mostly to a decline in beef, pork, poultry, eggs and fresh fruits. Nevertheless, the Labor Department said that the 0.8 percent increase is much higher than is usual for foods in March.

In the Washington area, the Department said, the retail food price index was unchanged at 163.7 (1967 equals 100). A decline in grocery store prices about offset an increase in restaurants. (Food is the only major category of the CPI prices monthly in the Washington area.)

Gary L. Seavers, a member of the President's Council of Economic Advisers said

that the inflation problem could be worsened "by measures designed to stimulate the pace of economic activity."

But administration critics are concerned by the fact that workers' real income—that is, pay after making an adjustment for higher prices and taxes—is lower than the year-before level for the twelfth consecutive month.

For the average married worker with three dependents, real earnings dropped another 0.9 percent, bringing the March figure 4.7 percent below a year ago. That means the average worker has the spending power now of only \$95.30 out of each \$100 a year ago.

Taking the first three months of the year together, the Labor Department said that the cost of living has soared at an annual rate of 14.5 percent, the largest since the first quarter of 1951.

On a year to year basis (March, 1973 to March, 1974), the cost of living has jumped 10.2 percent, which explains why officials refer to the inflation rate as a "double-digit" affair. This is more than twice the rate of the preceding year, and the highest 12-month bulge in prices since January, 1948.

Another worrisome aspect of yesterday's news is that while the sharp recent rise in food prices abated considerably in March, the price tag for non-food prices and services continued to escalate even faster.

In fact, the 1.5 percent increase in industrial prices for the month (an 18 percent annual rate) is the biggest in that category since the government began to keep such statistics in 1954.

Within this group, gasoline and motor oil went up 7 percent to a level 30.3 percent above a year ago, the Labor Department said.

All told, higher prices for gasoline and food—which until recently have been accounting for about two-thirds of the inflation—accounted for only 25 percent of it in March, which means that price rises have spread in a pervasive way to a wide range of other consumer goods and services.

There were notable price increases in physicians' fees (up at a 20.4 percent annual rate), apparel, gas, electricity, postal rates, newspapers, textiles, new cars, city bus fares and household durable goods.

In a separate report, the department said that average prices of regular gasoline rose 7.5 percent to 52.8 cents per gallon in March. In the last five months the price of regular gasoline has gone up 31.1 percent.

Seavers expressed some optimism, in a cautious way, about prospects that the level of price hikes would abate. Administration officials are also hoping for an upturn in economic activity despite Thursday's first quarter report on GNP.

In the first three months, GNP rose only \$14.3 billion, or at a 4.4 percent rate, to a seasonally adjusted pace of \$1,352 billion. This dollar value gain—all in prices—was much smaller than a \$33 billion gain, or 10.5 percent, in the previous quarter.

The 5.8 percent slide in real GNP terms is almost triple what the administration had privately expected at the beginning of the year.

[From the *New York Times*, Apr. 22, 1974]

#### RECORD SLUMPFLATION

The nation's economic performance in the first quarter of this year was almost certainly the most alarming of the entire postwar period. Real output declined at an annual rate of 5.8 percent, the sharpest drop in gross national product in sixteen years. The over-all price level increased at an annual rate of 10.8 percent—the steepest climb in 23 years. Most disturbing of all, slump and inflation worsened in parallel. By an "index of economic disorder"—combining the rate of decline in real GNP with the rate of inflation—this slumpflation provides the poorest

record since World War II put an end to the Great Depression.

The first quarter's dismal record cannot be dismissed as a fluke, a stroke of bad luck caused by the energy crisis. Unquestionably, the oil embargo and soaring fuel prices did help to depress the economy and exacerbate inflation. The energy-cost squeeze has still not ended and could even intensify in the months ahead.

But the American economy had entered a slump even before the Mideast war broke out in October. Housing had fallen precipitously due to tight money and high interest rates. Analysts had hoped that a gradual slowing of the economy and lower interest rates would boost housing. Instead, accelerating inflation has raised rates to peak levels and housing is slumping again.

Inflation has also worsened the cash problems of many businesses, especially such heavy borrowers as the real estate investment trusts. Even with heavier carrying costs, business inventories are still rising. Since much inventory building was involuntary, such as the pile-up of unsold autos, production-depressing cuts in stocks appear to lie ahead.

Inflation is practically out of control. Nationally, consumer prices rose at an annual rate of 13.2 per cent in March; in the New York area, the cost of living climbed at a 14.4 per cent annual rate. Relentlessly, the Administration goes on removing controls day by day, and Congress shows no disposition to design an effective new anti-inflation program to replace that shattered ruins of the existing one after April 30.

The new temptation—sponsored, curiously enough, by libertarian economists—is to learn to live with inflation by imitating authoritarian Brazil and attaching all incomes and bonds to a price-index escalator. But, without waiting for the United States Government to go Brazilian, American labor is producing an "indexing" solution of its own through an automatic tie of higher wages to higher prices. Understandable as labor's pressure is, the reality is that sharp rises in wages, far in excess of productivity gains, threaten either to intensify unfairnesses in the distribution of inflation—or to create a profit squeeze and deepen the recession.

The Administration is apparently counting on a slowdown (which President Nixon has forbidden his underlings to call a recession) to check the inflation. At the same time, it is counting on a second-half recovery to keep unemployment from growing significantly. But what plans has the Administration, if these wishful forecasts go awry?

Flying without flight plans or controls, the Administration's top policy makers are jostling for the pilot's seat. Mr. Nixon has announced that he intends to take personal charge of "economic policy." "What policy?" one might well ask. On the record to date, this could be the most disturbing news of all.

Mr. Speaker, on April 10, when I introduced H.R. 14189, I said that a new approach, was needed to fight inflation and unemployment. Two dozen of my colleagues who have cosponsored the measure are in agreement with me, and many others appear to have similar thoughts. If we abandon controls completely, the Congress by its inaction will become the unwitting accomplice of an administration "flying without flight plans or controls."

**ADDRESS OF CONGRESSMAN JOHN BRADEMAS, COLLEGE OF EDUCATION, MICHIGAN STATE UNIVERSITY**

(Mr. BRADEMAS asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on April 21, 1974, I had the privilege of speaking at the annual presidents' dinner of the college of education, Michigan State University, East Lansing.

The purpose of this dinner was to honor those members of the faculty of the college of education at MSU who have been elected Presidents of national educational organizations.

I insert at this point in the RECORD the text of my remarks on this occasion:

**ADDRESS OF CONGRESSMAN JOHN BRADEMAS, THE PRESIDENTS' DINNER OF THE COLLEGE OF EDUCATION, MICHIGAN STATE UNIVERSITY, APRIL 21, 1974**

I am, for several reasons, delighted at the opportunity to be with you here in East Lansing tonight.

I confess that this is my first visit to Michigan State University and I admire your courage in inviting here the Representative in Congress of the District where the nation's Number One football team, that of the University of Notre Dame, is located!

I am pleased to be here at one of the nation's greatest universities because of my friendship of many years with your distinguished President, Clifton Wharton.

Cliff Wharton is respected in Washington, D.C. and across the nation as a thoughtful and imaginative leader in American higher education as well as in another field crucial to the future of our country and, indeed, the world, the economics of agriculture.

In fact, the state of Michigan can be proud of having produced some of the nation's most effective champions of education.

I think of my wise and gifted friend, the former Secretary of Health, Education and Welfare and now Dean of the School of Education at your sister institution at Ann Arbor, Wilbur Cohen.

And I think of two senior members of the House Committee on Education and Labor, both widely respected for their expertise in the field of education, Congressman James G. O'Hara of Utica, Chairman of the Subcommittee on Higher Education, and Congressman William D. Ford of Taylor, who sits on the subcommittee that handles elementary and secondary education.

And I must say a word as well of the outstanding contribution of your able State Superintendent of Public Instruction, John Porter, to the work of the National Commission on the Financing of Postsecondary Education, on which I sat with him for over a year.

I am glad to be here also to join in doing honor to those members of the faculty of education at Michigan State University who have been elected to the presidencies of various national organizations: August G. Benson, President of the National Association for Foreign Student Affairs; Lloyd M. Cofer, Chairman of the Association of Governing Boards of Universities and Colleges; Carl H. Gross, President of the Society of Professors of Education; Archibald B. Shaw, President of the Horace Mann League of the U.S.A.; Willard Warrington, President of the National Council on Measurement in Education; and Stanley P. Wronski, President of the National Council for the Social Studies.

That one faculty of one university should have supplied so much leadership to so many educational organizations speaks well, I believe, for both the caliber and commitment of your College of Education to the enterprise that brings us together tonight, improving the quality of education in the United States and widening access to it.

**ELEMENTARY AND SECONDARY EDUCATION ACT**

Although, I speak as a member for many years of that committee of the House of Representatives with primary responsibility

for writing legislation to support education at every level from preschool to graduate school and beyond. I want to focus my remarks on the major current legislation in which I know many of you will have an interest, the bill to extend the Elementary and Secondary Education Act.

There are three reasons I choose to concentrate on this particular measure.

First, the ESEA is the most important program of Federal aid to education, in both magnitude and impact.

Second, the bill extending ESEA is even now making its way through the legislative process. So my discussion of this bill is not—no pun intended—academic.

Third, the complexity of the issues that legislators face in trying to write this multi-billion dollar bill to try to help our nation's schools and the difficulties we have encountered in obtaining answers to the questions the measure raises combine, I believe, to teach you, as professional educators, an important lesson.

The lesson is this—and I shall give it to you in advance—that schools of education should give far more attention than they now do to the shaping of Federal education policy.

For the fact is that although many of us in Congress have been working hard this past year to strengthen and improve the effectiveness of the Elementary and Secondary Education Act, neither deans of schools of education nor their faculties have, with rare exceptions, made significant contributions to our efforts.

This is a point to which I shall later return.

So now let me speak of H.R. 69, the bill which would extend for three years the major programs of Federal aid to the nation's grade schools and high schools. As you know, the House just a few weeks ago gave its overwhelming support to the measure by passing it 380 to 26.

And this vote is, I believe, solid evidence that most of us in Congress, both Republicans and Democrats, are committed to continuing our support of Federal assistance to education.

I would like, at the outset, to list the principal provisions of H.R. 69 as passed by the House:

1. An extension of the Title I program for three more years with an updating of its formula for distributing its funds and the inclusion of several improvements in its administration.

2. Consolidation of several categorical Federal aid programs into two broad programs.

3. Extension of the impact aid programs for three more years.

4. Extension of the Adult Education Act.

5. The creation of a new Community Education program, along the lines of the program pioneered in Flint, Michigan, and supported by the Mott Foundation.

6. An extension of the Education of the Handicapped Act.

7. An extension of the Bilingual Education Act.

8. A study of the need for early funding of education programs.

9. An authorization for the calling of a White House Conference on Education in 1975.

**THE TITLE I ISSUE**

I want to talk principally tonight about what was perhaps the most controversial, but no doubt the most important, feature of the bill, the updated formula for Title I.

You will forgive me if much of what I say sounds both specific and complicated but so too is the nature of educational problems with respect to which we legislate.

And I hope that when I have finished my remarks, you will better understand why I say that we as legislators need more help from you as educators than you now give us in shaping public policy for education.

As you know, Title I was first enacted in 1965 as a response to what was then widely

perceived to be a serious national problem of educational deprivation among low-income persons. Studies and reports had determined a high correlation between poverty and educational achievement. The problem was felt to be particularly acute in school districts with high concentrations of poor districts which have difficulty in financing adequate educational programs.

Studies of the impact of Title I have indicated that it has indeed been providing a substantial amount of assistance to pupils in districts most in need of educational assistance.

Although significant progress can be cited, it was necessary to extend Title I because the original purposes and goals which Congress established when Title I was first enacted into law have not yet been achieved.

Our job in extending the Title I program was a difficult one, however, because the current formula which has been used to allocate Title I monies has become outdated and has created serious distortions and imbalances in the allocations of Title I monies. The updated formula written by the Committee and adopted by the House was aimed at correcting these problems.

As you know, the present law provides that local school districts receive Title I grants based on two factors: a) the number of children in those districts from families with incomes under \$2,000 a year, according to the decennial census; and b) on the number of children from families with incomes over \$2,000 from payments under the Federal program of Aid to Families with Dependent Children (AFDC).

Each school district's entitlement is computed by multiplying the total number of children from these two categories by one half the state or national average per pupil expenditure for elementary and secondary education, whichever is higher.

When the Title I formula was written nine years ago, it was thought that the best method for distributing funds would be to use census data to determine numbers of children from poverty families since these data were thought to be the most nationally uniform and reliable.

But since the census data are collected only once a decade, there was a need for an updating factor to be annually applied to the data, and that update was written into the original law as the portion of the formula which counts AFDC children.

#### THE AFDC PROBLEM

Originally, AFDC children accounted for approximately 10% of the total Title I children, or about 600,000 out of a total of 5.5 million.

But over the years, the AFDC children counted under the formula have grown to such an extent that they have overwhelmed the children counted from the census to the point where AFDC has become the predominant element in the formula. This problem was compounded last year with the shift to 1970 census data, a shift which resulted in nearly a 50% reduction of the number of children counted under the \$2,000 low-income level. As a result, AFDC children now account for over 60% of the total number of children eligible for Title I—about 3.6 million children out of a total of 6.2 million Title I children.

Thus, Title I money is now being principally distributed not on a basis of nationally uniform census data but on the basis of AFDC caseload counts. But the AFDC program in its present state simply does not provide an accurate and reliable basis for comparing poverty throughout the country.

Let me explain—

As you well know, there are great varieties in the levels of AFDC benefits across the country, as well as varieties in the methods used to administer these programs. For example, studies have shown that the wealthier

a State, the more likely it is that its level of AFDC benefits will be high and that it will therefore be able to add AFDC children under Title I. Since the Title I formula has come to rely more heavily on AFDC as a basis for allocation, Title I funds have therefore tended to go to wealthier States, which have been able to afford larger AFDC programs.

Further, the AFDC program leaves great discretion to the States in its actual administration. These differences clearly make AFDC statistics unsuitable for use in the distribution of Federal aid.

A look at the allocations under Title I for last year, I think, aptly demonstrates how allocations under the present formula have tended to favor wealthier states with high AFDC benefits.

New York, which ranks first in per capita income among the states and ranks near the top of the states in AFDC benefits paid, received nearly 18% of the Title I funds in 1974 while it has only 7.4% of the school children in the country. Compare this with Texas, which received 4.5% of the Title I funds in 1974 although it had 5.9% of the total school children in the country. The reason for this discrepancy is that Texas was able to add only 81,854 AFDC children to its total count of Title I eligible children while New York was able to add 564,248 AFDC children.

I am perfectly aware that we are not here discussing a general aid formula, but I think it nonetheless true that these figures give you some idea of the distortions created by the present formula.

#### OTHER PROBLEMS

There is another problem with the current formula, which utilizes a static, low-income factor—\$2,000—in counting census children. A figure of this kind is too inflexible because it does not reflect certain elemental variables necessary in measuring poverty. For example, under the present formula, children from a family of three earning \$1,995 would be counted when children from a family of six earning \$2,005 would not.

And there is another difficulty. The present Title I formula also has a problem with the payment rate as applied to the Title I eligible children, and this problem has produced substantial inequities as well. Let me explain:

Under the present law, school districts are eligible to receive for each Title I child either one-half the State or one-half the national average expenditure for education, whichever is higher.

Since there is no ceiling on the payment rate which a State can receive, this aspect of the formula has also contributed to a distortion of the distribution of Title I funds among the States.

New York State, for example, is eligible to receive \$772 per Title I child while California is eligible to receive only \$485 per child.

Yet I think there would be few who would contend that it costs that much more to live in New York than to live in California.

So the result of this part of the formula, if you look at it in dollars and cents terms, is that New York is this year receiving nearly twice as much money as California—\$218 million as compared to \$121 million—although the two States have approximately the same number of Title I children.

#### A NEW TITLE I FORMULA

In view of these considerations, the Education and Labor Committee wrote a new formula to provide what we believed to be a more equitable distribution of funds, one which will rely on census data, data which are uniform nationwide, as a basis of allocating compensatory education funds.

This formula was developed after more than a year of consideration by the Committee, consideration which included months of public hearings and open mark-ups by the General Education Subcommittee and

months of public mark-up sessions by the full Education and Labor Committee.

Under the updated formula developed by the Committee and adopted by the House a few weeks ago, each school district will be able to count the number of children within the school district who are from families considered poor according to the decennial census using the official Federal definition of poverty known as the "Orshansky" index.

School districts will also be able to add each year two-thirds of those children from families receiving an income from payments under the AFDC program in excess of the current Federal definition of poverty for a nonfarm family of four—that figure being presently \$4,250, and this figure is to be updated annually by the Consumer Price Index.

To continue, each school district's total number of children is to be multiplied by 40 percent of the State average per pupil expenditure for education except that if any State's average expenditure is less than 80 percent of the national average expenditure, school districts in that State will be entitled to 80% of the national average per pupil expenditure. If the State's average per pupil expenditure is in excess of 120% of the national average expenditure, school districts within the State will be entitled to a payment equal to 40% to 120% of the national per pupil expenditure.

The purpose of shifting to an updated definition of poverty for counting children and in diminishing the importance of the AFDC figures is to restore the balance that was present in the original Title I program and to provide for the most equitable possible nationwide distribution of Federal compensatory education funds.

Using the Orshansky index of poverty and by reducing reliance on AFDC, more accurate and uniform national census data will again be the principal basis for the distribution of Title I money. And the rather erratic AFDC data will be used as a less important modifier of those data.

#### THE ORSHANSKY INDEX OF POVERTY

The reason the committee adopted the Orshansky index of poverty for counting the number of Title I children is that it is the most accurate measure of poverty providing data at the county, State, and national levels. The Orshansky index varies according to three factors: First, the number of children in the family; second, the sex of the head of the household; and third, the farm or nonfarm status of the family.

Moreover, the Orshansky index is a measure of poverty adopted by the Federal Government in 1969 as the official definition of poverty and is now widely used in various Government programs.

You will also be interested in knowing that we included a "hold-harmless" provision, whereby no school district will receive less in any fiscal year than 85% of the money it received in the preceding fiscal year.

And in recognition of the important role of teachers in providing special assistance to educationally deprived children, the bill approved by the House would authorize the use of Title I funds for teacher training grants in local school districts.

Although the formula developed by the Committee was in my view the most equitable and fair formula which could be devised, it was not without its critics.

#### OTHER APPROACHES

Certainly, the most vocal critics of the updated formula were those Members who charged that the new formula moved toward a general aid approach and away from a poverty-related program. They argued that the updated formula shifted funds from cities and states which had received special attention in 1965 when Title I was first enacted and which have the highest concen-

tration of educationally deprived children to wealthier and more rural areas. They were particularly concerned about the estimated entitlements for New York State and New York City.

In this regard, I would have to make two points. The first is that Title I was not designed to help or hurt any city or State; rather, it was intended to help educationally deprived children.

But even putting that argument to one side, an analysis of the projected allocations under the updated formula clearly indicated that these charges just were not true. These projected allocations show that most urban states and counties will have a greater share of Title I children than they did in 1965, the first year of Title I. For example, in Fiscal 1966 California had 5.6% of the eligible Title I children. Under the updated formula, it will have 8.4% of the eligible children. Los Angeles in 1966 had 1.9 percent of the eligible Title I children; under the committee formula, it will have 3.4%.

New York State in Fiscal 1966 had 5.4% of the eligible children; under the committee formula, it would have 8.6%. New York City in 1966 had 3.2% of the total Title I children, and under the committee formula, it will have 5.6%.

And an analysis of the updated formula indicates that although a few cities may lose some money, a comparison of allocations under the committee formula with allocations in Fiscal 1973 and Fiscal 1974 shows that most cities can expect to receive significant increases in Title I funds.

Clearly, Title I remains the program which serves the poor who are underachievers and who reside in areas of concentrations of poor families.

These critics tried to develop an alternative formula which they felt would be more favorable to urban areas and particularly to New York State and New York City. The difficulty of their task was, I believe, underscored by the fact that they were at one point considering some 20 different formulas. You can guess, I am sure, that the one thing these formulas had in common was that they shifted more Title I money to New York State and New York City at the expense of other States and urban areas, and it was not surprising, therefore, that the first of these amendments to be offered was defeated by a vote of 87 to 326 and that a second amendment, defeated 17 to 73, had such little support that its sponsors could not muster the twenty necessary Members to request a recorded vote.

The other major source of criticism came from Members who wanted to view Title I more as a general aid program. Under this approach, ½ of Title I funds would have been allocated on the basis of school age population and ½ on the basis of the committee poverty-related formula. This approach was contrary to the fundamental purposes of Title I and had the effect of shifting Title I funds from urban areas with the highest concentrations of educationally deprived children to wealthier suburban school districts.

For example, although the State of Michigan would have received \$4.8 million more under this approach than under the updated committee formula, there would have been a \$5.6 million increase for Oakland and Macomb Counties, two of the twenty richest counties in the nation, while Wayne County would have received \$4.4 million less.

My own view is that given scarce education resources, we should focus education funds on areas with the greatest need—those areas with concentrations of educationally-deprived children.

And so I was naturally pleased that the House rejected this approach 103 to 312 and

in effect voted to continue the current approach of allocating Federal compensatory funds to such areas.

#### A STUDY OF COMPENSATORY EDUCATION

I would like to say a word about another important section of H.R. 69 which, I believe, can prove most helpful to Congress and the educational community in our understanding of Title I and similar compensatory education programs.

That section would authorize the National Institute of Education to conduct a comprehensive review of compensatory education programs, to study alternative methods for distributing such funds, and to conduct experiments for the purpose of evaluating these alternative methods.

One of the real problems our committee encountered in considering H.R. 69 was the difficulty in obtaining reliable and useful information about compensatory education programs, especially about their effectiveness and about alternative methods for distributing such money.

The study provided in the committee bill would call for an examination of all such programs, not only those provided under Title I, but State programs as well.

The NIE is directed to study the fundamental purposes of compensatory education programs, evaluate their effectiveness in attaining these purposes and review as well the effect of concentrating such funds in the areas of reading and mathematics. Here again, I believe that schools of education in particular should give greater attention to the relationship between better research and better teaching.

This section also authorizes NIE to look at alternative methods for distributing the moneys, including methods based on poverty and methods based on procedures to assess educational disadvantage.

The bill provides a separate authorization of \$15 million for the NIE to meet the research costs of the study and to submit an interim report to Congress no later than December 31, 1976, 6 months before the expiration of Title I, with a final report due no later than 9 months thereafter.

#### CONSOLIDATION

I want now to refer to another provision of the bill, the so-called consolidation section.

The committee agreed to consolidate, under certain conditions, seven categorical programs into two broad purpose programs.

The school library program (Title II of ESEA), the equipment program (Title III, NDEA), and the guidance and counseling program (part of Title III ESEA) are to be consolidated into the first broad category: library and instructional resources.

The innovation program (the remainder of Title III ESEA) the dropout prevention and the health and nutrition programs (Title VIII of ESEA) and the program of aid to State Departments of Education (Title V of ESEA) are to be consolidated into the second broad category: innovation and support services.

I should here point out, however, that these consolidations will only go into effect if the total appropriation provided for them during the first fiscal year is at least equal to the aggregate amount appropriated for the seven separate programs during the preceding fiscal year. For each year thereafter, the consolidations will only be carried out if the appropriations for that year are at least equal to the appropriations for the consolidations of the previous fiscal year.

Further, safeguards have been written into the bill to assure that the integrity and identity of the individual categorical programs will be maintained.

Obviously the point of these conditions is to guarantee that the same total amount of

moneys is provided for these purposes as were provided in the separate categorical programs. The committee did not believe that consolidation should be used as an excuse to phase out an important aid to education or to retrench a Federal commitment to these several programs.

Now where are we on ESEA?

The House has passed the extension bill and with overwhelming approval of the new Title I formula.

The Senate Labor and Public Welfare Committee recently reported its version of an extension and the Full Senate is expected to consider it within the next few weeks.

I shall not here take time to analyze the differences between the House and Senate bills; they are considerable.

But I am confident that after protracted negotiation in a House-Senate conference, a bill will be produced that will continue this vital form of assistance to the nation's schools.

I hope, however, that what I have said about the variety and difficulty of the issues involved in this legislation persuades you why I argue—as does Wilbur Cohen—that deans of schools of education and their faculties should no longer hesitate to offer their suggestions to us in Congress on what they believe should be included in legislation that can significantly affect our schools, colleges and universities.

#### EDUCATION OF HANDICAPPED CHILDREN

Now I should like, if I may, to say a word about a couple of other areas in which I have considerable interest and which come within the jurisdiction of the subcommittee I have the honor to chair.

In the Elementary and Secondary Education Act bill just approved, we propose to extend the Education of the Handicapped Act.

But you and I know that this legislation in and of itself has really not proved adequate in meeting the needs of handicapped children in the United States.

Even with the present pattern of Federal support, only 40 percent of the handicapped children are now being served, and it has become increasingly difficult for the families of handicapped children to meet the exceptionally high cost of special education.

Moreover, as a recent Rand Study showed, Federal programs to assist the handicapped are marked in many cases by a lack of focus and direction.

For these reasons, but in particular because of the concern some of us have to assure that handicapped children are given a more equitable opportunity for an education appropriate to their needs, Senator Harrison Williams of New Jersey, the distinguished Chairman of the Senate Committee on Labor and Public Welfare, and I have introduced legislation of which I should like to say just a word to you.

It is based in no small part on the needs I have just cited, but also on the pattern of recent State Supreme Court decisions whereby courts have held that handicapped children have a constitutional right to an education just as do normal children.

Our bill would provide Federal funds to states with which to reimburse local school districts for up to ½ of the excess costs of educating handicapped over normal children.

We have, as it were, taken into account the finding of many experts that it costs at least twice as much, or more, to educate handicapped as normal children.

My subcommittee has already held several days of hearings on this proposal, and there is at least a strong possibility of congressional action on the bill this year.

And here again, if I may say so, we in Congress have found precious little help from

our schools of education in writing this legislation.

Here, for example, is a crucial question: How do you define "cost" when it comes to educating handicapped children?

For the definition of "cost" in a bill that would reimburse school districts on an "excess costs" basis is obviously crucial to determining the flow of funds.

You will recall how important—and difficult—was the question of defining "poverty" in determining who receives Federal compensatory education money under Title I of ESEA.

#### SCHOOLS OF EDUCATION AND EDUCATION POLICY

But I wonder how much attention is given by our schools of education and by our educational researchers generally to such real world problems as these?

Indeed, I would go a step further most respectfully to suggest that schools of education too often fail to teach effectively about the processes of policy making in education, at all levels of government.

For unless you in the schools of education understand the importance to education of how we as politicians decide policy, you will ignore the need for you as educators to pay more attention to the substance of the policy we decide.

Having said this, you will, I hope, appreciate why I now want to say a brief word about the National Institute of Education.

#### NATIONAL INSTITUTE OF EDUCATION

This agency, first proposed by President Nixon in 1970 and strongly championed by a coalition of Democrats and Republicans in Congress, is now the major Federal venture for supporting research and development in education at every level and in both formal and nonformal learning situations.

As principal sponsor of the NIE in Congress, I naturally have a deep commitment to seeing it move ahead, to help us improve the quality of learnings and teaching in our schools, colleges and universities and other educational institutions.

And, although I have found it easy to disguise my enthusiasm for the works of Richard Nixon, I have been outspoken in my commendation of the President for having first proposed the National Institute of Education.

For you and I know that we simply do not do as good a job as we ought to do in research on the learning and teaching processes.

The National Institute of Education is aimed at helping make possible, through grants and contracts across the country, not only more and better research but more effective dissemination of the results of the research so that they can make an impact in the classroom.

The NIE has had, for a variety of reasons that I shall not here detail, some difficult time in getting started and Congress has not been all that responsive to its pleas.

I was nonetheless happy to see that President Nixon in his special message on education to Congress earlier this year indicated his continuing support for the National Institute of Education, and I was glad also to see in the President's budget message a call for \$130 million for Fiscal 1975.

I hope very much that you as educators will give your strong support to the President's request in both these instances. I like to think that when you get someone on the White House "Enemies List" urging you to support Mr. Nixon's requests, there may be something to be said for it!

The passage of the NIE reflects what I take to be an increasing concern, at least on the part of Members of Congress, that we need to be much more thoughtful and systematic in our efforts to understand the effects on

learning and teaching of the actions that we take, in particular, the expenditure of large amounts of public money.

And of course, this same motivation was what propelled me to offer and the committee to accept the amendment authorizing the NIE to conduct a study of compensatory education in the United States.

I can tell you that one of the reasons that on the committee we had to wrestle so long and hard with the Title I formula is that we simply lacked adequate information and reasoned analysis on the effectiveness of compensatory education programs, the same kind of problem that troubled us in 1972 as we sought to write a program of general institutional aid for our colleges and universities.

#### A LESSON FOR AMERICAN EDUCATORS

Everything I have just said has, I like to think, some significance for you as American educators.

One of the lessons is that all of us who make decisions about education must be more reflective, more systematic, more rational in what we seek to do.

With public monies scarce and the demands for such monies rising both in numbers and in amount, it is essential that all of us who are dedicated to improving the quality of education and widening access to it do the very best job that we can with the resources that are available.

And doing the best job that we can in education means at least, I respectfully suggest to you, thinking a good deal more about what we are doing and why we are doing it.

Surely these is here a challenge to the schools of education in this country, a challenge to apply more reason to the institutions and processes of our society that both incarnate and advance reason, to, that is to say, our schools, colleges and universities and the teaching and learning for which they exist.

I think I can take no better theme for the sermon that I have just preached to you than the simple opening of Abraham Lincoln's House Divided Speech in 1858. Said Lincoln: "If we could first know where we are, and whither we are tending, we could better judge what to do and how to do it."

I hope I have given you some idea of what one Member of Congress thinks about where we are and whither we are tending in the field of American education.

I hope that you as educators will help us as legislators better judge what to do and how to do it.

#### AMENDMENT TO BE OFFERED BY MR. HECHLER OF WEST VIRGINIA

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia, Mr. Speaker, on April 25 I intend to offer the following amendment to the NASA authorization bill, H.R. 13998:

Page 2, lines 13 and 14, delete the amount "\$76,000,000" and insert in lieu thereof the amount "\$80,500,000".

#### STRIP MINING IN NORTH DAKOTA

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, in February I visited North Dakota as a guest of Gov. Arthur Link and the United Plainsmen to discuss strip mining. I was deeply impressed by the people of North Dakota and their deep concern that strip mining threatens their land and way of life. When I returned to Washington, I wrote a letter to the editor of a number of North Dakota newspapers. My letter to the Williston, N. Dak., Daily Herald sparked an exchange of letters. Mr. W. J. Oved of Crosby, N. Dak., wrote a letter attacking my position. Mr. William K. Thomas of Williston responded with a letter which I feel is representative of the sentiments of most North Dakotans. While we in Congress haggle over weak regulatory legislation, the people at the grass roots await real action to phase out strip mining. The text of the three letters follows:

#### COAL OPERATORS ARE SERIOUS THREAT TO NORTH DAKOTA

Editor, The Williston Herald

DEAR SM: I have just returned from a wonderful trip throughout North Dakota, from the Red River Valley to the Little Missouri Grasslands and the ranches beyond Theodore Roosevelt National Memorial Park. In West Virginia we have seen our precious soil ripped and ravaged by strip mining, and our people exploited and impoverished by coal interests taking huge profits out of the state without helping the people.

Thanks to the courageous leadership of your governor, Arthur Link, and organizations like the United Plainsmen, the people of North Dakota are becoming aware of the serious threat to your land and your way of life. Huge coal gasification plants consuming massive amounts of precious water, fed by lignite strip-mined from vast acreages, will bring a very temporary illusion of a boom followed by a bust. It is like taking several strong drinks in a row: you're riding high for a brief period, but the hangover comes when the coal is gone, the land is gone, the jobs are gone and the bitter truth of the morning after leaves you with a mouthful of ashes.

West Virginians have heard the coal companies spread their false promises that strip mining will be reclaimed and bring prosperity. The thin soil, high sodium content and low rainfall in North Dakota make "reclamation" even less possible than in the hilly areas of West Virginia once the soil is ripped apart. In North Dakota ground water in many areas is carried by the coal seam, so that once that coal is stripped, the disruption of water flows is permanent. The coal companies will show you "showcase" reclamation achieved at a very high cost per acre, but they can't do it everywhere and make the profits they need.

Seated between Governor and Mrs. Link at church on Sunday, the first line of the first hymn we sang together was: "Once for every man and nation, comes the moment to decide." North Dakotans have the chance to decide not to repeat the sad experience of West Virginia. I feel confident that North Dakota will decide that its precious land and way of life are more important than fattening the pocketbooks of those who would exploit and destroy the state through strip mining.

Sincerely,

KEN HECHLER,  
Congressman, West Virginia.

PROBLEMS OF MAN AREN'T DUE TO  
OVERPOPULATION

Editor, the Williston Herald

DEAR SIR: I write to protest that octopus cartoon titled, "The Root of All Evil," in the Tuesday, March 5, paper, in which you have the first two tentacles labeled "Over-Population," with "Starvation-Inflation" and "Pollution" following behind.

It's not over-population that causes starvation-inflation and pollution, but government interference with private enterprise that causes it. The saddling of enterprise with controls, and the building of ignorance; and perhaps it's providence, but at the bottom of the page you have a cartoon titled "Berry's World," depicting a father talking to his son and saying: "I'm sorry, son. I just can't help wishing you had decided you wanted to be a wood carver in Vermont before we sent you through medical school."

Right here is depicted one of the things that causes starvation-inflation and pollution. This is ignorance at work! And who is at fault? No one, specifically; it's a composite: The parents, the schools, the church, and the news media—perhaps the news media most of all. For they have glorified hippiedom from coast to coast and have promoted the breakdown of parental authority at almost every opportunity. Plus stifling what they call right wingism, i.e. common sense, writers, and those who might quote the Bible. And here we come to the churches also . . .

And it's a constant source to me of amazement that so many preachers can preach week after week and never, even "stumble", across Deuteronomy, the 28th chapter, where God tells what will happen if they follow or leave Him. What's the matter with these fellows, are they blind, or stupid, or both? And then there's the schools: how come they turn out people who don't know the workings of business economics? Or the lessons of history?

And perhaps it's providence again, but on the same page you have an article by Ralph de Toledo, titled "Farah unionization will set pattern." Here's another example of what causes starvation-inflation and pollution. This is the stifling of business; and how come our schools turn out people who don't know that?

And also, right alongside of it, in the letters column, there's a letter from a 50 percent conservative congressman (according to the Review of the News, 12-5-73 issue) from W. Virginia, coming way out here in what I take to be a form letter, lending his voice to how to stifle and harass businessmen as they seek to relieve us of our contrived energy shortage.

And right here, all on the same page, you have depicted three things that cause starvation-inflation and pollution; yet, in spite of that you print a cartoon blaming it on over-population. Why? ? ?

Mr. W. J. OVED.

LET COAL PEOPLE RUIN THEIR OWN BACKYARDS  
Editor, The Williston Herald

DEAR SIR: I am writing this letter to protest some of the things Mr. W. J. Oved of Crosby said in his letter to the Herald on Monday, March 11 mainly the unkind, unjust, untrue, and uncalled-for remarks he made about the letter written by Congressman Hechler of West Virginia, March 5.

Mr. Oved took his letter to be a "form letter," and made some unflattering remarks about his "lending his voice to how to stifle and harass businessmen as they seek to relieve us of our contrived energy shortage."

I ask you, Mr. Oved, why do you think the congressman wrote that letter? Do you think he was after his share of the spoils, like Arthur Seder is? Do you think he can possibly gain votes in West Virginia by caring about North Dakota? You really missed the point Congressman Hechler was trying to say, "Look, I know what coal development means to a state because West Virginia has gone through it, and I think North Dakota had better look before they leap.

As for the coal industry businessmen "relieving" us, sure, they'll "relieve" us—of the beauty of our land, the land's productivity, our way of life, our ties to the land, our water, our blue skies, clean air, the few remaining undammed rivers and creeks we have left, and replace these things with monstrous machinery ripping the land apart, huge plants spewing tons of pollutants into the air, electric power lines and gas pipelines criss-crossing the landscape, not to mention the thousands of miles of new roads, thousands of acres of land flooded to form holding ponds for water for more plants, and scores of "boom" towns with inadequate water, sewer, educational, and social facilities.

Also, Mr. Oved, in your letter you relate common sense to right wingism. I relate wingism, whether it be right or left, to fanaticism. A person with common sense can listen to both the far right and the far left, take the soundest principles of both, discard the hatred, fears, and prejudices, and apply these sound principles to our political system, which will never be perfect but, despite its faults, has no equal in world history.

If you don't like the way of life North Dakota has to offer, then move. Don't try to change it by strip mining and polluting everything that makes life here a little unique. If you wish to live in an area that has been ruined by industry, you'll have no problem finding a place to live, but don't make a wasteland of North Dakota for that purpose.

We have too little land left that has not been destroyed by industry or the Army Corps of Engineers. Let the coal people ruin their own backyards, not ours.

WILLIAM K. THOMAS.

## DEPARTMENT OF DEFENSE RECRUITING RESULTS FOR MARCH 1974

(Mr. DAN DANIEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, today I again place in the RECORD the Department of Defense recruiting results for the 1st month. The services met 97 percent of their recruiting objectives which is good. However, it will be noted that the Army failed by 9 percent to meet its recruiting objectives. They have met only 89 percent of their recruiting objectives for this current fiscal year.

The four armed services obtained 31,730 enlistments during March, including prior-service and non-prior-service personnel. This was 97 percent of their March program objective of 32,740. Except for the Army, all services met their March recruiting objectives. The Marine Corps exceeded its original objective by 8 percent, or 350 enlistments. The Marine Corps had hoped to achieve 1,440 addi-

tional enlistments to help make up for shortfalls sustained in prior months. Results by service were as follows:

## RECRUITING RESULTS—ALL SOURCES

	March			February percent objective
	Program objective	Actual	Percent objective	
Army	16,300	14,850	91	89
Navy	6,340	6,370	100	102
Marine Corps	4,150	4,500	108	105
Air Force	5,950	6,020	101	101
Total DOD	32,740	31,730	97	95

## YEAR-TO-DATE RECRUITING RESULTS BY SERVICE

During the first months of the fiscal year the four military services had achieved 93 percent of their cumulative recruiting objectives. The following table shows year-to-date performance by service:

## RECRUITING RESULTS—ALL SOURCES

## YEAR-TO-DATE, FISCAL YEAR 1974

[In thousands]

	Program objective July to March	March		Percent of objective
		Actual	Percent of objective	
Army	159	142	89	
Navy	66	65	98	
Marine Corps	43	39	92	
Air Force	57	57	100	
Total DOD	325	303	93	

## ENLISTMENTS BY SOURCE

The number of nonprior-service men enlisted was 27,050 or 95 percent of the Service's March objective; the number of nonprior-service women was 2,260 or 100 percent of the objective; and the number of prior-service personnel was 2,420 or about 117 percent of the objective. The following table shows the distribution of March enlistments by source:

## RECRUITING RESULTS BY SOURCE

	March			February Percent objective
	Program objective	Actual	Percent objective	
Nonprior service:				
Men	28,410	27,050	95	95
Women	2,260	2,260	100	91
Prior service	2,070	2,420	117	110
Total DOD	32,740	31,730	97	95

## TOTAL MILITARY STRENGTH BY SERVICE

The total DOD military strength was about 1 percent below the strength level planned at the end of February, as shown in the following table. The Navy shortfall reflects a continuing problem in strength accounting rather than a failure to meet recruiting objectives. A total of 8,800 enlisted losses resulted from a careful review of actual strength on hand. The Navy is striving to make up the difference before year-end through overdelivery against its recruiting goals:

## STATUS OF MILITARY STRENGTH BY SERVICE

[In thousands]

Objective <sup>1</sup>	End of February			June 1974 current objective <sup>1</sup>
	Actual	Short-fall	Percent	
Army	785	784	1	1
Navy	561	550	11	551
Marine Corps	192	192	0	196
Air Force	673	659	3	645
Total DOD	2,211	2,195	16	2,174

<sup>1</sup> February strength objectives reflect the lowered strength objectives for the end of the Fiscal Year which were announced in January and which resulted from Congressional action on the FY Budget Request. Program adjustments were made in late January.

## NONPRIORITY SERVICE ENLISTMENTS, MEN AND WOMEN, BY SERVICE

During March the services achieved the following results against their non-priority service objectives for men and women:

## NONPRIORITY SERVICE RECRUITING RESULTS

Program objective	March		February		Year to date percentage objective
	Actual	Percent	Actual	Percent	
<b>MEN</b>					
Army	14,000	12,190	87	87	86
Navy	5,300	5,250	99	100	97
Marine Corps	3,800	4,240	112	106	93
Air Force	5,310	5,370	101	101	100
Total DOD	28,410	27,050	95	95	92
<b>WOMEN</b>					
Army	1,200	1,210	101	84	104
Navy	440	430	99	97	107
Marine Corps	110	100	113	113	99
Air Force	510	510	100	100	99
Total DOD	2,260	2,260	100	91	103

## MENTAL GROUPINGS: HIGH SCHOOL GRADUATES

In March about 91 percent of all non-priority-service enlistees were in mental categories I-III, which are the average and above average mental groups; only 9 percent were in mental category IV, the below-average group. High school graduates amounted to 62 percent of enlistments; this is unchanged from February and is more favorable than seasonal trends. The data for July-March is shown in the following table along with the March results:

## HIGH SCHOOL GRADUATES AND MENTAL GROUPINGS (NON PRIORITY SERVICE MEN AND WOMEN)

	High school graduates		Mental groups, I, II, III <sup>1</sup>		
	March	Year to date	March	Year to date	
				Number	Percent
Army	7,760	58	54	11,390	85
Navy	3,420	60	71	5,480	96
Marine Corps	1,520	35	48	4,010	92
Air Force	5,400	92	94	5,850	99
Total DOD	18,100	62	65	26,730	91
					90

<sup>1</sup> Above average and average categories.

## APRIL OBJECTIVES

The services' manpower programs for April called for the following enlistment objectives from all sources:

## April program objectives

Army	15,600
Navy	4,580
Marine Corps	3,750
Air Force	5,380
Total DOD	29,310

In addition to these program objectives the Navy is seeking 810 extended active duty Reserve enlistments; 1,670 additional Regular Force enlistments because

of revised loss estimates, and the Marine Corps is seeking 980 additional enlistments to offset previous recruiting shortfalls.

## RESERVE COMPONENTS

The total Selected Reserve strength increased in February for the fifth consecutive month with the two National Guard components, and the Air Force Reserve showing net gains. Although non-prior-service enlistments for all Reserve components are lower than the objectives for the year to date, the shortfalls have been partially offset by successes in recruiting prior-service enlisted personnel:

FISCAL YEAR 1974 SELECTED RESERVE STRENGTHS<sup>1</sup>

[In thousands]

	ARNG	USAR	USNR	USMCR	ANG	USAFR	DOD total
Authorized end strength	412.0	260.6	116.9	39.5	92.5	51.5	972.9
Actual:							
June 30, 1973	385.6	235.5	126.2	37.5	90.4	43.8	919.0
Sept. 30, 1973	384.9	231.5	119.1	35.3	90.5	43.3	904.6
Dec. 31, 1973	392.5	227.2	119.1	33.1	92.5	46.2	910.6
Jan. 31, 1974	396.4	227.7	117.8	32.4	92.9	46.6	913.8
Feb. 28, 1974	403.1	226.9	114.9	32.2	93.1	47.6	917.8
Change from previous month	+6.7	-.8	-2.9	-.2	+.3	+1.0	+4.0
Net short/over authorized end strength	-8.9	-33.7	-2.0	-7.3	+.7	-3.9	-55.7
Percent short/over	-2.1	-12.9	-1.7	-18.5	+.6	-7.6	-5.7

<sup>1</sup> Unaudited preliminary reports from services.

## POTENTIAL RADIATION DOSES FROM PLOWSHARE GAS

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, yesterday in the Committee of the Whole, the House voted to continue funding for the Plowshare program. This morning in my office I received the winter edition of *Review*, a publication from the Oak Ridge National Laboratory, containing an excellent article by C. J. Barton, an analytical development chemist whose work at Oak Ridge National Laboratory dates back to 1948. He has contributed most of his work at the laboratory in the molten salt reactor experiment. He is a native of East Tennessee, has two degrees in chemistry from that university, and a doctorate from the University of Virginia. At Oak Ridge he has also worked on nuclear safety research, separation of zirconium and hafnium. His report is a less technical version of a paper formally delivered to the Atomic Industrial Forum and I only quote from his conclusions, particularly for those Members of the House who absented themselves from yesterday's deliberations.

He states that:

People accept background radiation because they have little control over it. In this case, society does have a choice, but once it is made, individuals will have limited control over their radiation exposure from this source if Plowshare gas gets the go-ahead. And so, in the final analysis, the decision concerning use of nuclear explosives to increase natural gas production will rest with the people potentially exposed. They will have to weigh the

cost, including exposure to low levels of radiation, against the benefits.

Many of you were far too busy yesterday doing other things in the Nation's Capital than to pay attention to the proceedings or to vote on this matter, but I hope by reading his article, those people in the Western States who will be directly affected by the level of radiation will have an opportunity to make their own conclusions and make their expressions known to their elected officials.

The article follows:

POTENTIAL RADIATION DOSES FROM PLOWSHARE GAS  
(By C. J. Barton)

Shortages of electricity, fuel oil, gasoline, propane, and natural gas convince us that the energy crisis is here. The demand for natural gas grows unchecked because the price has been regulated at a low level and gas is a clean source of energy. However, United States production of gas has decreased since 1970, when total consumption was approximately 22 trillion cubic feet, and it seems unlikely, according to Sam Smith, assistant vice president of El Paso Natural Gas Company (EPNG), that alternate sources of gas, such as overland imports from Canada and Alaska, liquefied natural gas from Africa and the Soviet Union, and coal gasification, can bridge the gap between supply and demand.

One potential source of natural gas is low-permeability gas-bearing rock formations in Colorado, Wyoming, Utah, and New Mexico. Gas from these formations, which are estimated to contain more than 300 trillion cubic feet of gas, approximately equal to the country's currently known reserves of available gas in the "lower 48," apparently cannot be recovered as economically by other techniques as by use of nuclear explosives. Some people feel that hydrofracturing, possibly with slurried explosives, can do the job, and

the AEC has asked for money to investigate this possibility. Large-scale use of nuclear explosives involving development of hundreds of wells with up to five devices per well has the capability of alleviating the shortage of this important energy source. Why don't we do it?

Briefly stated, there are three technical criteria that must be met before significant quantities of Flowshare gas can flow into pipelines: The process must be proven economically feasible, the seismic effects must be acceptably small, and the presence of small quantities of man-made radioactivity must be acceptable to the people who will use the gas. The ORNL studies discussed here dealt exclusively with the last point, but it appears that seismic effects will probably not be a major problem in the sparsely populated areas where most of the gas is entrapped, and, although reliable cost data are not yet available, the projected cost of nuclearly stimulated natural gas—60 to 70 cents per 1000 cubic feet—compares favorably with the \$1.20 to \$1.40 cost of imported liquefied gas and synthetic gas from coal gasification. Unreliability of cost estimates indicates that the economic issue can only be resolved by vigorous exploitation of the alternate process. Because of the urgency of the need for energy, there is argument for the belief that more can be lost than gained by waiting for more exact cost estimates before pursuing the alternatives.

The first project, Gasbuggy, encountered relatively little public opposition, but this was certainly not true for the next two. A report in *Nuclear News* describing Rulison following the detonation of the nuclear device in September 1969 was headed "Rulison Stimulates Protests; and Hopefully, Gas." The headline referred to the project's troubled legal history. Intervenors carried their battle against the Rulison experiment all the way to the Supreme Court, where their cause was rejected by Justice Thurgood Marshall without comment. They did not give up the fight then but engaged in an intensive court effort to prevent reentry of the Rulison well and the planned testing program involving the burning of millions of cubic feet of gas at the well site. This effort also failed. Judge A. A. Arraj of the U.S. District Court in Denver ruled in favor of the defendants, Dr. Glenn Seaborg et al.

The loss of this court battle apparently deterred a similar legal confrontation in regard to Rio Blanco, although there was no lack of vocal opposition to this third nuclear well stimulation project. A court hearing was held shortly before the three 30-kiloton nuclear explosives, used to create the Rio Blanco well, were detonated on May 17, 1973, on the question whether the Colorado Water Commission had acted to fulfill requirements of state law on protection of the quality of water supplies. The environmentalists' claims were again rejected, and the experiment proceeded on schedule. The industrial sponsors of the project were apparently successful in their efforts to convince area residents that the experiment was safe and needed. A headline in the Grand Junction (Colorado)  *Sentinel* of May 8 read, "Rio Blanco—Those closest Seem Less Worried."

The soundness of the court decisions reflecting the intervenors' claims of a radioactivity hazard to people in the vicinity of the Rulison well has been fully substantiated. There was no evidence of a surface release of radioactivity as result of the detonation of the 40-kiloton nuclear explosive, and as a result of an extensive surveillance performed by the National Environmental Research Center of the Environmental Protection Agency during the well testing, the lifetime tritium dose to an individual at the nearest populated location was estimated at less than 0.001 millirem. This dose can be compared to the average U.S. dose of approximately 100 millirems/year from natural back-

ground radiation. Thus, it seems certain that people living near the Rulison well did not receive a significant radiation dose from the nuclear explosion or from the burning of Rulison gas. Likewise, there was no measurable release of radioactivity from the Rio Blanco explosions, and the seismic damage was much less than resulted from the smaller Rulison explosion.

However, the protestors have not yet had an opportunity to test in the courts the more fundamental question: Is an appreciable radiological risk involved in the use of natural gas from a nuclearly stimulated well? Their chance will come within the next year if an application for permission to use gas from the Rulison well materializes. Industry's recognition of the importance of the public-acceptance aspect of the nuclear gas stimulation concept is shown by a statement made by EPNG's Smith: "Technically, there will be no problem, but the psychological impact is a different matter." People will need to be convinced that the small quantity of radionuclides introduced into natural gas by use of nuclear explosives will cause no harm. Public acceptance is a prerequisite for future development of this importance source of energy.

#### GASBUGGY PROJECT

The Gasbuggy project, which was a joint endeavor of the Atomic Energy Commission, the Bureau of Mines, and EPNG, was the first experiment to test natural gas stimulation with nuclear devices. It involved the creation of an underground "chimney" by a 29-kiloton nuclear explosion about 4400 feet underground in western New Mexico in December 1967. The explosion allowed gas to flow from the tight (low permeability) rock formation at a much faster rate than from nearby unstimulated wells. Flaring or burning of gas from this well began in June 1968 and continued intermittently until November 1969. A total of about 250 million cubic feet of gas was flared from this well, and the Gasbuggy experiment was considered to be successful. The radioactive constituents of the gas, mainly tritium and krypton-85, were present initially at relatively high concentrations, but the concentration dropped as the chimney gas was removed by flaring and the remaining gas was diluted with uncontaminated gas from the surrounding formation. The small amount of carbon-14 found in the gas is considered less important than the other two long-lived radioisotopes. The well was reopened in May 1973, and an additional quantity of approximately 108 million cubic feet of gas was removed from the well and flared.

EPNG did not plan to put gas from the Gasbuggy well into its pipelines. However, studies to determine radiation doses that people might receive from hypothetical uses of this gas were initiated in 1968 by ORNL in cooperation with EPNG. Attention was focused first on doses that EPNG employees and members of the public might receive in the area of EPNG's gas gathering and processing system in the San Juan Basin. This portion of the study, designated Phase 1, showed that use of gas for cooking or for unvented heating would be the most important routes through which people could be exposed to radioactivity from Gasbuggy gas (the critical exposure pathway), and that housewives living in a camp adjacent to the Blanco gas processing plant would be the people estimated to receive the highest potential doses (the critical population group). It was concluded that tritium was by far the most important of three long-lived radionuclides (tritium, krypton-85, and carbon-14) found in Gasbuggy gas, and only whole-body doses from this isotope expected to be received by inhalation and skin absorption were considered. Whole-body doses from immersion in krypton-85 are estimated to be only about 1/50 of the dose from tritium at the same concentration.

One important result of the Gasbuggy

Phase I studies was the estimate, based on data from a field experiment, that operators would receive doses less than 1% of natural background per year during the processing of gas containing tritium at the concentration expected in a well field developed by use of nuclear explosives.

In Phase II of the Gasbuggy studies, the doses that people might receive from use of Gasbuggy gas in two West Coast metropolitan areas, the Los Angeles basin and the San Francisco Bay area, were estimated. Large quantities of natural gas are used at both locations in homes and in commercial establishments as well as for production of electricity. A tritium concentration of 1 picocurie per cubic centimeter of gas was used in the calculations because it is estimated that the tritium concentration in natural gas from a complete field of nuclearly stimulated wells will average 1 picocurie per cubic centimeter or less over the lifetime of the wells. This value was selected on the basis that future nuclearly stimulated wells produced by use of devices especially designed for the job were expected to contain gas with measurably less tritium than that in Gasbuggy gas, which was produced by a weapon-type explosive. These specially designed explosives were used for the first time in the Rio Blanco project.

Dose calculations for the metropolitan areas were aided by models of atmospheric dispersion of pollutants and computer programs developed by staff members of the Air Resources Atmospheric Turbulence and Diffusion Laboratory in Oak Ridge. The estimated average annual tritium dose that would be received by people in both areas was about 0.5 millirem, with maximum individual doses of 2.0 to 2.5 millirems/year. People living in houses having unvented heating systems and unvented appliances would be the critical population group. Radiation doses to population groups in the general public from all sources except medical exposures and natural background are usually compared to the Radiation Protection Guide (RPG) of 170 millirems/year adopted by the Federal Radiation Council. A dose of 2 to 3 millirems/year would not appear to constitute a disproportionate share of the Guide value if a cost-benefit analysis justified the use of nuclearly stimulated natural gas. Also, people living at the site boundary of light water reactors could receive doses from exposure to liquid and gaseous reactor effluents that are in this range. A proposed Federal regulation will limit these site boundary doses to a total whole-body or organ dose of 10 millirems/year from both types of radioactive effluents.

Possible exposures from uses of tritium-contaminated natural gas other than for fuel have also been examined. Examples are drinking tritiated ethyl alcohol and eating margarine produced by use of hydrogen containing tritium. Here again it was assumed that the natural gas had a tritium concentration of 1 picocurie per cubic centimeter. It was estimated that 90 cm<sup>3</sup> of ethyl alcohol, the amount required to give the intoxication level of 0.15% in a 150-lb adult, would contain 0.017 microcurie. Daily intake of this quantity of alcohol would result in an annual dose of about 0.8 millirem. A similar calculation was made for margarine, assuming that hydrogenation of longchain unsaturated hydrocarbons is performed with hydrogen produced by cracking natural gas. It was estimated that if a person ate a quarter pound of margarine a day for a year, he would receive a whole-body dose of 0.2 millirem.

#### RULISON PROJECT

Dose studies in connection with the hypothetical use of Rulison gas got under way at ORNL in 1971, and some results obtained were published in *Nuclear Technology* last October. The two gas companies close to the Rulison well that could reasonably be considered as potential distributors of the Rulison gas, the Rocky Mountain Natural Gas

Company (RMNGC) and the Western Slope Gas Company, Rifle Division (WSGC), are small in comparison to EPNG.

Production testing of the well, which was completed in April 1971, resulted in removal of 455 million cubic feet of gas and nearly all the tritium initially present in dry cavity gas.

The ORNL dose studies examined two cases involving different well conditions. Case 1 considered estimated doses that could have been received by customers of the two gas companies if the gas present in the well before the testing program began had been introduced into either gas system at a rate of a million cubic feet per day. Case 2 involved possible use of the gas in the well in August 1971 after the gas present at the end of the testing program had been diluted with gas flowing into the well from the surrounding rock formation. It was estimated in Case 2 that a total of 0.095 curie of tritium remained in the dry cavity gas, while the initial amount was about 1200 curies (Case 1). Large pressurized water reactors release, on the average, 350 curies of tritium per year.

Discussions with representatives of the two gas companies revealed that it would be unrealistic to assume unvented space heating with gas in Colorado, as it is illegal and the companies will not supply gas to homes that do not meet legal requirements.

Potential dilution of Rulison gas differed in the two systems. In the RMNGC system, the data on potential use of Rulison gas over a three-year period showed that it would average about 10% of the total in the first year, when the hypothetical average annual tritium concentration would be relatively high: 107 picocuries per cubic centimeter. In the WSGC system, it was assumed that Rulison gas would only reach two communities. In the smaller one, Rulison gas was assumed to make up 69% of the total used for the single year period considered, while in the other the figure was 39%. Since potential dilution in this system was much lower than in the RMNGC system, estimated doses were correspondingly higher for equal gas usage.

Atmospheric dilution of combustion products was calculated for three types of gas usage: ground-level release from homes and commercial establishments, stack releases from industrial users, and releases from all types of usage dispersed within the valley in which the system is located. Highest estimated doses were from the first type of usage, because a relatively large quantity of gas is consumed annually within a small area, but a maximum first-year Case 1 dose of 0.6 millirem was estimated for Aspen, which receives its gas from RMNGC. The high altitude of this community, coupled with maximum occupancy during the winter skiing season, probably accounts for its high gas usage. The corresponding maximum Case 2 annual dose is 0.00004 millirem.

Although it was assumed that home heating systems as well as gas hot water heaters and clothes dryers are vented, the estimated potential doses in homes having gas kitchen ranges and gas refrigerators were higher than from exposure to gas combustion products dispersed in the atmosphere. The residents of such homes are the critical population group. The maximum estimated dose they could receive in the RMNGC system in Case 1 is 6 millirems the first year; in the part of the WSGC system that would receive essentially undiluted Rulison gas, the maximum estimated first-year dose would be 39 millirems.

Another aspect of the Rulison project that we considered is the radiological impact of the hypothetical use of 94 million cubic feet of gas per day from the Rulison field to generate electricity at the Cherokee Electric Power Station, located just north of the Denver city limit. Since a number of nuclear

stimulated wells would be required to furnish this amount of gas and the change in tritium concentration of gas from such wells with volume of gas flowed cannot be predicted accurately yet, we postulated 10 picocuries per cubic centimeter for the average tritium concentration, from our and others' calculations. Computer programs were developed to calculate whole-body tritium doses to individuals as a function of distance from the plant stacks and total population doses in terms of man-rems. The maximum individual dose of 0.006 millirem/year was estimated to be received by individuals living 5 kilometers north of the station, and the total dose that could be received by 1.6 million people living around the station was 3 man-rems/year. Estimation of these doses required taking into account rather unusual meteorological conditions: the direction of the wind changes from generally north to generally south and vice versa on the average of once a day in Denver. Thus the plume from the stacks will move back and forth over the populated area, becoming more diffuse in the process, until it is blown out of the area. The estimated total population dose of 3.0 man-rems/year gains perspective when compared with the 250,000 man-rems/year received by the same population from natural radiation sources and 110,000 man-rems/year from diagnostic uses of x rays. The 3 man-rems/year population dose estimate is equivalent to the increased whole-body dose that would be received from cosmic rays if the average elevation of the 1.6 million people was increased 4 inches.

It is interesting to compare the estimated population dose from use of nuclearly stimulated natural gas to produce electricity with the dose from light-water nuclear power reactors. The estimated average population dose per pressurized water reactor is 13 man-rems/year. We assume that each reactor generates enough heat to produce 1000 megawatts of electricity. The power produced in the part of the Cherokee station that we considered is 344 megawatts. Krypton-85 gives approximately 2% of the whole-body dose of an equal concentration of tritium, but we assume that the concentration of krypton-85 in Plowshare gas is 7 times that of tritium; consequently, the whole-body dose from krypton-85 in the gas is calculated to be 14% of that from tritium. If we add 14% to the 3 man-rems/year figure for krypton and multiply by 1000/344, we arrive at an estimated total population dose of slightly under 10 man-rems/year for generation of 1000 megawatts of electricity by use of nuclearly stimulated natural gas, about the same as for the average PWR.

The above situations deal only with doses that might be received from fuel and other uses of the gas from nuclearly stimulated wells. There is another concern that must be considered: the possibility that solid fission products in the chimney may, over a long period of time, contaminate water supplies. This possibility was examined in the environmental statement for the Rio Blanco Gas Stimulation Project. Two aquifers are located between the surface and the well chimney, but the top of the upper chimney rock fractures was postulated to be at least 3000 feet below the bottom of the lower aquifer. Thus, no direct communication path between that aquifer and the chimney was expected. However, the possibility that the more mobile radionuclides, including tritium, rare gases, and carbon-14, might move through seepage paths and eventually contaminate water supplies was investigated theoretically. It was concluded that the likelihood of adverse public health effects by this pathway is very small, and, because no liquid water is expected to enter or leave the chimney area, no mechanism could be hypothesized by the writers of the environmental impact statement whereby the radionuclides deposited on chimney surfaces could be in-

corporated into mobile groundwater. While further study of the long-term fate of the long-lived solid radionuclides such as strontium-90 and cesium-137 is probably justified because of the large quantities of these fission products that will be produced by large-scale underground use of nuclear explosives, there seems to be no indication at present that contamination of water supplies will be a major problem even over a period of centuries.

Future Rulison dose studies will consider doses that might be received by people in the Denver metropolitan district if gas from a number of nuclearly stimulated wells in the Rulison field were to be used in this area. These will be followed by similar studies in connection with the Rio Blanco project sponsored by CER Geonuclear Corporation and Equity Oil Company and possible future projects like Wagon Wheel. Possible doses through exposure pathways other than those thus far considered, inhalation and skin absorption of tritium and immersion in krypton-85, will be carefully considered in all studies.

#### CONCLUSIONS

The only radioisotopes of consequence remaining in nuclearly stimulated natural gas several months after the detonation are tritium, krypton-85, and carbon-14. Tritium is by far the most important of the three long-lived isotopes from the standpoint of possible whole-body doses that might be received from exposure to gas combustion products. The tritium concentration in future nuclearly stimulated wells can probably be predicted fairly accurately when data become available from production testing of Rio Blanco, where explosives designed for minimum tritium production were used. Dose estimates for typical situations in which gas from the Gasbuggy and Rulison wells could have been used were but a very small fraction of the RPG average dose of 170 millirems per year permitted to a suitable sample of the exposed population under Federal regulations from all sources of radiation except medical sources and natural background.

The anticipated low doses by no means guarantee public acceptance of nuclearly stimulated gas. Intensive programs are clearly called for to provide potential users with data to put these doses into perspective. This publicity may not have the desired effect of overcoming the people's fear of the low dose levels that would result from use of Plowshare gas. Furthermore, regulatory agencies such as the AEC and the Environmental Protection Agency must also be satisfied that the benefit to the public that would result from the availability of such gas would outweigh the risk of exposure of millions of people to even these low levels of radiation exposure.

People accept background radiation because they have little control over it. In this case, society does have a choice, but once it is made, individuals will have limited control over their radiation exposure from this source if Plowshare gas gets the go-head. And so, in the final analysis, the decision concerning use of nuclear explosives to increase natural gas production will rest with the people potentially exposed. They will have to weigh the cost, including exposure to low levels of radiation, against the benefits.

#### WATER HEARINGS IN THE PUBLIC INTEREST

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, every now and then an editorial appears in one of the more outstanding

Wyoming newspapers which says an awful lot about what is going on in that State these days and how it is going on—in short—who is doing what to whom.

The following editorial is from the Powell Tribune of Thursday, April 4, and I think all in America who have some regard for the beauty of the West and who have known the thrill of seeing one of Wyoming's great areas might just want to read this and be guided accordingly. It follows, and it is called "Water Hearings in the Public Interest."

#### WATER HEARINGS IN THE PUBLIC INTEREST

Issuance of permits for storage water reservoirs is a far cry from actually building the dams and reservoirs.

But giving out the permits amounts to assigning the water to people, and when the water rights are all sewed up, that's pretty final. So you can imagine the double takes when it was revealed this week that applications are already on file for three reservoirs to store some 230,000 acre feet of water from the Clark's Fork River, roughly two-fifths of the annual discharge of the river.

The permit applications on file with the State Engineer's office are by two Sheridan men, and there is in their proposed appropriation of Clark's Fork water for industrial use the strong suggestion that it is envisioned for the mineral development of northeast Wyoming.

Just as distressing as the move afoot to tie up Clark's Fork River water is the fact that it can be done so quietly. It was only through a story which surfaced in the Casper newspaper last week that the pendency of the applications became known. State Engineer Floyd Bishop, in fact, said the applications could have been approved before any notification of their existence if the Casper Star Tribune had not revealed that they are on file.

This seems to point up a failing of state government in its responsibility to the public interest. State water law gives the State Engineer sole authority to issue the water right permits without the requirement of a public hearing—or even public notice. A hearing may be held, but it is up to the State Engineer to determine if it is in the public interest.

State Engineer Bishop says the public interest factors "are hard to define," but to the City of Powell, for instance, the facts are pretty simple that Clark's Fork River water in this case is still a possible source of municipal supply, and if the water rights are gone, it will be too late.

The public sector, we would suggest, may have strong feeling too about Clark's Fork River water being committed to the coal fields of the northeast section of the state rather than being available to municipal, industrial, and agricultural users in this area.

Bishop makes the point that public hearings would be required on environmental considerations involved in dam and reservoir building before construction stage. But he admits that it may make better procedural sense to hold the hearings before the water rights are assigned.

The State Engineer was the author of proposed water law recodification in 1969 which included provision for a required public hearing prior to issuance of permits on such as the Clark's Fork reservoir applications. But the legislature didn't adopt it, prompting Bishop to comment, "Apparently the legislature doesn't want hearings."

In contrast to that statement, however, Sen. Malcolm Wallop of Sheridan last week called for staffing the State Engineer's office with more experienced water people, including a fulltime hearing officer.

A call for public hearings at this stage is timely and appropriate. With Wyoming on the threshold of such tremendous development that few comprehend it, there is an

obligation on the part of the state to help define the implications of that development in related applications such as this before the water resource is committed.

#### SYRIAN JEWS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, there have been recent numerous reports from Syria about a new wave of terrorism against the few Jews remaining in that country. Four Jewish women and, shortly after, two Jewish men were found dead under highly suspicious circumstances, leading many to question the complicity of the Syrian Government in these killings.

The Syrian Government is known throughout the civilized world as unique in its hatred of the Jewish people, even surpassing such anti-Jewish regimes as that of Libya. Syrian Jews may not emigrate, may not engage in business, may not own property. When they die, what little they do own reverts to the state. They are not permitted to travel without Government permission, even so far as the next town. Many hardly ever leave the four walls of their homes, and even there, they are not safe from Government terror.

This handful of men, women, and children, some 4,000 souls remaining of a community that once numbered in the tens of thousands, have for a long time sought permission from the Syrian Government to leave. Many of them have relatives in the United States and Israel. But the Syrian Government would rather keep these people imprisoned and living in terror.

The most recent development in the murders I mentioned earlier alarms me greatly. The Syrian Government has charged the brother-in-law of one of the dead women with guilt in those four killings. Seasoned observers believe that this is just a ploy to cover up the Government's own complicity in those brutal slayings. It is more than likely that this man will die before he comes to trial, and should he survive that long, a fair trial would be utterly impossible for him.

There are many unanswered questions about these killings, and other cases in which Jewish residents have disappeared or been killed outright. There are compelling moral considerations in the way the Syrian Government treats its Jewish citizens. These questions should be dealt with now that the United States is becoming involved in guiding disengagement talks with Syria and Israel.

Therefore, I am requesting the Secretary of State, on his next diplomatic mission to Syria, to investigate the condition of the 4,000 Jews who remain there. If the allegations that have been made against the Syrian Government are found to be true, he can inform the Congress and the American people as to what is happening and what can be done to help the remnants of the Syrian Jewish community.

The United States won a major concession for the Syrian Government when they admitted our Secretary of State for the purpose of discussing disengagement plans. This would indicate, to me at least,

some willingness on the part of the Syrians to depart from their rabid anti-Western policies of recent years. I feel that we should take advantage of this changed attitude now, before there are any more mysterious deaths.

The U.S. Government has a unique role to play in this human drama. It is doubtful that the United Nations will take any action on this matter, and no other nation, except Israel, seems sufficiently interested in the fate of these people to come forward in concern. It would be an act of the greatest kindness and bravery if the United States were to intercede on behalf of Syrian Jewry.

#### SAFEGUARDING NUCLEAR MATERIAL SHIPMENTS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the Joint Committee on Atomic Energy has steadfastly adhered to the policy view that all reasonable measures to safeguard special nuclear material from loss or unlawful diversion must constantly be operative. It is not by happenstance that the Atomic Energy Act—since its inception almost 30 years ago—has stressed the high importance of such safeguarding and of the companion need to protect the health and safety of the public.

Over the years, the Joint Committee has repeatedly probed into these areas, and the committee has seen to it that the Atomic Energy Commission remained alert to these considerations and to the need to revise its rules and regulations as dictated by developing circumstances.

The Joint Committee was pleased to receive the General Accounting Office's report of April 12, 1974, to the committee, captioned: "Protecting Special Nuclear Material in Transit: Improvements Made and Existing Problems." The committee believes that periodic examination by the GAO of the AEC's program for protecting against possible diversion of special nuclear material in transit is one of the valuable checks that our statutory system enables for assuring proper and effective governmental regulation and implementing practices in this sensitive area. However, I was disappointed in the quality of the report and of the GAO's informational release of April 24 concerning the report.

The GAO report covers GAO's observation of three large shipments by truck of enriched uranium in 1972. As the report points out, during the period that GAO was looking into the factual and regulatory framework of these shipments, the AEC was engaged in an internal review of its requirements governing the protection of special nuclear material in transit. Last winter, this review matured into a number of AEC-proposed regulatory changes, which were then put into effect several months before GAO issued its report. The deficiencies noted by the GAO in connection with the three shipments it observed in 1972 have been directly addressed by AEC's revised requirements, essentially as briefly indi-

cated in the attachment to this statement.

The GAO report was concerned with protective measures to prevent unlawful diversion of special nuclear material, not with health and safety implications. However, I would like to take this opportunity to inform my colleagues in the House that the Joint Committee is planning to constitute a special panel of knowledgeable individuals to look into the matter of shipments of nuclear materials and to report to the committee its findings and views respecting not only safeguards against loss or diversion but also health and safety aspects. The panel will look into the transportation of radioactive isotopes in addition to special nuclear material—enriched uranium and plutonium. Although the record for transporting hundreds of thousands of shipments of radioisotopes for medical, industrial, and for other uses is a very good one, there have been instances of unsatisfactory performance. For example, the recent problem of a shipment by air on the 5th and 6th of this month of an industrially useful isotope indicated that a new close look at current and possible improved requirements would be in order. This planned step is part of the Joint Committee's long-range continuing concern that the atomic energy program be an outstanding example of what alert, prudent, reasonable Government attention and regulation can provide in sensitive fields of industrial and governmental activities.

The present growth rate in the use of nuclear materials, entailing shipments and transportation handling, makes it imperative that the Commission continually give this matter top-priority attention.

ATTACHMENT TO MR. PRICE'S STATEMENT MENTIONING DEFICIENCIES—UNDERSCORED—REFERRED TO IN GAO'S APRIL 12, 1974, REPORT, AND PRESENT AEC REQUIREMENTS

1. A shipment was made on a flatbed truck with an open cargo compartment. Paragraph 73.30(c) of 10 Code of Federal Regulations prohibits shipment of containers weighing 500 lbs. or less in open trucks, railroad flat cars or box cars and ships. Heavier containers may be shipped on flatbed trucks but must be locked. On the General Manager's side, it is required that packages be either in the continuous custody of AEC or DOD cleared personnel, or, if shipped via for-hire carrier, locked or sealed in vans, or freight containers.

2. The truck was not equipped with an alarm or communications equipment. Paragraph 73.31(b) of 10 CFR requires that each motor vehicle used to transport SNM be equipped with a radiotelephone. The General Manager has similar requirements with respect to non-licensed shipments.

3. The truck driver was alone and unarmed. Paragraph 73.31(c) of 10 CFR governs motor vehicle shipments and requires either:

a. an armed escort, consisting of at least two armed guards, accompanying the shipment in a separate escort vehicle. Also, the shipment vehicle itself must have two occupants for trips equal to a greater than one hour and one person for shipments less than one hour; or

b. use of a specially designed truck or trailer which reduces vulnerability to diversion. Two people must accompany this method of shipment. An armored car with two armed guards would be one manner of meeting this requirement. In the alternative

a vehicle of special design not yet in use could be utilized.

In regard to shipments subject to AEC's regulatory requirements, the AEC and GAO advise that the Supreme Court's decision in 1968, in the Schneider v. Smith case, indicates that it would be advantageous to clarify a section of the Atomic Energy Act to specify in so many words that the AEC's authority to prescribe regulations to guard against the loss or diversion of special nuclear material includes the authority to pre-determine the trustworthiness of drivers and guards involved in shipments. The Joint Committee has no question about the intent underlying Sec. 161(i) of the Atomic Energy Act (42 U.S.C. 2201(i)) and believes such authority is implicit in that section. If necessary or advisable, the Joint Committee will recommend that this intention be restated by the Congress.

The General Manager requires that shipments be accompanied by two people having AEC or DOD security clearances. Virtually all such escorts are AEC or DOD couriers who are armed even though at present there is no overall requirement for use of armed personnel. A requirement for arming has recently been included.

4. There was no preplanned routing; the driver chose his route. Paragraph 73.30(b) of 10 CFR requires that shipments be pre-planned to assure that deliveries occur at a time when the receiver will be present at the final destination. Both paragraph 73.30(b) and the General Manager require that routes be selected to avoid areas of natural disaster or civil disorders. Also, paragraph 73 requires each licensee to submit a plan outlining the procedures that he will use to meet the new transportation security requirements of § 73.30 through 73.36 and 73.70(g). Each approved plan contains a license condition which requires that telephone call in time be preplanned.

5. There were no periodic call-in points to let the shipper or receiver know the trucks' whereabouts and to confirm that no problems had been encountered enroute. Paragraph 73.31(b) and the General Manager require that periodic calls be made to specified reporting points every two hours, with allowances up to five hours for licensees under certain specified circumstances.

6. The seals on the shipping containers could be easily duplicated, thus defeating the purpose of seals which was to detect unauthorized tampering. Paragraph 73.30(c) requires that SNM be shipped in containers which are sealed by tamper indicating type seals, and also that either the container or the vehicle be locked. In most cases, the freight container (into which packages are loaded) or vehicle must also be sealed with a tamper indicating seal. The General Manager also requires that for-hire trucks must be locked or sealed.

7. The material was shipped in portable containers that could be carried by one individual without the aid of mechanical handling equipment. Use of portable containers is still permitted. However, containers of 500 pounds or less must be locked and shipped in locked trucks. The General Manager has essentially prohibited less than full load shipments so that packages would never be exposed to across-the-dock handling by uncleared personnel; access to the cargo, except by cleared and authorized personnel, is also prohibited.

8. At the airport, the material was stacked on a dolly in an open bay area. Paragraph 73.35(b) of CFR requires that an armed guard maintain continuous visual surveillance of a shipment at all times while located in a terminal or in storage. The General Manager's requirements also prohibit such operations, unless conducted in the continuous personal custody (direct observation) of AEC or DOD cleared people.

THE LATE FRANK McGEE

(Mr. ALBERT (at the request of Mr. RYAN) was permitted to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. ALBERT. Mr. Speaker, I was shocked and greatly saddened last week by the death of Frank McGee, host of the NBC "Today" program and one of America's great broadcast journalists. Frank, who was only 52 when he died, had been in failing health for several months, suffering from bone cancer, but courageously and cheerfully stayed on the job until the week before his death.

I first met Frank McGee when he worked for radio station KGFF in Shawnee, Okla. I had frequent contact with him later when he worked in Oklahoma City for WKY television and when he served with NBC both in Washington and New York. When I was given an appreciation dinner in Washington several years ago Frank McGee volunteered to be the master of ceremonies and honored me greatly with his presence and his kind words.

Frank McGee possessed a great sense of responsibility and moral strength and was an extremely dedicated professional. He conveyed his sincerity and wit on the air in a very real and completely unpretentious way. The warmth of Frank's personality was dramatized on the day of his death by heartfelt sentiment expressed by millions of Americans who enjoyed daily his timely and straightforward insight into interesting subjects.

Although he rose to the highest level of professional success, Frank McGee was always considerate of the needs of other persons. As his "Today" show co-host Gene Shalit replied when asked what kind of man was Frank McGee, "He was just that, a kind man."

My wife Mary and I join Frank's many friends in Oklahoma, in the House of Representatives and throughout the Nation in expressing our deep sympathy to his wife Sue and their two children. I include, at this point in the RECORD, a biographical sketch of Frank McGee and eulogies given by some of his fellow broadcasters:

BIOGRAPHICAL SKETCH OF FRANK McGEE

Frank McGee, host of the NBC Television Network's "Today" program and one of the country's leading broadcast journalists, died April 17 of pneumonia at Columbia-Presbyterian Hospital in New York. He was 52.

Mr. McGee had been in failing health for several months, but carried on his broadcast duties until last week.

Honored with a George Foster Peabody Award, two citations from the National Headliners Club, a Robert E. Sherwood Award, and Radio-TV Daily's All-American Award as "Radio Commentator of the Year," Mr. McGee was the fourth host of "Today," which began in 1952. He replaced Hugh Downs Oct. 12, 1971.

Mr. McGee's reputation as the ever-present man of NBC stemmed from activities in the late 1960s, when he reported the news six days a week, as anchorman for the "Sixth Hour News," Mondays through Fridays on WNBC-TV, the NBC Television station in New York, and on "The Frank McGee Sunday Report" on the NBC-TV Network.

In addition, he was involved in the NBC News coverage of Apollo moonshots, the Presidential election, the political conven-

tions and events following the assassination of Senator Robert F. Kennedy. From August, 1970, until he became host of "Today," he was co-anchorman of "NBC Nightly News."

He received his Peabody Award in 1966 for distinguished achievement in television, and the following year his close-up study of the black soldier in Vietnam, a one-hour special, "Same Mud, Same Blood," won a Brotherhood Award from the National Conference of Christians and Jews.

Mr. McGee was born in Monroe, La., Sept. 12, 1921, spent his early years in the oil country of Louisiana and Oklahoma, and attended high school in Norman, Okla. In 1940, he enlisted in the Oklahoma National Guard and spent the next five years in the Army.

Discharged in 1945, he enrolled at the University of California. A year later, he returned to Norman and entered the University of Oklahoma while working part time at radio station KGFF in Shawnee, Okla.

In 1950, he joined WKY and WKY-TV in Oklahoma City, where he gathered and broadcast news, shot and edited film, and wrote scripts. In 1955, he moved to Montgomery, Ala., to head the news operation of NBC affiliate WSFA-TV. His coverage of racial friction gained national attention, and Julian Goodman, now Chairman of the Board and chief executive officer of NBC, hired him in 1957 as an NBC News correspondent in Washington. After two years in the capital, he was transferred to New York.

During the 1960 Presidential campaign, Mr. McGee was moderator of the second "Great Debate" between Vice President Richard M. Nixon and Senator John F. Kennedy.

When Gulf Oil Corporation signed an agreement with NBC in 1960 to sponsor fast-breaking, unscheduled news events, Mr. McGee was assigned as anchorman, and over a period of four years he anchored more than 450 "Instant News Specials."

Surviving are his widow, the former Sue Beard of Norman, Okla., and their two children, Michael and Mrs. Sharon Dian Liebowitz.

#### REMARKS BY JOHN CHANCELLOR, NBC NIGHTLY NEWS

This is John Chancellor, on the NBC radio network, with comment on the news. Frank McGee, my colleague and my friend, died today of pneumonia; he was 52 years old, and his body had been wracked with pain, and made vulnerable to infection, by cancer of the bone marrow which he'd known about for the last four years.

He kept the information about that cancer pretty much to himself, and went on working, as host of the "Today" show. Stuart Schulberg, the producer of the "Today" show, knew some time ago that Frank was undergoing chemotherapy. Schulberg says, "We were a little alarmed, but he seemed so under control, so full of energy, that at first we didn't take it seriously." Schulberg says McGee never complained, just said, "I ache a little bit, but on with the show." Actually, for the past few months of his life, McGee suffered intense and severe pain. Schulberg says, "You wouldn't know it on the air, but when you saw him try to get out of his chair and saw him walk across the studio, you realized the price he was paying in pain for that upbeat performance of his. But that's the kind of man he was ... a very heroic gentleman."

Frank McGee was also a good reporter, a fine writer, and as steady a man as you'd ever want to have at your side in a tricky situation. I learned this at first hand, and in different kinds of tricky situations: from the days back in the '50's when we worked together on things like hurricanes and civil rights stories in the south, where there was

some risk of physical danger; all the way up to the election nights in the sixties, and the space shots, where the danger, as Frank knew, was sometimes greater: the danger of telling the wrong story, of misinterpreting the facts. A broken arm or a crushed head would have been of less consequence to Frank than getting something wrong on the air.

There was a great sense of professional responsibility about Frank. He was in the hospital this week when the magazine US News and World Report came out with a survey of leadership opinion which placed television as the most important institution in American life. I'm sorry he missed that article. That degree of responsibility would have worried him. But the fact is, Frank McGee was one of the men who gave his life to television, and brought to it a significant measure of decency and integrity.

Frank McGee was an old friend, and a valuable one. I'll miss him personally, and I'll also miss his steady hand with a news story, his dedication to his work, and the warmth he had for those of us who worked with him. Frank had lived all over this country, and had a deep feeling for it and what it should be. That sense of commitment to the country is perhaps what we'll miss most of all."

#### REMARKS BY BARBARA WALTERS, COHOST OF THE NBC TODAY PROGRAM

Frank and I have worked together for more than two years. During that time our daily contact affirmed my regard for him as a person and esteem as a superb journalist. We have known of his illness for several months but his enormous courage and extreme professionalism enabled him to continue his work. The prior knowledge of his illness nevertheless does not diminish my shock or grief. All of us on the program will miss him terribly."

#### REMARKS BY GENE SHALIT, CO-HOST OF THE NBC "TODAY" PROGRAM

To most of us, Frank was not only a friend—but unique. As one of the giants of NBC News for the past eighteen years, Frank McGee was a champion. He brought to his work two different groups of qualifications: the first—intellectual and practical; the second—a strong moral fiber and a deep sense of responsibility. Those things made him, from the outset, what is meant, in the best sense, a newsman. He performed a most exacting task during the most critical periods of history—at a time when this profession and this country most needed those qualities.

His contributions will long be remembered: his insight into the civil rights movement from its inception; the moonshots; the presidential elections; the political conventions; and, of course, in recent years his role as host here on the TODAY program. His influence was always felt; Frank McGee was a man whose deep inner convictions could never be shaken. He could never be intimidated, cajoled or misled. In recent months, we saw heroism in carrying on with what he felt was his duty and responsibility—in the face of continuous pain. And at the end, he faced the worst news of all with good heart and good cheer.

Frank McGee asked nothing of the world except to be of service in a most difficult job—the job of informing and reporting. He was respected, appreciated, and loved with a deep and lasting feeling by those of us who worked with him.

#### REMARKS BY EXECUTIVES OF THE NATIONAL BROADCASTING CO.

Julian Goodman, Chairman of the Board of NBC: "Frank McGee was an outstanding reporter who had a special ability to simplify complicated subjects. He earned the trust of the entire country through his calm re-

porting in tumultuous times. We will miss him terribly as a broadcaster and a friend."

Herbert S. Schlosser, President of NBC: "Frank McGee was a gifted newsman, whose achievements in broadcast journalism earned him national attention and respect. More than that, he was a warm, gentle person, and his death is a sad loss for all of us."

Richard C. Wald, President of NBC News: "Frank McGee was a bright, stubborn, persistent and witty man who used enormous energy and talent to report the news. He was never pompous and he couldn't abide self-importance in others. He became, successively, an expert reporter on the integration problems, the space adventures and the energy crises of this country and he never stopped learning or being curious. And he did it all in broadcasting, as one of the pioneer reporters and anchormen in television. His loss is a blow to the News Division, to this company and to his many friends throughout the country."

Gene Farinet, Producer—News, "Today": "Frank McGee was a man whose deep inner convictions could never be shaken. He could never be intimidated, cajoled or misled. He used to say there was beauty in the ugly and ugliness in the beautiful; that the harsh are gentle and the gentle harsh—and there's more in any single one of us than all of us could ever learn about that one; and that there is more in all of us than any single one will ever learn."

Stewart Schulberg, Executive Producer, "Today": "Certainly there was more in Frank McGee than any of us will ever learn, though he tried hard to teach us—about humility, about pride, about skill, honesty, courage. His life and his death are the lessons he left us. We should all get on with our studies."

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOUNTAIN (at the request of Mr. O'NEILL), from 3 p.m. today, until 2 p.m. on Thursday, April 25, on account of official business.

Mr. HOSMER, for part of today and tomorrow, on account of attendance at the International Conference on Enriched Uranium Utilization as a principal U.S. participant.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McCOLLISTER) to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 45 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. YOUNG of Illinois, for 5 minutes, today.

Mr. McDADE, for 5 minutes, today.

Mrs. HECKLER of Massachusetts, for 30 minutes, today.

(The following Members (at the request of Mr. RYAN) to revise and extend their remarks and include extraneous matter:)

Mr. McFALL, for 5 minutes, today.

Mr. MATHIS of Georgia, for 5 minutes, today.

Mr. LEHMAN, for 5 minutes, today.

Mr. HAMILTON, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. CHAPPELL, for 5 minutes, today.

Mr. PODELL, for 5 minutes, today.  
 Mr. ROY, for 5 minutes, today.  
 Mr. GAYDOS, for 10 minutes, today.  
 Mr. RODINO, for 15 minutes, today.  
 Mr. DANIELSON, for 30 minutes, today.  
 Mr. VANIK, for 5 minutes, today.  
 Ms. AEZUG, for 40 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSH, and to include extraneous material.

Mr. BRADEMAS, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD, and is estimated by the Public Printer to cost \$783.75.

(The following Members (at the request of Mr. McCOLLISTER) and to include extraneous matter:)

Mr. YOUNG of South Carolina.  
 Mr. HANRAHAN.  
 Mr. GODE in five instances.  
 Mr. BELL.  
 Mr. RHODES.  
 Mr. WYMAN in two instances.  
 Mr. RAILSBACK.  
 Mr. HUBER.  
 Mr. STEELMAN.  
 Mr. SHUSTER.  
 Mr. WHALEN in two instances.  
 Mr. SYMMS.  
 Mr. MITCHELL of New York.  
 Mr. McCLOY.  
 Mr. ROBISON of New York.  
 Mr. ARCHER.  
 Mr. HEDNUT.  
 Mr. DERWINSKI in three instances.  
 Mr. KETCHUM.  
 Mr. ESCH.  
 Mr. GILMAN in two instances.  
 Mr. LENT in three instances.  
 Mr. BOB WILSON in two instances.  
 Mr. GROVER.  
 Mr. FROEHLICH.  
 Mr. BAUMAN in two instances.  
 (The following Members (at the request of Mr. RYAN) and to include extraneous matter: )  
 Mr. CLAY in 10 instances.  
 Mr. ROY.  
 Mr. RARICK in three instances.  
 Mr. BYRON in 10 instances.  
 Mr. GONZALEZ in three instances.  
 Mr. MURPHY of Illinois.  
 Mr. SEIBERLING in 10 instances.  
 Mr. LUKEN.  
 Mr. JONES of Oklahoma.  
 Mr. HUNGATE.  
 Mr. LEGGETT.  
 Mr. STUBBLEFIELD.  
 Mr. RODINO.  
 Mr. ROE in three instances.  
 Mr. NIX.  
 Mr. MCCORMACK.  
 Mr. RYAN.  
 Mr. VANIK in two instances.  
 Mr. DANIELSON in five instances.  
 Mr. ROYBAL.  
 Mr. VAN DEERLIN.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1488. An act to provide for a system of uniform commodity descriptions and codes and tariffs filed with the Federal Maritime Commission, and for other purposes, to the Committee on Merchant Marine and Fisheries.

S. 2321. An act to provide compensation to poultry and egg producers, growers, and processors and their employees, to the Committee on Agriculture.

S. 2234. A letter from the president, National Railroad Passenger Corporation, transmitting a 5-year financial projection of Amtrak operations including a revised capital acquisition program, pursuant to 45 U.S.C. 601(b); to the Committee on Interstate and Foreign Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 8193. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; with amendments (Rept. No. 93-1003). 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. BINGHAM (for himself and Mr. SEIBERLING):

H.R. 14332. A bill to amend the Economic Stabilization Act, to establish objectives and standards governing imposition of controls after April 30, 1974, to create an Economic Stabilization Administration, to establish a mechanism for congressional action when the President fails to act, and for other purposes; to the Committee on Banking and Currency.

By Mr. BLATNIK:

H.R. 14333. A bill to amend title XVIII of the Social Security Act to establish a program of long-term-care services within the medicare program, to provide for the creation of community long-term-care centers and State long-term-care agencies as part of a new administrative structure for the organization and delivery of long-term-care services, to provide a significant role for persons eligible for long-term-care benefits in the administration of the program, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 14334. A bill to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 14335. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 14336. A bill to limit the jurisdiction of the Supreme Court and of the district courts in certain cases; to the Committee on the Judiciary.

H.R. 14337. A bill to limit the jurisdiction of the Supreme Court and of the district courts in certain cases; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 14338. A bill to amend the Social Security Amendments of 1972; to the Committee on Ways and Means.

By Mr. DIGGS:

H.R. 14339. A bill to authorize the District of Columbia to enter into the interstate parole and probation compact, and for other purposes; to the Committee on the District of Columbia.

H.R. 14340. A bill relating to crime and law enforcement in the District of Columbia; to the Committee on the District of Columbia.

H.R. 14341. A bill to provide for the recovery from tortiously liable third persons of the cost of medical and hospital care and treat-

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2770. An act to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services.

## ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, April 25, 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:

2227. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Office of Telecommunications Policy for "Salaries and expenses" for the fiscal year 1974 has been reappropriated on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2228. A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend the act of September 26, 1966, Public Law 89-606, as amended, to extend for 2 years the period during which the authorized numbers for the grades of lieutenant colonel and colonel in the Air Force are increased; to the Committee on Armed Services.

2229. A letter from the President and Chairman, 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 March 1974; to the Committee on Banking and Currency.

2230. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to establish the District of Columbia Defender Service, and for other purposes; to the Committee on the District of Columbia.

2231. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

2232. A letter from the Director, District of Columbia Unemployment Compensation Board, transmitting the Board's annual report for calendar year 1973, pursuant to 42 District of Columbia Code 313(c); to the Committee on the District of Columbia.

2233. A letter from the Secretary of Health, Education, and Welfare, transmitting the third annual report on the 5-year plan for family planning services and population research, pursuant to 42 U.S.C. 3505(c); to the Committee on Interstate and Foreign Commerce.

ment, funeral expenses, and salary payments furnished or paid by the District of Columbia to members of the Metropolitan Police force and the District of Columbia Fire Department; to the Committee on the District of Columbia.

By Mr. DULSKI:

H.R. 14342. A bill to amend title VIII of the act entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," approved April 11, 1968 (relating to fair housing), to extend its coverage to all dwellings; to the Committee on the Judiciary.

By Mr. ECKHARDT (for himself, Mr. ADAMS, Mr. BADILLO, Mrs. BURKE of California, Mr. DENT, Mr. DRINAN, Mr. RIEGLE, Mr. ROSENTHAL, and Mr. ROYBAL):

H.R. 14343. A bill to amend the Emergency Petroleum Act of 1973 to require the President to roll back prices for crude oil and petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 14344. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. FUQUA:

H.R. 14345. A bill to amend section III(a) of title 38, United States Code, relating to the payment of travel expenses for persons traveling to and from Veterans' Administration facilities; to the Committee on Veterans' Affairs.

H.R. 14346. A bill to amend section 62 of the Internal Revenue Code of 1954 in order to permit penalties incurred because of premature withdrawal of funds from time savings accounts or deposits to be deducted from "gross income" in calculating "adjusted gross income"; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 14347. A bill to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HÉBERT:

H.R. 14348. A bill to transfer Camp Villere, La., to the State of Louisiana; to the Committee on Armed Services.

By Mr. HÉBERT (for himself and Mr. BRAY) (by request):

H.R. 14349. A bill to amend section 3031 of title 10, United States Code, to increase the number of authorized Deputy Chiefs of Staff for the Army Staff; to the Committee on Armed Services.

By Mr. KYROS:

H.R. 14350. A bill to amend title XVI of the Social Security Act to prevent reductions in supplemental security income benefits because of social security benefit increases; to the Committee on Ways and Means.

By Mr. LANDRUM:

H.R. 14351. A bill to amend the Internal Revenue Code of 1954 to make clear the tax treatment intended for guaranteed renewable life, health, and accident insurance contracts in the case of life insurance companies; to the Committee on Ways and Means.

By Mr. LUKEN:

H.R. 14352. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions after 1974 by an amount based on annual variations in the Consumer Price Index; to the Committee on Ways and Means.

By Mr. LUKEN (for himself, Mr. BEVILL, Mr. HECHLER of West Virginia, Mr. PODELL, Mr. MOAKLEY, Mr. CHARLES WILSON of Texas, Mr. RIEGLE, Mr. DUNCAN, Mrs. COLLINS of Illinois, Mrs. CHISHOLM, and Mr. YATRON):

H.R. 14353. A bill to amend the Small Business Act to authorize additional loan assistance for disaster victims, and for other pur-

poses; to the Committee on Banking and Currency.

By Mr. PERKINS (for himself and Mr. QUINE):

H.R. 14354. A bill to amend the National School Lunch Act, to authorize the use of certain funds to purchase agricultural commodities for distribution to schools, and for other purposes; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 14355. A bill to amend section 410 of the Federal Aviation Act of 1958 to provide financial assistance during the energy crisis to U.S. air carriers engaged in overseas and foreign air transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.R. 14356. A bill to prohibit for a temporary period the exportation of ferrous scrap, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROY:

H.R. 14357. A bill to amend the Public Health Service Act, to revise the programs of student assistance, to revise the National Health Service Corps program, to establish a system for the regulation of postgraduate training programs for physicians, to provide assistance for the development and expansion of training programs for nurse clinicians, pharmacist clinicians, community and public health personnel, and health administrators, to provide assistance for projects to improve the training provided by undergraduate schools of nursing, pharmacy, and allied health to provide assistance for the development and operation of area health education systems, to establish a loan guarantee and interest subsidy program for undergraduate students of nursing, pharmacy, and the allied health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 14358. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 14359. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 14360. A bill to authorize special appropriations for training teachers for bilingual education programs; to the Committee on Education and Labor.

H.R. 14361. A bill to assure the right to vote to citizens whose primary language is other than English; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 14362. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the social security program, with a substantial increase in the contribution and benefit base and with appropriate reductions in social security taxes to reflect the Federal Government's participation in such costs; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 14363. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income by reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. BENNETT (for himself and Mr. BOB WILSON):

H.R. 14364. A bill to establish the policy of

the United States of America to modernize the strike forces of the U.S. Navy by requiring nuclear propulsion in new major combatant vessels to take advantage of improved military characteristics accruing from the essentially unlimited high-speed endurance provided by nuclear propulsion; to the Committee on Armed Services.

By Mr. BROOMFIELD:

H.R. 14365. A bill to prohibit Members of Congress from accepting honorariums; to the Committee on Standards of Official Conduct.

By Mrs. BURKE of California (for herself and Ms. ABZUG):

H.R. 14366. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and a demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 14367. A bill to enlarge the results thus far achieved under the Employment Act of 1946; to promote full and sustained achievement of the maximum employment, production, and purchasing power objectives under that act; to assure that a sufficient portion of our growing economic production of goods and services be allocated to great priorities of our domestic and international needs, including eradication of poverty and freedom from want; to provide for a National Purpose Budget toward these ends and to encourage more national unity; and for related purposes; to the Committee on Government Operations.

By Mr. HASTINGS:

H.R. 14368. A bill to provide for means of dealing with energy shortages by requiring reports with respect to energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHUM:

H.R. 14369. A bill to authorize and direct the Secretary of the Interior to transfer certain lands administered by him to the State of California; to the Committee on Interior and Insular Affairs.

By Mr. SYMINGTON:

H.R. 14370. A bill to amend the Federal Trade Commission Act to provide meaningful disclosure of the annual operating energy costs of certain products and systems to consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 14371. A bill to amend the Service Contract Act of 1965, with respect to the short title of such act; to the Committee on Education and Labor.

By Mr. ANDREWS of North Carolina:

H.R. 14372. A bill to amend title II of the Social Security Act to increase to \$3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 14373. A bill to amend title 23 of the United States Code to authorize a grant program for research and development of guidelines to conserve energy by reducing air drag on trucks; to the Committee on Public Works.

By Mr. DIGGS (by request):

H.R. 14374. A bill to establish the District of Columbia Defender Service, and for other purposes; to the Committee on the District of Columbia.

H.R. 14375. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

H.R. 14376. A bill to authorize in the Dis-

trict of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. EDWARDS of California:

H.R. 14377. 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. FULTON:

H.R. 14378. A bill to extend certain programs under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. FUQUA:

H.R. 14379. A bill to amend the Agricultural Marketing Act of 1946 in order to give the Secretary of Agriculture additional authority to promote and stimulate development in rural areas, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON:

H.R. 14380. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. STUBBLEFIELD, and Mr. PODELL):

H.R. 14381. A bill to establish a Department of Social, Economic, and Natural Resources Planning in the executive branch of

the Federal Government; to the Committee on Government Operations.

By Mr. MOAKLEY:

H.R. 14382. A bill to amend section 6161(b) of the Internal Revenue Code of 1954 (relating to extension of time for paying tax) to require repayment of deficiencies by installments in cases of undue hardship; to the Committee on Ways and Means.

H.R. 14383. A bill to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of all structures of a historic nature, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 14384. A bill to extend and improve the Nation's unemployment programs, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK:

H.J. Res. 986. Joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans; to the Committee on Education and Labor.

By Mr. HAMILTON:

H. Con. Res. 481. Concurrent resolution relating to arms control in the Indian Ocean; to the Committee on Foreign Affairs.

By Mr. ICCHORD (for himself, Mr.

DENT, Mr. ASPIN, Mr. STUCKEY, Mr. ANDREWS of North Carolina, Mr. BRECKINRIDGE, Mrs. HECKLER of Massachusetts, and Mr. MATSUNAGA):

H. Res. 1059. Resolution declaring the sense of the House with respect to a prohibition of extension of credit by the Export-Import of the United States; to the Committee on Banking and Currency.

By Mr. JONES of North Carolina (for himself and Mr. GRAY):

H. Res. 1060. Resolution providing a system of overtime pay in lieu of compensatory time off for officers and members of the U.S.

Capitol Police under the House of Representatives, subject to rules and regulations prescribed by the Committee on House Administration; to the Committee on House Administration.

By Mr. PODELL:

H. Res. 1061. Resolution respecting the safety of the Jewish community in Syria; to the Committee on Foreign Affairs.

#### MEMORIAL

Under clause 4 of rule XXII,

438. The SPEAKER presented a memorial of the Legislature of the Trust Territory of the Pacific Islands, relative to greater administrative control and political autonomy for Micronesia, which was referred to the Committee on Interior and Insular Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 14385. A bill for the relief of Alexander F. Garcia; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 14386. A bill for the relief of Pham Van Kiet; to the Committee on the Judiciary.

#### PETITIONS, ETC.

Under clause 1, of rule XXII,

431. The SPEAKER presented a petition of the City Council, Maple Heights, Ohio, relative to development of the Cuyahoga Valley Park, which was referred to the Committee on Interior and Insular Affairs.

## EXTENSIONS OF REMARKS

### BEWARE THE IDES OF APRIL

#### HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1974

Mr. SHUSTER. Mr. Speaker, for the past 15 months, I have been both appalled and shocked at the free-spending attitude of the U.S. Congress. I was shocked to learn that we have spent over \$150 billion in foreign aid payments since World War II, and I am appalled at the unworkable and costly programs annually funded in the name of "social progress."

But I had no idea of the extent of the Congress madness until I read an editorial in the April 9, 1974, issue of the Lewistown Sentinel, a daily newspaper in my congressional district serving a county with a population of nearly 50,000 people.

Mr. Speaker, some of the uses of the taxpayers' money featured in the Sentinel editorial are beyond the realm of imagination. If someone were to sit down and fabricate fantastic and unbelievable projects to "put one over" on the American people, I doubt seriously if he would come close to the reality so clearly outlined in this article.

Because of the incredulousness of the misuse of public funds, I believe it is important for this editorial to be brought to the public's attention. Therefore, I insert the editorial, as it appeared in the

Lewistown Sentinel on April 9, 1974, to be included in the CONGRESSIONAL RECORD at this time.

#### BEWARE THE IDES OF APRIL

We are well into spring and the month of April, when nature begins to blossom forth in all its verdure, and unhappy taxpayers make ready an accounting to a higher authority—the Internal Revenue Service. It is a time for rejoicing—it is a time for sorrow.

For some, who overpaid their taxes all year, it is a season when they look forward to a check from the government, a refund of their overpayment and return of the money that they let Uncle Sam hold for them, without interest.

Others, whose income is derived from sources not subject to withholding, with long faces and solemn indignation will be calling on their bankers with the annual request for a loan to meet their tax obligations.

We are indebted to James Davidson of the National Taxpayers Union for some blood-curdling examples of the way in which our tax money is spent in grants and appropriations by Congress in its wisdom.

Not all goes for national defense, nor the eradication of disease, or finding cures for malignant and terrible diseases. Our tax money goes for some bizarre and unbelievable purposes.

Would you believe that \$35,000 of your money was spent for a year of chasing wild boars in Pakistan? Well, it was. Or perhaps you would like to read the report—if one has been made—of a \$70,000 expenditure made to study the smell of the perspiration of aborigines in Australia.

For that olfactory project we also bought an odor measuring machine from Turkey at a cost of \$28,361. Now that the project is completed the machine could be used to

measure smells emanating from various appropriation bills as they are passed by the Congress.

Do you know that we have a national board of tea tasters? Well, we do. And last year and every year they cost us about \$120,000. We also have a board of Tea Appeals. Consider that when you are going through your checkbook carefully looking for items which might possibly be considered deductions.

While you are considering bankruptcy, or moving to Costa Rica, or one of the few remaining states with no state income tax, you might mull over the \$68,000 which we paid the Queen of England for not growing cotton on her plantation in Mississippi.

Have you had an invitation from Marshall Tito of Yugoslavia for a cruise on his yacht? It would be fitting if you had. The American taxpayer paid \$2,000,000 for it.

We also footed the bill for Leonid Brezhnev's twelfth magnificent motor car, in the interest of cordiality and maintenance of what seems to be a fast vanishing detente.

And there are more and more in unbelievable profligacy.

Our only recourse is to elect congressmen with sharp noses for a fool expenditure.

#### GOVERNMENT EMPLOYEES CITED FOR SERVICE

#### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1974

Mr. GAYDOS. Mr. Speaker, once again the Federal employees of the Pittsburgh area have singled out for special recog-