health reform. The following statement describes the Bakken concept in more detail:

MINNEAPOLIS MEDICAL CENTER, INC.,
Minneapolis, Minn., February 26, 1971.
Re: Delivery of Health Care Services.
Hon. DONALD M. FRASER,
Federal Court Building,
Minneapolis, Minn.

DEAR DON: The Minneapolis Medical Center (MMCI) consists of Mount Sinai, Lutheran Deaconess, and Abbott-Northwestern Hospitals, the Kenny Rehabilitation Institute and the Children's Health Center now under construction. These health care organizations (MMCH), often referred to as "the Chicago Avenue Complex" was formed three years ago in an effort to combat skyrocketing health care costs through consolidation, sharing of services, both clinical and supporting, and increased efficiency in the delivery of all phases of health care. It has been, at least, a start.

Earl Bakken, currently chairman of the MMCI Board, has developed what is customarily referred to as the "Bakken Concept." The most recent summation of this Concept (February 1971) entitled "An Innovative Method of Structuring and Financing a Medical Center" is submitted to you and to your staff as perhaps one answer, or a part of the overall answer, to many problems which the health care industry must face and answer. All MMCH participants have not yet taken a final position on the Bakken Concept. However, MMCI directors are of the opinion that this innovative approach should be carefully considered by you and your staff as Congress zeros in on the federal government's role in reforming and financing the delivery of health care services. In essence, the proposal is to create a profit-making core which will include virtually all services common to the existing hospitals, thus creating mass with efficiency but at the same time preserving the identities of the separate voluntary organizations in terms of STAFF and patient care, and providing an innovative method of attracting capital. (See pp. 7–8 of booklet for Concept as such.)

Whether in terms of the Bakken Concept, in whole, in part or in spirit, MMCH participants are of the opinion that increased dollar input alone won't necessarily produce a better health care system. Every separate segment of the entire health care system in metropolitan Hennepin County, public and private, must be integrated into a restructured health care system. To do better that which has been done in the past will not of itself provide the answer despite more dollars—industry and/or government provided. "Rewards" must be granted to that system which keeps our people healthy and out of hospitals. Third-party reimbursement, whether federal or privately oriented, should focus on such "rewards." But the federal government alone isn't the answer.

The challenge of the '70s to restructure our health care system can be met only if "health providers" such as MMCH and their top-flight professionals, make their voices heard in Washington, their actions coordinated at home through a central but local agency such as the newly-created Metropolitan Health Board, and their skills, experience and local power directed toward the new health care system of the '70s.

Sincerely,

CHARLES S. BELLOWS,
Vice Chairman, Minneapolis Medical Center, Inc.

A. KENNETH PETERSON,
Executive Vice President, Mount Sinai Hospital.

HOUSE OF REPRESENTATIVES—*Wednesday, September 29, 1971*

The House met at 12 o'clock noon.

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

In Thee, O Lord, do I put my trust: Let me never be put to confusion.—Psalms 71: 1.

Dear Lord and Father of mankind, our Rock of Refuge in every time of need, we come before Thee with the realization that we have not handled wisely the life Thou hast given us. We have done those things we ought not to have done and we have left undone those things we ought to have done. We would laugh and love, yet we often complain and condemn. We would be honorable and honest, yet we wear masks of acceptance and approval. We would reach out to others in faith and fellowship, yet we shrink behind walls of caution and compromise.

Forgive our foolish ways, reclothe us in our rightful minds, renew our spirits that we may begin to live more confidently and more creatively for the welfare of our country and the well-being of all mankind. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 3 to a bill of the House of the following title:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8866) entitled "An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes."

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

S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes.

RED COMMUNIST CHINA AND THE U.N.

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

Mr. ROONEY of New York. Mr. Speaker, as we all know, the United Nations General Assembly meeting in New York will soon consider the question of seating Red Communist China and the future of the Republic of China as a member of that organization. The question of the admittance of Red Communist China seems moot at this point since the administration has already expressed its willingness to go along with such a move.

I must confess, Mr. Speaker, that I am at a loss to fathom the convolutions in the White House that have brought us to this point of embracing an avowed enemy and turning our backs on a friend of long standing who deserves better. I cannot understand how we can afford to abandon our friends on Taiwan, friends who, as charter members of the U.N., have joined us for so many years in fighting Communist domination of Asia. If we abandon the Nationalist Chinese now, what kind of image do we present to Asia and the rest of the world? Are we to be believed in anything we do or promise? Certainly our track record of late provides little reason for others to trust us.

In essence, are we not sacrificing our image, our morals, and our ideals to accept an enemy as a fellow into an organization which accomplishes little or nothing, talks much and extravagantly and wastefully spends more? Since the American public pays the tab for almost half of the cost of that East River debating society it seems to me they should have some say on how their Government conducts itself within that body. Who knows, perhaps a majority of our people are fed up with paying for an anti-American sounding board. Perhaps they want out or perhaps they would like a complete reassessment of our monetary and moral support of the United Nations. Would that be so bad, the American international stuffed shirts to the contrary notwithstanding?

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON H.R. 10835, UNTIL MIDNIGHT THURSDAY

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the House Committee on Government Operations may have until Thursday midnight to file a report on H.R. 10835, a bill to establish a Consumer Protection Agency.

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

There was no objection.

CROSS-FLORIDA CANAL AN ECOLOGICAL PLUS

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

minute, and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, at page 28415 of the CONGRESSIONAL RECORD there is some material that was brought to my attention this morning, and it throws doubt upon some of the people from the Florida delegation being for the continuation of the Cross-Florida Barge Canal. I want to make it crystal clear that never has there been any faltering on my part in support of the continued construction and completion of the canal. There is disagreement in the Florida delegation concerning the proposed canal but I and many, probably most, of the delegation favor building the canal or at least a fair hearing in Congress on its merits. I will do everything I can, unless Congress repeals it after hearings open to all, to have it built, because, I believe, it is in the national defense interest, and in the economic interest of our country, and that it is an ecological plus, not a minus figure in ecology.

The apparent purpose of the inclusion at page 28415 was to create a record of congressional intent unfavorable to the continued construction of the canal. Congressional intent cannot be created by such extraneous matters, however; but congressional intent is to be found in the hearings and legislative debate on the floor. The hearings show strong support by myself and others in support of using the appropriations this year for continued construction and completion of the canal. The debate on the floor most conclusively shows the congressional intent has not been changed from the policy of completing the canal. Congressman SIKES on July 29, 1971, when the bill was under debate on the floor inquired of the chairman "whether there is any intent in this measure to change the previous congressional authorization for the construction of the canal." To which the chairman replied in the debate: "I would answer my friend, none whatsoever. That would come from the authorizing committee."

CONFERENCE REPORT ON H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

Mr. POAGE submitted the following conference report and statement on the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-527)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Sugar Act Amendments of 1971".

SEC. 2. Section 101 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out "the Virgin Islands," in subsection (j);

(2) by amending subsection (o) to read as follows:

"(o) The term 'continental United States' means the States (except Hawaii) and the District of Columbia."; and

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

"(p) The term 'mainland cane sugar area' means the States of Florida and Louisiana."

SEC. 3. Section 201 of the Sugar Act of 1948, as amended, is amended to read as follows:

"ANNUAL ESTIMATE OF CONSUMPTION IN CONTINENTAL UNITED STATES

"SEC. 201. (a) The Secretary shall determine for each calendar year, beginning with 1972, the amount of sugar needed to meet the requirements of consumers in the continental United States and to attain the price objective set forth in subsection (b). Such determination shall be made during October of the year preceding the calendar year for which the determination is being made and at such other times thereafter as may be required to attain such price objective.

"(b) The price objective referred to in subsection (a) is a price for raw sugar which would maintain the same ratio between such price and the average of the parity index (1967=100) and the wholesale price index (1967=100) as the ratio that existed between (1) the simple average of the monthly price objective calculated for the period September 1, 1970, through August 31, 1971, under this section as in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971, and (2) the simple average of such two indexes for the same period.

"(c) For purposes of subsection (b)—

"(1) The term 'parity index (1967=100)' means the Index of Prices Paid by Farmers for Commodities and Services, including Interest, Taxes, and Farm Wage Rates, as published monthly by the Department of Agriculture.

"(2) The term 'wholesale price index' means such index as determined monthly by the Department of Labor."

SEC. 4. (a) Section 202(a) of the Sugar Act of 1948, as amended, is amended to read as follows:

"(a)(1) For domestic sugar-producing areas, by apportioning among such areas 6,910,000 short tons, raw value, as follows:

"Area	*Short tons, raw value*
Domestic beet sugar	3,406,000
Mainland cane sugar	1,539,000
Hawaii	1,110,000
Puerto Rico	110,000
Total	6,910,000

"(2) To or from the sum of 4,945,000 short tons, raw value, of the quotas for the domestic beet sugar and mainland cane sugar areas there shall be added or deducted, as the case may be, an amount equal to 65 per centum of the amount by which the Secretary's determination of requirements of consumers in the continental United States pursuant to section 201 for the calendar year is greater than or less than 11,200,000 short tons, raw value. Such amount shall be apportioned between the domestic beet sugar area and the mainland cane sugar area on the basis of the quotas for such areas established under paragraph (1) of this subsection in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1971.

"(3) Notwithstanding the foregoing provisions of this subsection, whenever the production of sugar in Hawaii or Puerto Rico in any year results in there being available for marketing in the continental United States in any year sugar in excess of the quota for such area for such year established under paragraph (1) of this subsection, the quota for the immediately following year established for such area under such paragraph shall be increased to the extent of such excess production, except that in no event shall the quota for Hawaii or Puerto Rico, as so increased, exceed the quota which would have been established for such area at the same level needed to meet the requirements of consumers under the provisions of this subsection in effect immediately prior to the date of enactment of the Sugar Act Amendments of 1962. Whenever sugar produced in Hawaii or Puerto Rico in any year is prevented from being marketed or brought into the continental United States in that year for reasons beyond the control of the producer or shipper of such sugar, the quota for the immediately following year established for such area under paragraph (1) of this subsection and the preceding sentence shall, within the limitations of the preceding sentence and section 207, be increased by an amount equal to (A) the amount of sugar so prevented from being marketed or brought into the continental United States, reduced by (B) the amount of such sugar which has been sold to any other nation instead of being held for marketing in the continental United States.

"(4) Beginning with 1973 or as soon thereafter as the quota or quotas can be used, there shall be established for any new continental cane sugar producing area or areas a quota or quotas of not to exceed a total for all such areas of 100,000 short tons, raw value, subject to the requirements of section 302 of this Act."

(b) Section 202(b) of such Act is amended to read as follows:

"(b) For the Republic of the Philippines, in the amount of 1,126,020 short tons, raw value."

(c) Section 202(c) of such Act is amended—

(1) by striking out paragraph (2);

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

"(3) For individual foreign countries other than the Republic of the Philippines and Ireland, by prorating the amount of sugar determined under paragraph (1) of this subsection, less the amounts required to establish a quota as provided in paragraph (4) of this subsection for Ireland, among foreign countries on the following basis:

"(A) For countries in the Western Hemisphere:

"Country	*Per centum*
Cuba	23.74
Dominican Republic	12.80
Mexico	11.32
Brazil	11.04
Peru	7.90
West Indies	4.12
Ecuador	1.63
Argentina	1.53
Costa Rica	1.38
Colombia	1.36
Panama	1.29
Nicaragua	1.29
Venezuela	1.23
Guatemala	1.18
El Salvador	.86
British Honduras	.68
Haiti	.62
Bahamas	.54
Honduras	.24
Bolivia	.13
Paraguay	.13

"(B) For countries outside the Western Hemisphere:

"Country	Per centum
Australia	5.02
Republic of China	2.09
India	2.01
South Africa	1.42
Fiji	1.10
Mauritius	.74
Swaziland	.74
Thailand	.46
Southern Rhodesia	.37
Malawi	.37
Uganda	.37
Malagasy Republic	.30

"(C) Notwithstanding the provisions of subparagraphs (A) and (B), for the calendar year 1972 the proration for Panama shall be 0.85 per centum and for Malawi shall be zero per centum and the proration for the other countries named in subparagraphs (A) and (B) shall be increased proportionately."; and

(3) by amending paragraph (4) to read as follows:

"(4) For Ireland, in the amount of 5,351 short tons, raw value, of sugar. The quota provided by this paragraph shall apply for any calendar year only if the Secretary obtains such assurances from such country as he may deem appropriate prior to September 15 preceding such calendar year (October 31, 1971, for the calendar year 1972) that the quota for such year will be filled with sugar produced in such country."

(d) Section 202(d) of such Act is amended—

(1) by striking out "that are members of the Organization of American States" in paragraph (1)(A)(ii);

(2) by striking out "quotas then in effect for such countries" in paragraph (1)(B) and inserting in lieu thereof "percentages stated therein";

(3) by striking out "the Bahama Islands, Bolivia, Honduras, and" in paragraph (3);

(4) by striking out "August" and inserting in lieu thereof "June" in paragraph (4); and

(5) by striking out "1965" each place it appears in paragraph (6) and inserting in lieu thereof "1971".

(e) Section 202(e) of such Act is amended by inserting "or under section 408(c)" after "subsection (d)(1) of this section".

(f) Section 202(f) of such Act is amended to read as follows:

"(f) Whenever any quota is required to be reduced pursuant to subsection (e) or because of a reduction in the requirements of consumers under section 201 of this Act, and the amount of sugar imported from any country or marketed from any area at the time of such reduction exceeds the reduced quota, the amount of such excess shall, notwithstanding any other provision of this section, be charged to the quota established for such country or domestic area for the next succeeding calendar year. Sugar from any country which at the time of reduction in quota has not been imported but is covered by authorizations for importation issued by the Secretary not more than five days prior to the scheduled date of departure shown on the authorization shall be permitted to be entered and charged to the quota established for such country for the next succeeding calendar year."

(g) Section 202(g) of such Act is amended to read as follows:

"(g)(1) The Secretary is authorized to limit, on a quarterly basis only, the importation of sugar within the quota for any foreign country during the first quarter of 1972 if he determines that such limitation is necessary to achieve the objectives of the Act.

"(2) The Secretary is not authorized during the last three quarters of 1972 and the full year 1973, or in any year thereafter except as provided herein, to limit the importation of sugar within the quota for any foreign country through the use of limitations applied on other than a calendar year basis.

"(3) In order to attain on an annual average basis the price objective determined pursuant to the formula specified in section 201 of this Act, the Secretary shall make adjustments in the determination of requirements of consumers in accordance with the following provisions: (A) the determination of requirements of consumers shall not be adjusted whenever the simple average of the prices of raw sugar for seven consecutive market days is less than 4 per centum (or, in the case of any seven consecutive market day period ending after October 31 of any year and before March 1 of the following year, 3 per centum) above or below the average price objective so determined for the preceding two calendar months; (B) the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective whenever the simple average of prices of raw sugar for seven consecutive market days is 4 per centum or more (or, in the case of any seven consecutive market day period ending after October 31 of any year and before March 1 of the following year, 3 per centum or more) above or below the average price objective so determined for the preceding two calendar months; and (C) the determination of requirements of consumers for the current year shall not be reduced after November 30 of such year, but any required reduction shall instead be made in such determination for the following year. If in the twelve-month period ending October 31 of any year after 1972 the average price of raw sugar is less than 99 per centum of the price objective determined pursuant to the formula set forth in section 201 (except in the twelve-month period ending October 31, 1973—97 per centum) then, with respect to each subsequent calendar year, the Secretary is authorized after November 30 of the preceding year to limit, on a quarterly basis only, the importation of sugar within the quota of any foreign country during the first or second quarter, or both, or such subsequent year if he determines that such limitation is necessary to achieve the objectives of the Act.

"(4) The Secretary is not authorized to issue any regulation under this Act restricting the importation, shipment, or storage of sugar to one or more particular geographical areas.

"(5) The imposition of limitations on a quarterly basis under this subsection shall not operate to reduce the quantity of sugar permitted to be imported for any calendar year from any country below its quota for that year."

SEC. 5. (a) Section 204(a) of the Sugar Act of 1948, as amended, is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following:

"The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than each sixty days after the beginning of each calendar year, determine whether, in view of the current inventories of sugar, the estimated production from the acreage of sugarcane or sugar beets planted, the normal marketings within a calendar year of new-crop sugar, and other pertinent factors, any area or country will not market the quota for such area or country.";

(2) by striking out "If" in the second sentence and inserting in lieu thereof "Whenever" and by striking out "will be unable to" in such sentence and inserting in lieu thereof "will not";

(3) by amending the first proviso in the second sentence to read as follows: "*Provided*, That any deficit resulting from the inability of a country which is a member of the Central American Common Market to fill its quota or its share of any deficit determined under the foregoing provisions of this subsection shall first be allocated to the other member countries on the basis of the quotas determined pursuant to section 202 for such countries:";

(4) by striking out "will be unable to" in the third, fifth, sixth, and eighth sentences and inserting in lieu thereof "will not";

(5) by striking out the tenth and eleventh sentences and inserting in lieu thereof the following: "In determining and allocating deficits the Secretary shall act to provide at all times throughout the calendar year the full distribution of the amount of sugar which he has determined to be needed under section 201 of this Act to meet the requirements of consumers.";

(6) by striking out "quotas then in effect" wherever it appears and inserting in lieu thereof "quotas determined pursuant to section 202"; and

(7) by striking out "47.22" wherever it appears and inserting in lieu thereof "30.08".

(b) Section 204 of the Sugar Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding the foregoing provisions of this section and section 211(c), if the Secretary determines that Hawaii or Puerto Rico will be unable to fill its quota established under section 203 for marketing for local consumption on a day-to-day basis, he shall allocate a total amount of sugar not in excess of such deficit to the domestic beet sugar area or the mainland cane sugar area, or both, to be filled by direct consumption or raw sugar, as he determines to be required for local consumption."

SEC. 6. Section 205(a) of the Sugar Act of 1948, as amended, is amended by striking out the third sentence and inserting in lieu thereof the following: "The Secretary is authorized in making such allotments, whenever there is involved any allotment that pertains to a new or substantially enlarged existing sugar beet processing facility serving a locality or localities which have received an acreage allotment under section 302(b)(3) or that pertains to a sugar beet processing facility described in section 302(b)(9), to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such sugar beet processing facility during each of the first three years of its operation."

SEC. 7. Section 206 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) If the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico of any sugar-containing product or mixture or beet sugar molasses will substantially interfere with the attainment of the objectives of this Act, he may limit the quantity of such product, mixture, or beet sugar molasses to be imported or brought in from any country or area to a quantity which he determines will not so interfere: *Provided*, That the quantity to be imported or brought in from any country or area in any calendar year shall not be reduced below the average of the quantities of such product, mixture, or beet sugar molasses annually imported or brought in during such three-year period as he may select for which reliable data of the importation or bringing in of such product, mixture, or beet sugar molasses are available.

"(b) In the event the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii,

or Puerto Rico, of any sugar-containing product or mixture or beet sugar molasses will substantially interfere with the attainment of the objectives of this Act and there are no reliable data available of such importation or bringing in of such product, mixture, or beet sugar molasses for three consecutive years, he may limit the quantity of such product, mixture, or beet sugar molasses to be imported or brought in annually from any country or area to a quantity which the Secretary determines will not substantially interfere with the attainment of the objectives of the Act. In the case of a sugar-containing product or mixture, such quantity from any one country or area shall not be less than a quantity containing one hundred short tons, raw value, of sugar or liquid sugar."; and

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

"(d) Notwithstanding the foregoing provisions of this section, the Secretary shall each year, beginning with the calendar year 1972, limit the quantity of sweetened chocolate, candy, and confectionery provided for in items 156.30 and 157.10 of part 10, schedule 1, of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption in the United States as hereinafter provided. The quantity which may be so entered or withdrawn during any calendar year shall be determined in the fourth quarter of the preceding calendar year and the total amount thereof shall be equivalent to the larger of (1) the average annual quantity of the products entered, or withdrawn from warehouse, for consumption under the foregoing items of the Tariff Schedules of the United States for the three calendar years immediately preceding the year in which such quantity is determined, or (2) a quantity equal to 5 per centum of the amount of sweetened chocolate and confectionery of the same description of United States manufacture sold in the United States during the most recent calendar year for which data are available. The total quantity to be imported under this subsection may be allocated to countries on such basis as the Secretary determines to be fair and reasonable, taking into consideration the past importations or entries from such countries. For purposes of this subsection the Secretary shall accept statistical data of the United States Department of Commerce as to the quantity of sweetened chocolate and confectionery of United States manufacture sold in the United States."

SEC. 8. Section 207 of the Sugar Act of 1948, as amended, is amended—

(1) by striking out "such year" in subsection (a) and inserting in lieu thereof "the preceding year";

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

"(b) The quota for Puerto Rico established under section 202 for any calendar year may be filled by direct-consumption sugar not to exceed an amount equal to 1.5 per centum of the first eleven million short tons, raw value, of the Secretary's determination for the preceding year issued pursuant to section 201, plus 0.5 per centum of any amount of such determination above eleven million short tons, raw value, except that 126,033 short tons, raw value, of such direct-consumption sugar shall be principally of crystalline structure."; and

(3) by striking out subsection (c).

SEC. 9. Section 209(a) of the Sugar Act of 1948, as amended, is amended by striking out "from Hawaii, Puerto Rico, the Virgin Islands, or foreign countries," and inserting in lieu thereof "from any foreign country or any other area outside the continental United States".

SEC. 10. Section 211(a) of the Sugar Act of 1948, as amended, is amended by striking out "continental United States" and inserting in lieu thereof "United States, including Puerto Rico,".

SEC. 11. Section 212 of the Sugar Act of 1948, as amended, is amended by striking out "sugar or" in clauses (1) and (2) and inserting in lieu thereof "direct consumption sugar or".

SEC. 12. (a) Section 302(b) of the Sugar Act of 1948, as amended, is amended—

(1) by adding at the end of paragraph (1) the following: "In establishing proportionate shares for farms in the mainland cane sugar area, the Secretary may establish separate State acreage allocations, may determine and administer the proportionate shares for farms in one State by a method different from that used in another State, may include in such State allocation an acreage reserve to compensate for anticipated unused proportionate shares, may make conditional allocations to farms from such reserve and establish conditions which must be met in order for such allocations to be final, may make an adjustment in a State's allocation in any year to compensate for a deficit or surplus in a prior year if the actual amount of unused proportionate shares in such State for such prior year was larger or smaller than such anticipated amount of unused proportionate shares, and, in establishing State allocations and farm proportionate shares, may use whatever prior crop year or years he considers equitable in his consideration of past production.";

(2) by adding at the end of paragraph (2) the following: "The personal sugar beet production history of a farm operator who dies, or becomes incapacitated, shall accrue to the legal representative of his estate or to a member of his immediate family if such legal representative or family member continues within three years of such death or incapacity the customary sugar beet operations of the deceased or incapacitated operator. If in any year during this period sugar beets were not planted by such legal representative or member of the family, production history shall be credited to such year equal to the acreage last planted by the deceased or incapacitated farm operator.";

(3) by amending paragraph (3) to read as follows:

"(3) In order to make acreage available for growth and expansion of the beet sugar industry, the Secretary, in addition to protecting the interests of new and small producers by regulations generally similar to those heretofore promulgated by him pursuant to this Act, shall allocate as needed from the national sugar beet requirements established by him, during 1972, 1973, and 1974, the acreage required to yield not more than a total of 100,000 short tons, raw value, of sugar for localities to be served by new or substantially enlarged existing sugar beet processing facilities. Allocations shall be for a period of three years and limited for any one processing facility to the acreage required to yield a maximum of 50,000 short tons, raw value, of sugar and a minimum of 25,000 short tons, raw value, of sugar. The acreage so allocated shall be distributed on a fair and reasonable basis to new and old sugar beet farms to the extent that it can be utilized without regard to any other acreage allocations to States determined by the Secretary. At the time the Secretary allocates acreage for a new or substantially enlarged existing sugar beet processing facility for any year, which determination shall be made as far in advance of such year as practicable, such allocation shall thereby be committed to be in effect for the year in which production of sugar beets is scheduled to commence or to be substantially increased in the locality or localities determined by the Secretary to receive such acreage allocation for such year, such determination by the Secretary shall be final, and such commitment of acreage allocation shall be irrevocable upon issuance of such determination of the Secretary by publication in the Federal Register; except that if the Secretary finds in any case that the construction of new or the substantial enlargement of existing sugar beet processing facilities and the contracting for processing of sugar beets has not proceeded in substantial accordance with the representations made to him as a basis for his determination of acreage allocation, he shall revoke such determination in accordance with and upon publication in the Federal Register of such findings. In determining acreage allocations for a locality or localities serving new or substantially enlarged existing sugar beet facilities and whenever proposals are made to construct new or to substantially enlarge existing sugar beet processing facilities in two or more localities (where sugar beet production is proposed to be commenced or to be substantially increased in the same year), the Secretary shall base his determination and selection upon the firmness of capital commitment, the proven suitability of the area for growing sugar beets and the relative qualifications of localities and proposals under such criteria. In making his determination under the preceding sentence, the Secretary shall give a preference to any processing facility located or to be located in or adjacent to growing areas where processing facilities were closed during 1970 or thereafter if he finds that sugar beets can and will be grown in sufficient quantity and quality to make the production of sugar beets and the operation of such facility successful. If proportionate shares are in effect in either of the two years immediately following the year for which such initial acreage allocation is made in any locality, the Secretary shall adjust the initial allocation in the same proportion as the State's acreage is adjusted from its acreage of the year in which such initial allocation was made.";

(4) by amending paragraph (4) to read as follows:

"(4) The allocation of the national sugar beet acreage requirement to States for sugar beet production, as well as the acreage allocation for new or substantially enlarged existing sugar beet processing facilities, shall be determined by the Secretary after investigation and notice and opportunity for an informal public hearing.";

(5) by striking out "in any local producing area" in paragraph (5);

(6) by amending paragraph (9) to read as follows:

"(9) The Secretary is authorized to reserve from the national sugar beet acreage requirements established by him for the 1972, 1973, and 1974 crops of sugar beets the acreage required to yield 25,000 short tons of sugar, raw value, for any sugar beet processing facility which closed during 1970, if he is satisfied that such facility will resume operations and will be operated successfully and that the area which will serve such facility is suitable for growing sugar beets. The Secretary shall allocate the acreage provided for in this paragraph to farms on such basis as he determines necessary to accomplish the purposes for which such acreage is provided under this paragraph."; and

(7) by adding at the end of such subsection a new paragraph as follows:

"(10) The Secretary shall credit to the farm of any producer (or to the producer in a personal history State) who has lost a market for sugar beets as a result of (A) the closing of a sugar beet factory in any year after 1970; (B) the complete discontinuance of contracting by a processor after 1970 in a State; or (C) the discontinuance of contracting by a processor after 1970 in a substantial portion of a State in which the processor contracted a total of at least 2,000 acres of the 1970 crop of sugar beets, an acreage history (or production history) for each of the next three years equal to the average acreage planted on the farm (or by the producer) in the last three years of such factory's operation or processor's contracting, and any unused proportionate share shall not be transferred to other farms (or producers)."

(b) Section 302(c) of such Act is amended to read as follows:

"(c) In order to enable any new cane sugar

producing area to fill the quota to be established for such area under section 202(a)(4), the Secretary shall allocate an acreage which he determines is necessary to enable the area to meet its quota and provide a normal carryover inventory. Such acreage shall be fairly and equitably distributed to farms on the basis of land, labor, and equipment available for the production of sugarcane, and the soil and other physical factors affecting the production of sugarcane. The acreage allocation for any year shall be made as far in advance of such year as practicable, and the commitment of such acreage to the area shall be irrevocable upon issuance of such determination by publication thereof in the Federal Register, except that, if the Secretary finds in any case that construction of sugarcane facilities and the contracting for processing of sugarcane has not proceeded in substantial accordance with the representation made to him as a basis for his determination of distribution of acreage, he shall revoke such determination in accordance with and upon publication in the Federal Register of such findings. In making his determination for the establishment of a quota and the allocation of the acreage required in connection with such quota, the Secretary shall base such determination upon the firmness of capital commitment and the suitability of the area for growing sugarcane and, where two or more areas are involved, the relative qualifications of such areas under such criteria. If proportionate shares are in effect in such area in the two years immediately following the year for which the sugarcane acreage allocation is committed for any area, the total acreage of proportionate shares established for farms in such area in each such two years, shall not be less than the larger of the acreage committed to such area or the acreage which the Secretary determines to be required to enable the area to fill its quota and provide for a normal carryover inventory."

SEC. 13. Section 303 of the Sugar Act of 1948, as amended, is amended by striking out "which cause such damage to all or a substantial part of the crop of sugar beets or sugarcane in the same factory district (as established by the Secretary), county, parish, municipality, or local producing areas,".

SEC. 14. Section 307 of the Sugar Act of 1948, as amended, is amended by striking out "Puerto Rico, and the Virgin Islands" and inserting in lieu thereof "and Puerto Rico".

SEC. 15. Section 403 of the Sugar Act of 1948, as amended, is amended by adding at the end thereof a new subsection as follows:

"(c) Whenever the Secretary determines that such action is necessary to protect the interests of the United States, consumers of sugar, or the exporters or importers of sugar, he is authorized to require, in accordance with such rules and regulations as he may prescribe, any or all shipments of imported sugar to be weighed by persons not controlled, directly or indirectly, by any person having a direct financial interest in such sugar."

SEC. 16. Section 404 of the Sugar Act of 1948, as amended, is amended by inserting before the period at the end of the first sentence the following: "and, except as provided in sections 205 and 306, to review any regulation issued pursuant to this Act in accordance with chapter 7 of title 5, United States Code".

SEC. 17. Section 408(c) of the Sugar Act of 1948, as amended, is amended to read as follows:

"(c) In any case in which a nation or a political subdivision thereof has, on or after January 1, 1961, (1) nationalized, expropriated, or otherwise seized the ownership or control of the property or business enterprise owned or controlled by United States citizens or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or (2) imposed upon or enforced against such property or business enterprise so owned or controlled, discriminatory taxes or other exactions, or restrictive maintenance or operational conditions (including limiting or reducing participation in production, export, or sale of sugar to the United States under quota allocation pursuant to this Act) not imposed or enforced with respect to the property or business enterprise of a like nature owned or operated by its own nationals or the nationals of any government other than the Government of the United States, or (3) imposed upon or enforced against such property or business enterprise so owned or controlled, discriminatory taxes or other exactions, or restrictive maintenance or operational conditions (including limiting or reducing participation in production, export, or sale of sugar to the United States under quota allocation pursuant to this Act), or has taken other actions, which have the effect of nationalizing, expropriating or otherwise seizing ownership or control of such property or business enterprise, or (4) violated the provisions of any bilateral or multilateral international agreement to which the United States is a party, designed to protect such property or business enterprise so owned or controlled, and has failed within six months following the taking of action in any of the above categories to take appropriate and adequate steps to remedy such situation and to discharge its obligations under international law toward such citizen or entity, including the prompt payment to the owner or owners of such property or business enterprise so nationalized, expropriated or otherwise seized or to provide relief from such taxes, exactions, conditions or breaches of such international agreements, as the case may be, or to arrange, with the agreement of the parties concerned, for submitting the question in dispute to arbitration or conciliation in accordance with procedures under which final and binding decision or settlement will be reached and full payment or arrangements with the owners for such payment made within twelve months following such submission, the President may withhold or suspend all or any part of the quota under this Act of such nation, and either in addition or as an alternative, the President may, under such terms and conditions as he may prescribe, cause to be levied and collected at the port of entry an impost on any or all sugar sought to be imported into the United States from such nation in an amount not to exceed $20 per ton, such moneys to be covered into the Treasury of the United States into a special trust fund, and he shall use such fund to make payment of claims arising on or after January 1, 1961, as a result of such nationalization, expropriation, or other type seizure or action set forth herein, except that if such nation participates in the quota for the West Indies, the President may suspend a portion of the quota for the West Indies which is not in excess of the quantity imported from that nation during the preceding year, until he is satisfied that appropriate steps are being taken, and either in addition or as an alternative he may cause to be levied and collected an impost in an amount not to exceed $20 per ton on any or all sugar sought to be imported into the United States from such nation for the payment of claims as provided herein. Any quantity so withheld or suspended shall be allocated under section 202(d)(1)(B) of this Act. With respect to any action taken during 1961 in any of the categories set forth in this subsection, the provisions of this subsection relating to levying and collecting an impost shall apply only if the President so determines."

SEC. 18. (a) Section 412 of the Sugar Act of 1948, as amended, is amended to read as follows:

"TERMINATION

"SEC. 412. The powers vested in the Secretary under this Act shall terminate on December 31, 1974, or on March 31 of the year of termination of the tax imposed by section 4501(a) of the Internal Revenue Code of 1954, whichever is the earlier date, except that the Secretary shall have power to make payments under title III—

"(1) under programs applicable to the crop year 1974 and previous crop years, if the powers vested in the Secretary otherwise terminate on December 31, 1974, or

"(2) under programs applicable to the crop years preceding the calendar year in which the tax imposed under section 4501(a) of the Internal Revenue Code of 1954 terminates, if the powers vested in the Secretary otherwise terminate before December 31, 1974."

(b) Section 4501(b) of the Internal Revenue Code of 1954 (relating to termination of tax on manufactured sugar) is amended by striking out "June 30, 1972" each place it appears therein and inserting in lieu thereof "June 30, 1975, or June 30 of the first year commencing after the effective date of any law limiting payments under title III of the Sugar Act of 1948, as amended, whichever is the earlier date".

SEC. 19. The provisions of this Act shall become effective on January 1, 1972, except that the amendments made by sections 3, 4, 5, and 7(2) of this Act shall become effective on the date of enactment of this Act for purposes of actions relating to 1972 and subsequent years.

And the Senate agree to the same.

W. R. POAGE,
THOMAS G. ABERNETHY,
THOMAS S. FOLEY,
PAGE BELCHER,
CHARLES M. TEAGUE,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN E. TALMADGE,
WALLACE F. BENNETT,
CARL T. CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to H.R. 8866 struck out all after the enacting clause and inserted in lieu thereof the Senate language.

The conference agreement is a substitute for both the House language and the Senate amendment. The important differences between H.R. 8866 and the Senate amendment and the resolution of these differences by the conferees follow:

I. ALLOCATION OF DOMESTIC QUOTAS

The pattern of distribution of quotas to domestic areas was identical in both the House and Senate versions, except for 1974, when the House would have increased the Puerto Rican quota to 1 million tons, while the Senate retained it at 855,000. The conference substitute adopted the Senate version, thus making a domestic quota allocation as follows:

[Short tons, raw value]

Area:	*Conference substitute*
Domestic beet sugar	3,406,000
Mainland cane sugar	1,539,000
Hawaii	1,110,000
Puerto Rico	855,000
Virgin Islands	0
Total	6,910,000

II. ALLOCATION OF FOREIGN QUOTAS

The following table shows the individual country quotas under the conference substitute:

FOREIGN SUGAR QUOTAS UNDER CONFERENCE DECISIONS COMPARED TO HOUSE AND SENATE VERSIONS OF H.R. 8866

[Short tons, raw value]

Producing area	Present act distribution [1]	House bill [2]	Senate bill [3]	Conference substitute [3]
Total domestic areas	6,410,000	6,410,000	6,285,000	6,285,000
Mexico	557,748	537,545	590,894	561,581
Dominican Republic	545,481	525,737	659,874	634,874
Brazil	545,581	525,737	577,905	547,905
Peru	435,087	418,982	391,839	391,839
West Indies	188,777	192,251	204,520	204,520
Ecuador	79,370	80,774	79,084	80,774
French West Indies	59,384	0	63,868	0
Argentina	67,102	76,050	67,062	76,050
Costa Rica	64,217	65,185	71,110	68,610
Nicaragua	64,217	65,185	64,217	64,217
Colombia	57,723	73,688	61,047	67,368
Guatemala	54,115	55,265	59,835	58,350
Panama	40,406	41,567	40,406	41,567
El Salvador	39,682	40,151	43,964	42,693
Haiti	30,305	30,704	30,305	30,704
Venezuela	27,419	36,845	61,025	61,026
British Honduras	13,752	33,537	14,874	33,537
Bolivia	6,494	17,005	6,193	6,193
Honduras	6,494	11,005	6,494	11,750
Bahamas	10,000	33,537	10,000	27,000
Paraguay	0	15,116	0	6,193
Western Hemisphere	2,893,254	2,881,866	3,104,517	3,016,751
Australia	203,785	206,025	196,162	203,785
Republic of China	84,910	85,844	81,734	84,910
India	81,514	82,494	77,973	81,514
South Africa	60,003	60,300	57,745	57,745
Fiji Islands	44,719	44,806	43,034	44,719
Thailand	18,681	18,844	14,152	18,681
Mauritius	18,681	30,150	17,761	30,150
Malagasy Republic	9,623	15,075	9,223	12,149
Swaziland	7,359	30,150	7,084	30,150
Malawi [2]	0	0	0	0
Uganda	0	15,075	0	15,075
Eastern Hemisphere	529,275	588,763	504,868	578,878
Philippines	1,362,120	1,314,020	1,300,264	1,314,020
Ireland	5,351	5,351	5,351	3,351
Total Foreign	4,790,000	4,790,000	4,915,000	4,915,000
Total	11,200,000	11,200,000	11,200,000	11,200,000

[1] Distribution of foreign quotas under present act as recommended to the Senate Finance Committee by the administration.

[2] For 1973 and subsequent years the quota for Panama would be increased to 62,947 tons and a quota would be established for Malawi of 15,000 tons and other quotas reduced proportionately. Reflects the allocation and proration of 500,000 tons of domestic deficits to foreign countries.

[3] Reflects the allocation and proration of 625,000 tons of domestic deficits to foreign countries.

The quotas under the conference substitute, as indicated by the foregoing table, are based on estimates of sugar consumption of 11.2 million tons. These quotas further assume that Puerto Rico will fail to produce its quota allotment by 625,000 tons and that this deficit would be prorated among the Philippines and Western Hemisphere nations according to the formula specified in the conference agreement.

Other significant differences in foreign quota allocations

Panama: Under the House bill the quota for Panama would be increased to 62,947 tons beginning in 1973. The Senate amendment did not provide this statutory increase. The conferees agreed to the House version.

Malawi, Uganda, and Paraguay: The House bill established a 15,000 ton quota for Malawi beginning in 1973, a 15,075 ton quota for Uganda in 1972, and a 15,116 ton quota for Paraguay in 1972. The Senate amendment provided no quotas for these countries. The conference substitute adopts the House provision for Malawi and Uganda and sets the Paraguay quota at 6,193 tons.

Bahamas: The House bill added the Bahamas to the list of countries sharing quotas (and deficits and growth) on a percentage basis and increased its quota from 10,000 tons to 33,537 tons. The Senate amendment retained existing provisions of law and continued the constant 10,000 ton quota on the Bahamas. The conference substitute sets the quota at 27,000 tons and permits the Bahamas to share in future deficits and growth as provided in the House bill.

Philippines: Under the House bill which based calculations on a 500,000 ton domestic deficit the Philippine quota was set at 1,314,020 tons. Under the Senate amendment which was calculated on the basis of a 625,000 ton domestic deficit this quota was set at 1,300,264 tons. Using the same basis for calculation as the Senate amendment the House bill would have provided a Philippine quota of 1,361,020 tons. The conference substitute adopts the House bill's basic quota of 1,126,020 tons for the Philippines and sets that nation's share of the deficit at a level (30.08 percent) that will give the Philippines a quota of 1,314,020 tons, the amount originally proposed under the House calculations.

French West Indies: The House bill eliminated the quota for the French West Indies. The Senate bill would have restored the quota to the French West Indies but also would have assessed a fee against so much of the sugar imported from the French West Indies as would be equal to the amount by which the French West Indies fails to fill its share of the French EEC quota, the fee being an amount equal to the U.S. premium. The conference substitute eliminates the quota for the French West Indies.

III. PRICE FORMULA AND CONSUMPTION ESTIMATE

The Senate amendment accepted the principle of the "corridor mechanism" for determining quota adjustments, as adopted by the House, with the following changes:

(A) Reduced from 4 percent to 3 percent the ranges within which prices could fluctuate before the Secretary must change his consumption estimate.

(B) Omitted the subjective criteria which would have been overridden (but retained in the law) by the price formula in the House bill.

(C) Clarified the price objective formula in the House bill by referring to the "farm prices paid index (1967=100)" instead of the "parity index."

In regard to these changes, the conference substitute provides as follows:

(A) It retains the 4 percent corridor mechanism of the House bill for 8 months of the year, but for the 4-month period (November, December, January, and February) it adopts the Senate 3 percent provision. The reason for this change is to afford mainland cane producers greater price protection during their principal harvesting months.

(B) The conferees adopted the Senate version which deleted the subjective criteria from existing law.

(C) The conference substitute uses the term "parity index (1967=100)" and clarifies it by reference to the specific statistic which is published monthly by the U.S. Department of Agriculture.

IV. PUERTO RICO

The Senate amendment modified the House provisions on Puerto Rico as follows:

(A) The Senate amendment retained Puerto Rico's quota at 855,000 tons for 3 years instead of raising it to 1,000,000 tons in 1974 as provided by the House bill. The conferees agreed to the Senate versions but agree that in 1974, when this legislation expires, the Congress should carefully examine the Puerto Rican quota. The conferees further note that present law (Section 202(a)(3) of the Sugar Act as amended by this bill) provides that when the productive capacity in Puerto Rico increases, the marketing quota shall increase to a quantity no higher than the quota in effect prior to the 1962 amendments to the Act, an amount which is well in excess of the 1 million tons proposed in the House bill.

(B) The House bill further restricted sugar imports from Puerto Rico when the Secretary's consumption estimate exceeds 11 million tons to 0.5 percent of the excess consumption estimate. The Senate amendment preserved existing law on refined sugar, allowing Puerto Rico to ship refined sugar within its quota up to an amount equal to 1.5 percent of the Secretary's consumption estimates. The conference substitute adopts the House provision.

V. ALLOCATION OF DEFICITS

There were two differences in the allocation of deficits:

(A) *Discretionary Allocation of Deficits*

The Senate amendment eliminated the President's authority in present law to distribute deficits in a discretionary manner, when in his judgment such a distribution would be in the "national interest." The House bill retained the present law provision. The conferees agreed to the House version.

The conferees note that under the proposal of the Administration to follow the quota structure of present law with minimal change, the Philippines would have received a quota of 1,362,120 tons. In retaining the President's authority to allocate deficits under section 204(a) of the Sugar Act, the conferees point out that he will have the authority to allocate additional portions of deficits to the Philippines if he determines that such action would be equitable and in the national interest.

The conferees were advised that on August 12, 1971, the Department of Agriculture issued an emergency request for 100,000 tons of sugar, 87,000 tons of which would come from foreign countries. This emergency request was rescinded on August 18, but in the interval, three Central American countries, Costa Rica, Guatemala, and Honduras, chartered the necessary vessels, incurred great expense and effort, and planned to ship raw sugar to the United States. Because the quota for these nations for 1971 had already been filled, the effect of the emergency order has been to cause financial hardship to

these nations solely because of their prompt response to the Department's emergency request. It is the intention of the conferees that in exercising his discretion to allocate deficits in sugar shipments from any nation if he finds it to be in the national interest, the President should make allocations to these countries out of forthcoming deficits (either in 1971 or in 1972) in an amount sufficient to relieve the hardship.

(B) Allocation of deficits—Time element

The Senate concurred in the House provision on requiring the Secretary to determine and allocate deficits in October of the preceding year and at least every 60 days after the beginning of a quota year, but included an amendment requiring a review on December 15 preceding the beginning of the quota year. The conferees agreed to the Senate version.

VI. CUBAN RESERVE

The House bill reduced the Cuban reserve by more than half, from 50 percent to 23.74 percent, thus reallocating 761,861 tons permanently to other foreign nations (except the Phillipines or Ireland). The Senate amendment preserved the Cuban reserve at 50 percent of imported sugar from foreign countries (except the Phillipines, Ireland, and the Bahamas) as in current law. The conferees agreed to the House version.

VII. ORGANIZATION OF AMERICAN STATES

The House bill repealed the so-called "OAS Bonus" clause, which reserves all growth in the Cuban reserve to countries in the Western Hemisphere which are members of the Organization of American States, and allocated future growth in the Cuban reserve to all countries in both hemispheres. The Senate amendment differed in that it distributed increases in the Cuban reserve, stemming from requirements in excess of 10 million tons, to all supplying countries in the Western Hemisphere (other than the Bahamas.) Under present law, only those nations which are members of the Organization of American States participate. The conference substitute adopts the Senate provision adding the Bahamas to the list of nations which are permitted to participate in the Cuban reserve.

VIII. MAXIMUM LIMITATION

The House bill contained no limitations or ceilings on foreign-country quota allocations. The Senate amendment provided a maximum limitation on quotas of 1.5 million tons to the Phillipines and Cuba (in the event Cuba rejoins the free nations of the world and regains its quota) and 800,000 tons on all other nations. The limitation would not have applied to sugar acquired pursuant to the discretionary authority of the Secretary enabling him to secure sugar from whatever source is available in times of emergency. Under the Senate provision, in the event a country's entitlement exceeded its maximum limitation, the excess would have been considered a deficit and would have been allocated in the same manner as deficits are allocated under the law. The conferees agreed to the House version, but point out that in the future the United States does not intend to become overly dependent on any one source of supply for sugar. In this regard, future sugar legislation might contain a statutory ceiling similar to that proposed in the Senate amendment.

IX. CONFECTIONERY QUOTA

The House bill contained no quota provision on confections. The Senate amendment provided for a quota on confections beginning in 1972 equal to the larger of (1) the average total quantity of sweetened chocolate and confections in tariff classifications affected which are entered in the 3 prior years, or (2) 5 percent of the total amount of sweetened chocolate and confections in tariff classifications affected which are sold in the United States during the most recent year for which reliable data are available. The conferees agreed to the Senate version, but determined that the quotas should apply on an overall quantity basis and not to articles entered under each tariff classification specified. Moreover, the conferees noted that this quota will be in effect only for the period of this extension of the Sugar Act.

X. NEW AND ESTABLISHED BEET AREAS

(A) The House bill authorized acreage to produce up to 100,000 tons of beet sugar to be set aside from the area's quota for localities with new facilities or enlarged plants. The Senate adopted a clarifying amendment making it clear that the 100,000 ton allocation pertained to the life of the extension of the Act and not to successive increases of 100,000 tons in each of 3 years during the extension. The conferees agreed to the Senate version.

(B) The Senate amendment also gave the Secretary discretionary authority to allocate up to 25,000 tons in addition to the 100,000 tons otherwise earmarked for new areas to a Maine factory, but *only* if he were satisfied that the venture could be successful and that sugar beets could be profitably grown. There was no comparable provision in the House bill. The conferees agreed to the Senate version.

(C) The House bill provided that "priority shall be given" to facilities closed since 1970 in making the determination of who receives the additional acreage allotments. The Senate amendment deleted this provision. Both versions provided that the determination should be based in part on "the proven suitability of the areas for growing sugar beets * * *." The conference substitute deletes the priority language of the House bill, but replaces it with language giving a preference to any facility located or to be located in or adjacent to growing facilities which were closed during 1970 or thereafter when the Secretary finds that sugar beets can and will be grown in sufficient quantity and quality to make the operation of such facility successful.

XI. SUGAR BEET FARM HISTORY

The House bill protected for 3 years the history of a producer in a portion of a State where a processor had contracted 4,000 acres of the 1970 crop. The Senate amendment reduced the 4,000 acre test to a 2,000 acre test to safeguard the production rights of producers in smaller locations. The conferees agreed to the Senate version.

XII. PROPORTIONATE SHARES IN MAINLAND CANE AREA

The House bill made no change in present law which provides that the Secretary shall administer proportionate shares in the mainland cane area uniformly in Florida and Louisiana. The Senate amendment authorized the Secretary to administer proportionate shares in the mainland cane area differently in Florida and Louisiana. The conferees agreed to the Senate version.

XIII. INDEPENDENT WEIGHMASTERS

The House bill contained no provision on independent weighmasters. The Senate amendment would have allowed the present dependent weighmasters to continue to serve the people they are now serving but would require, with that exception, that in the future weighmasters not be associated with brokers or refiners of sugar. The conference substitute authorizes the Secretary to issue appropriate regulations regarding the weighing of sugar to insure program integrity and public protection if he deems such action necessary.

XIV. PAYMENTS CUTOFF PROVISIONS

The House bill provided that in the event of any limitation on payments, both the powers of the Secretary under the Sugar Act and the sugar excise tax would terminate. The Senate amendment clarified the House bill to provide that payments would be made with respect to the crop year immediately preceding the year of termination of the tax, but not for the year in which the termination of the tax occurs. The conferees agreed to the Senate version.

XV. EFFECTIVE DATES

The House bill provided effective dates for various provisions of the bill. The Senate amendment was identical in substance except with regard to the expropriation amendment. The conferees agreed to the House version with a technical clarifying amendment relating to the confectionery quota.

XVI. EXPROPRIATION

The House bill made the mandatory provision in present law discretionary with the President. It would also allow him to suspend part of a quota rather than all of it and would make clear that limiting participation of a U.S. citizen in the production or sale of sugar to the United States under a quota allocation is a restrictive condition sufficient to invoke the statute. The House bill also contained authority for the President at his discretion, either in addition or as an alternative to cutting the quota, to levy a special tax (up to $20 per ton) on any or all sugar from the offending country, the proceeds of which would be used to reimburse persons whose property was expropriated.

The Senate amendment adopted a number of changes in the House provision on expropriation and limited its application to past actions. In addition, the Senate amendment proposed for the future a new, more automatic, anticonfiscation provision. Under this new procedure, an aggrieved party, after failing to receive adequate compensation under provisions similar to existing law, could appeal to the U.S. Tariff Commission which, after a full investigation, would reach a determination on the questions of seizure and adequate compensation within a 6-month period.

The conference substitute adopted the House version with the following changes:

(A) Expropriations occurring on or after January 1961 would be eligible for relief through Presidential action.

(B) The $20 per ton impost limitation is specifically made applicable to the West Indies, as well as other nations.

In agreeing to the expropriation provisions, the conferees take note of certain claims by American business against foreign governments which have not been settled. Some of these involve companies which have been expropriated. Others involve companies which have satisfactorily performed contract work and have not been paid. The conferees wish to make their intention clear and unmistakable that these claims must be satisfactorily settled with expedition. The Congress is mindful of the fact that this is a 3-year extension of the Sugar Act. Sugar-supplying countries are therefore put on notice now that their record of settlement of outstanding claims by U.S. citizens will be a factor in future Congressional determinations of quotas.

XVII. WAGE-PRICE FREEZE AND THE SUGAR ACT

On August 15 the President issued Executive Order 11615 imposing a freeze on wages and prices. The purpose of this Executive Order is to limit prices for commodities to the highest price for which sales of the commodity were made during the 30-day period preceding the Executive Order. The Sugar Act, too, is a price control mechanism. Its purpose is to stabilize prices of sugar in the interest of consumers, farmers, and processors.

It has come to the attention of the conferees that administration of the President's Executive Order may have the effect of dis-

rupting the orderly operation of the Sugar Act by establishing different price ceilings for different processors of raw sugar solely on the basis of when sugar cane is harvested, processed, and marketed as raw sugar. This disruption could lead to inequities among processors and to unjust enrichment of refiners who purchase raw sugar from mainland raw sugar processors frozen to price structures which existed under the Sugar Act in the spring of 1971 or the fall of 1970 when these last sold raw sugar.

It is the feeling of the conferees that if Executive Order 11615 and the Sugar Act can be construed together to eliminate inequities and unjust enrichments, such a construction would be in order. The conferees are further of the opinion that if the raw sugar price ceiling were frozen in all cases at the price at which raw sugar was sold during the 30-day period preceding the issuance of Executive Order 11615, it would facilitate the administration of the Sugar Act and the achievement of the price objective stated therein.

W. R. POAGE,
THOMAS G. ABERNETHY,
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PAGE BELCHER,
CHARLES M. TEAGUE,
Managers on the Part of the House.

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CARL T. CURTIS,
Managers on the Part of the Senate.

SOLICITATION FROM A POOR REPUBLICAN BOY FROM IOWA

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

Mr. GROSS. Mr. Speaker, during the August recess I was the recipient of two rather unusual letters, one from Mr. Lawrence O'Brien, chairman of the Democrat National Committee, of course soliciting me for funds, and the other from Treasurer Jay C. Leff, of the Pennsylvania Democrat State Committee, soliciting me for funds—$100 for a ticket to a Democrat dinner in Pennsylvania in October.

I am mystified, Mr. Speaker, by the attention, solicitation, and affection which these Democrats apparently hold for a poor old Republican country boy from Iowa.

FURTHER LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I have taken this time for the purpose of asking the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS) if there is any change in the announced program for this week.

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

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the inquiry of the distinguished gentleman from Michigan (Mr. GERALD R. FORD) it had been my intention to announce that we are adding to the program for tomorrow, H.R. 10538, which extends the authority for insuring loans under the Consolidated Farmers Home Administration Act.

This bill was on the suspension calendar earlier this week, and had to be removed because of the untimely death of our late colleague, the gentleman from Kentucky (Mr. Watts). It is necessary to call this bill up because the authority which the bill grants expires as of tomorrow. So we are quite hopeful that we can call the bill up and pass it on tomorrow.

Mr. GERALD R. FORD. I thank the gentleman.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. 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. 269]

Abbitt	Eilberg	Myers
Abourezk	Esch	O'Neill
Abzug	Eshleman	Podell
Adams	Evins, Tenn.	Poff
Alexander	Flynt	Powell
Ashley	Foley	Price, Tex.
Badillo	Fraser	Rangel
Betts	Frelinghuysen	Rarick
Biaggi	Gallagher	Robinson, Va.
Boland	Garmatz	Rosenthal
Bolling	Gibbons	Roy
Bray	Grasso	Roybal
Brinkley	Halpern	Ruppe
Brooks	Hansen, Wash.	Sandman
Brown, Mich.	Harrington	Sarbanes
Brown, Ohio	Hathaway	Saylor
Broyhill, N.C.	Hébert	Scheuer
Celler	Hicks, Mass.	Shipley
Chappell	Hillis	Skubitz
Clark	Hunt	Stanton,
Clawson, Del	Karth	James V.
Clay	Keith	Stokes
Conte	Koch	Thompson, Ga.
Conyers	Long, La.	Van Deerlin
Cotter	Lujan	Ware
Culver	McClure	Whalley
Davis, S.C.	McKinney	Whitehurst
Dent	Mailliard	Wilson, Bob
Derwinski	Mathis	Wolff
Diggs	Melcher	Wydler
du Pont	Mikva	Wyman
Edmondson	Murphy, Ill.	Yates
Edwards, La.	Murphy, N.Y.	Yatron

The SPEAKER. On this rollcall, 333 Members have answered to their names, a quorum.

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

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 10947, REVENUE ACT OF 1971

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight to file a report on the bill H.R. 10947, the Revenue Act of 1971, and that separate views may be included.

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

There was no objection.

PROVIDING ADDITIONAL FUNDS TO COMMITTEE ON EDUCATION AND LABOR

Mr. THOMPSON of New Jersey, from the Committee on House Administration, submitted a privileged report (Rept. No. 92–532) on the resolution (H. Res. 607) to provide additional funds to the Committee on Education and Labor to study welfare and pension plan programs, which was referred to the House Calendar and ordered to be printed:

H. RES. 607

Resolved, That the expenses of a special investigation and study of welfare and pension plans to be conducted pursuant to H. Res. 213, by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $100,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $20,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Such $100,000 shall be available and allocated to the General Subcommittee on Labor in connection with its present study and investigation of private pension and welfare funds pursuant to H.R. 1269 and related bills. Particular need has been demonstrated to conduct a professional study of vesting, funding, portability, benefit insurance, fiduciary responsibility, adequate disclosure, and other aspects related to the effectuation of private pension and welfare plans as a meaningful supplement to the social security system.

The General Subcommittee on Labor, through the Committee on Education and Labor, shall report to the House as soon as practical during the present Congress the results of its investigation and study with such recommendations as it deems advisable.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day next week to consider a joint resolution making a supplemental appropriation for fiscal year 1972 for Federal unemployment benefits and allowances, Manpower Administration, Department of Labor.

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

Mr. GROSS. Reserving the right to object, Mr. Speaker, would the gentleman from Texas be good enough to give us a brief explanation of what is proposed by his request?

Mr. MAHON. Mr. Speaker, I am glad the distinguished gentleman from Iowa has asked that question because it was my intention to speak to the point.

The President on yesterday sent a request, which I assume originated in the Department of Labor for a supplemental appropriation in the sum of $270,500,000 for compensation benefits for veterans and various other people who come within the purview of the law to get unemployment compensation benefits. The original 1972 budget estimate which was sent to the Congress last January was $274,500,000. That was provided in the regular bill for 1972, but it was a bad miscalculation of the amount required.

As we all know, unemployment has been very severe, especially in certain areas, and under the basic law it is mandatory that unemployment compensation be paid to those entitled to it. We are told that in early October they will be out of funds.

The budget request from the President states—

> Present data indicate that remaining fiscal year 1972 funds will run out in early October 1971.

So I now am making the request that on any day next week it may be in order to consider a joint resolution making a supplemental appropriation for this purpose. It is of such urgency from the standpoint of exhaustion of currently available funds that it cannot be held until the closing bill is presented some weeks from now.

Mr. GROSS. Is not the present request an almost duplicate of last year when a supplemental was asked for the same purpose about the same time last year, perhaps a little later? Is that not true?

Mr. MAHON. I do not remember the exact details, but there was a request to take care of unanticipated requirements for unemployment compensation, and Congress passed such a supplemental appropriation for fiscal year 1971.

Mr. GROSS. Again it was the same story; is that correct?

Mr. MAHON. The gentleman is correct.

Mr. GROSS. That seems to make it a rather "common fall or winter complaint," does it not?

Mr. MAHON. It is true that unemployment escalated to a greater degree than had been anticipated. These funds are legally due the veterans and other beneficiaries. So we have no alternative under the basic law but to provide them, as I see it.

Mr. GROSS. And there are probably more veterans coming back and leaving the service, is that not true?

Mr. MAHON. That is correct.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION MAKING FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day after October 5, 1971, to consider a joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

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

Mr. GROSS. Reserving the right to object, Mr. Speaker, this, I take it, is an extension of the several continuations we have had; is that correct?

Mr. MAHON. We have had two continuing resolution in respect to the current fiscal year. This would make the third. The present one expires October 15. An extension is needed because we have four annual appropriation bills which have not cleared the House or the Congress because there is not adequate legislative authorization at this time. The authorization bills are being considered by the appropriate committees in both houses and on the floor of the other body.

The authorization bill for defense, for example, is under active consideration today on the Senate floor.

Mr. GROSS. I would say that apparently most of the hangup is over in the other body; is that not true?

Mr. MAHON. That is correct, but I would add that the other body has this year done a splendid job in expediting the handling of the appropriation bills which we have sent over to it.

Mr. GROSS. I think the gentleman is saying they have done a better job in some respects than perhaps they did in previous years, but they are still dragging their feet. Does the gentleman not agree with that?

Mr. MAHON. The problem is not with the appropriation bills in the Senate—not at all. The problem is with the lack of legislative authorization relating to the defense bill and to the military construction bill—which is in conference, I should add—and to the foreign aid bill. That is where the main problems are. Under the rules, in the absence of authorizations, the Appropriations Committee of neither body is in a position to act at this time.

Mr. GROSS. All right, but that amounts to foot-dragging no matter how you spell it out, whether authorization or appropriation.

Authorizations bills must first be passed unless we are going to get a waiver of the rules, and I do not advocate that process, and I do not think the gentleman does either, where it can possibly be avoided.

Does the gentleman have any idea how far it is proposed to extend the continuing resolution on this next trip through the House?

Mr. MAHON. That question has already been under some discussion with the leadership on both sides of the aisle, including the Speaker and the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Michigan (Mr. FORD) and the gentleman from Ohio (Mr. BOW) as well as others. A decision has not been made as to the expiration date for the next continuing resolution. The request now is simply that we be authorized to call up a continuing resolution for action by the House on any day after October 5. As I indicated, the present continuing resolution expires on October 15, and we want to act on the necessary extension in a timely way.

Mr. GROSS. I would suggest to the gentleman that he make the continuing date so that we will not have to go through this performance a fourth or fifth time this year. I suggest he make the expiration date of the continuing resolution December 24. We just might be in the clear by Christmas Eve.

Mr. MAHON. It is hard to predict what may develop, but many of us are hoping it will be a much earlier date.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. BOW. Mr. Speaker, further reserving the right to object, and I shall not object, I think the leadership must help in determining what date the resolution should be, but I do not quite agree with my distinguished friend, the gentleman from Iowa, about not getting these bills through. We have passed some of these authorizations in the House, but in the other body the distinguished leader has now offered an amendment to the military procurement bill, which may drag on for some time. I do not know, but it seems to me since the House has acted on some of the authorization bills, that we would do well, perhaps, to get a rule and go ahead and pass the appropriation bills, so this House can move along and get into some sort of 3-day adjournments if we have to, so we may finish up the work of the House. The Appropriations Committee has practically completed all of its hearings and is ready to move. All we need is the authorization or a rule to get the bills through. I think all the Members, perhaps with a few exceptions, agree that it would be well if we would finish up the work of the House and let the other body do what it will, as the gentleman says, they may drag their feet.

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

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

Mr. GROSS. Mr. Speaker, I thought the gentleman from Ohio understood my remarks were directed to the foot-dragging in the other body. I was not being critical of the House, because the House has approved or adopted most of the authorization bills. I was in no way reflecting on the House.

Mr. BOW. I understood the gentleman very well. But I did understand the gentleman to say he might be opposed to a rule, so we might pass these bills. My feeling is that since we do have the position where we have passed the authorization bills, the House has done its job.

We have practically finished all the hearings in the Appropriations Committee and are ready to move, but I can see no reason why, under the authorization bills passed in the House, we should not go ahead and get a rule waiving the provisions of the House and pass our bills and finish up the work, and get through with our work so we can move along, and if they want to drag their feet in the other body, let them do so.

Mr. GROSS. If the gentleman will yield further, I do not like waiving the rules—and I do not believe the gentleman does either.

Mr. BOW. I do not.

Mr. GROSS. I do not like that as an accepted way of procedure in the House of Representatives, but I, too, would like to get away for three days as Members of the other body frequently do. Perhaps I would not have to fish through the ice this winter, if able to get away before everything freezes over.

Mr. BOW. I agree with the gentleman. I think we could finish the work of the House, and I believe the leadership of the House is anxious to complete our work, but we are going to be held up again by the delays in the other body.

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

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

Mr. PATTEN. To be realistic, do we not have to wait for the second phase of the wage and price freeze, which we probably will not get until after November 30?

I should like to go home for 2 weeks, while we are holding our elections, and come back after November 8 and be available for work.

We did not do anything Monday. We did not do much yesterday. We will probably do less today. I would rather be home now. I know I am going to be here in December.

Why can we not recess for 3 days, for a couple of weeks, until this is done, and let us be ready here in December for the new economic proposal in phase II, which is going to take a great deal of time.

We are going to be here for Christmas; and have no doubt about it.

Mr. BOW. The point which the gentleman from New Jersey is making is a point the gentleman from Ohio is not able to answer. That answer would have to come from someone in leadership. I would go along with the gentleman.

I should like to see the House, which has expedited the authorizations and expedited the appropriations, finish its work and get things out of the way, so that we can have 3-day recesses.

Mr. Speaker, I withdraw my reservation.

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

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. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 22, 1971:

H.J. Res. 850. Joint resolution authorizing the Honorable CARL ALBERT, Speaker of the House of Representatives, to accept and wear the Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

On September 25, 1971:

H.R. 234. An act to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

On September 28, 1971:

H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

REPORT ON HIGHWAY SAFETY AND TRAFFIC AND MOTOR VEHICLE SAFETY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–165)

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 of the Whole House on the State of the Union and ordered to be printed with illustrations:

To the Congress of the United States:

Safety on the Nation's roads and highways is a subject which affects virtually our entire population. Everyone who drives or who rides in a motor vehicle, everyone who walks on and crosses the roadways has a very high stake in the promotion of traffic safety. But safety measures and remedial programs can succeed only if they have the active support of governments at every level, of business and industry, and of the general public.

In previous years, two reports have been submitted to the Congress which separately described the administration of the two principal laws in this important area: the National Traffic and Motor Vehicle Safety Act of 1966 and the Highway Safety Act of 1966. This year a single general summary report has been prepared concerning the operation of these laws. Two separate, supplementary volumes—one for each of the laws—contain additional and more detailed information.

It is my hope that the Highway Safety and the Traffic and Motor Vehicle Safety Annual Reports for 1970 will do much to increase public understanding of this pervasive menace to life, limb, and property. The summary report in particular tells a great deal about what must be done to fight this danger. It discusses the enormous toll of highway accidents in both human and financial terms, and indicates some favorable effects of remedies instituted since the 1966 legislation was passed. In addition, it describes the lifesaving nature of programs which are now receiving priority attention, tells about the major efforts in 1970 to develop and enforce motor vehicle safety standards, and reports on efforts to expand and improve State highway safety programs in accordance with Federal standards. The report also touches on some of the basic research projects which are advancing the technology of automotive and highway safety.

As I transmit these Reports to the Congress, I emphasize again the commitment of this Administration to advance the cause of highway safety. With the cooperation of the Congress, we can continue to make great strides in this critical field.

RICHARD NIXON.

THE WHITE HOUSE, *September 29, 1971.*

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1971

Mr. PERKINS. 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. 10351) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

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. 10351, with Mr. ROONEY of New York 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 Kentucky (Mr. PERKINS) will be recognized for 1 hour, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, more than 7 years have now passed since Congress committed itself and the Nation to a boldly experimental program in behalf of the American poor.

Passage of the Economic Opportunity Act of 1964 marked the beginning of a coordinated drive by Federal, State, and local governments and private agencies on the problems of poverty.

It established, at the highest level of Government, an agency to serve as spokesman for the underprivileged, the chronically jobless, and for the defeated and forgotten.

That legislation rejected, for the first time anywhere as far as I know, the idea that poverty is man's natural condition.

It was a testament to our belief that the United States is a strong, compassionate country with the resources and the will to hold open the door of opportunity to all of its citizens.

Now, for the third time since becoming chairman of the Committee on Education and Labor, I am privileged to come before you with legislation to extend the

life of the Economic Opportunity Act for an additional 2 years.

H.R. 10351 was considered at length by the committee, and on August 4 it was ordered reported by a vote of 32 to 3. For legislation born in controversy and vigorously challenged throughout its two previous renewals, this near-unanimity almost suggests the millennium.

I think it is no overstatement to say that the United States has accepted the challenge of the 1964 act. The novel idea of an agency to speak for the poor, to be an innovator and a tryer of new ideas, has proved its worth with the American people. Such opposition as there might be appears to go more to tactics than to strategy.

No prudent or truthful man could stand in this Chamber today and tell you that the Office of Economic Opportunity is the perfect agency, or that its programs are without blemish.

I can, in all truth and prudence, tell you that we of the Congress and the people in the executive branch who operate the agency have learned a lot the last 7 years.

Some of the initial programs might have been poorly conceived and badly managed. Others, good at the start, might have worn out their usefulness.

But there has been a constant effort on the part of both the Congress and the executive to trim and prune and tighten and perfect, until today we have a tighter act and a different agency than we have had in the past.

The measure before you makes additional changes, some of which I will presently discuss. The important thing to consider is the endless drive to improve the OEO mechanism so it can better serve the needs of the poor, and the overall objectives of American society.

No one on the Committee on Education and Labor wants a sloppy agency or a wasteful one. Lengthy hearings, the printed record of which run to more than 3,000 pages, have probed deeply into the needs of the poor and into how those needs are being met by the OEO.

The committee believes the OEO has more than justified its existence, and should be rechartered for an additional 2 years.

The bill before you today authorizes $2,194,066,000 for the present fiscal year, and $2,750,000,000 for the fiscal year ending June 30, 1973.

The fiscal 1972 authorization is some 6.7 percent above the budget recommendation of $2,056,000,000, but the committee felt that the $138 million increase is more than justified by the pressing needs of these specific programs: Headstart, day care, emergency food and medical services, Follow Through, rural housing development, environmental action, local initiative, and others. The committee feels this is where the increased funds should go.

Notwithstanding the budget, this authorization only barely permits a standstill situation. It represents only a 5.3-percent increase over funds appropriated for fiscal year 1971. The erosion in dollar value that had taken place before the President's August 16 economic policy reversal statement has already discounted this increased authorization to a point at or even below last year's appropriation level.

It is unthinkable to me that existing program levels in this field should actually be reduced in fiscal year 1972. In a season in which it is deemed right and proper for Congress to bail out large corporations that have gotten into difficulty, it hardly seems appropriate that we should cut back on programs that help the poor bail out themselves.

Mr. Frank Carlucci, who was Director of the Office of Economic Opportunity during committee hearings on this bill, asked for flexibility with respect to moneys authorized for his agency's programs. He, like the Democratic and Republican directors who have gone before him, felt he could do a better job than the Congress in earmarking funds to specific OEO programs. That may be, and I do not want to argue the merits of the proposal in this particular situation.

Nevertheless, the committee has proposed to give the OEO Director the flexibility he wants, and has not followed the practice of earmarking, with one exception. We do propose a reservation of $350 million for each of the 2 fiscal years involved for local initiative under title II of the act.

HEADSTART

One of the features of the new bill involves the eligibility requirements for participation in the Headstart program. You will recall 2 years ago we broadened the act to permit the participation of children of families above the poverty level, and authorized the Director to establish a schedule of fees for these children. This bill raises the general eligibility requirement for Headstart participation to an annual family income of $4,500 for a family of four. This simply means that the Director may not establish general eligibility rules which require payment for children below this income category.

In the committee report, it is made clear that we hope the Director will continue to give preference to the neediest children. The flexibility given to him by this amendment is intended to permit participation of the near-poor, those whose incomes hover perilously close to the poverty level.

Headstart remains one of the most popular, and at the same time, one of the most effective programs undertaken by the Office of Economic Opportunity. As Dr. Edward Zigler, Director of the Office of Child Development to which Headstart is delegated, said in testimony before the committee last March:

> There can be little doubt that Headstart has met many of the intellectual, social, and health needs of the children it has served; or even more important, however, Headstart enhances the quality of life of the deprived preschool child every day he is in the program—The Headstart program represents one of the best expressions of our Nation's concern for its children.

This assessment is echoed throughout the testimony, and in my own contacts with people from all across this land.

COMPREHENSIVE HEALTH SERVICES

In another program, the committee bill contains a significant amendment to comprehensive health services. Recognizing that there are in this country many near-poor families living in areas presently served by a comprehensive health services facility, the bill before us would permit the provisions of health services to this group, with the understanding that such persons may be required to pay for those services. This, in effect, does the same thing in comprehensive health services that we did in Headstart in 1969—make it available, at an appropriate fee, to the near poor.

DRUG REHABILITATION

The committee bill makes other amendments to the special emphasis program section of the act. It directs that priority be given to veterans and employees of significant numbers of veterans in special programs to promote employment opportunities for the rehabilitated drug addicts, and to aid employers in dealing with addiction and drug abuses among the formerly hard core unemployed.

ENVIRONMENTAL ACTION

The committee bill authorizes a new program called "Environmental Action." Under this special emphasis program, low-income people would be paid for working on projects designed to combat pollution and to clean up a rapidly degenerating physical environment in America. This I personally believe to be potentially one of the most beneficial steps yet taken by the Congress to deal with the environmental problem. Why cannot we use the otherwise unemployed poor to help clean up the mess that afflicts so many of our urban and rural areas? They can be usefully employed in removing solid wastes, in clearing streams, in carting away all of the unsightly old automobile carcasses that choke the roadways and creeks in many places. They can carry out projects designed to upgrade water supplies and to improve the movement and processing of sewage. They can plant trees, improve our parks, and help reclaim lands which have sustained ecological damage from strip mining and other forms of man-generated or natural destruction.

Of course most, if not all, of this work is expected by the committee to be done in public areas that will have a substantial impact upon the total community.

Although I have dwelt upon the environmental aspects of this program, I certainly do not intend to imply that it is less than an employment program. The primary aim of environmental action is to promote jobs for poor people. The strong secondary aim is to help patch up and nurse our environment back to health. In this way, persons on such a program can do good while doing well.

Because this is a new program, and because it comes at a time of lean prospects for OEO funds, I would hope the agency would not spread the money so thinly as to make the results negligible in the total community. A lesser number of projects in carefully chosen locations would be more desirable, I think, in that

the results could demonstrate the beneficial impact of this new legislation. If it works, and I believe it will, I hope to see this special emphasis program broadened in the future.

RURAL HOUSING

The committee bill before you also contains a new program in the field of rural housing. We have included this, recognizing that the condition and shortage of decent housing available to low-income families in rural areas is one of the most critical matters facing the country. It is also one of the most neglected because the homes of the rural poor are too often isolated up in the mountain hollows, or screened by the woods or the mesquite, and far away from the affluent corridors served by the interstates and the expressways. Public housing is not the answer to this particular problem, because these people are country folk. They like the elbow room afforded by their remote residence. To them the concept of wall-to-wall or gable-to-gable urban living is both alien and intolerable.

There is genuine need for new housing, and for the rehabilitation or repair of old.

While this is a new program under this name, it does not constitute an entirely new field for the Office of Economic Opportunity. The agency now funds some 40 or 45 housing development corporations across the country, to say nothing of the housing work it is carrying on for migrants and Indians.

The committee does not intend or contemplate that this will be a major new housing program. The modest $10 million suggested for it is the best guarantee of that. This is a modest rural program, aimed at a special housing problem in which existing housing legislation simply has not proved effective. It is confined to the rural areas and limited to rural housing development. The committee felt it should have special identity.

LEGAL SERVICES

The measure before us today proposes to add a new title X, the National Legal Services Corporation, to the existing Economic Opportunity Act.

The present legal services program is one of the several special emphasis programs housed under title II of the act. This program was initiated to make sure that the poor of our country had access to legal advice and representation, to legal counseling, and to knowledge of their legal rights and responsibilities. Too often in the past we have seen the poor denied justice because they were ignorant of the remedies available to them. Except in unusual and extraordinary circumstances, this program has been limited to civil representation in noncriminal cases.

Our committee has been impressed and, I think, surprised by the broad spectrum of support which the legal services program has gathered.

The President has proposed establishment of a separate corporation—citing "the sluggishness of many institutions at all levels of society in responding to the needs of individual citizens" as "one of the central problems of our time."

The President's Commission on Executive Reorganization strongly recommended that a private nonprofit corporation be established to administer the legal services program.

The American Bar Association is its strongest champion.

The report of the committee on H.R. 10351 lists on pages 28 and 29 some of the organizations which support the corporation concept. And the hearings of the Committee on Education and Labor on the poverty legislation are replete with testimonial support.

The proposed new title X is a compromise agreed upon by the committee after lengthy consideration of two major alternatives. One, H.R. 8163, was the administration bill. The other, H.R. 6360, was the so-called Steiger-Meeds bill, a bipartisan proposal. Both measures proposed to establish an independent, nonprofit corporation to administer the program.

Although the two approaches had some basic differences, those differences were resolved in the compromise version which the committee adopted and which now constitutes title X of the bill.

The most difficult issue involved the makeup of the corporation's board of directors. Agreement was finally reached on a compromise which combines the principle of representation for legitimately interested groups with the principle of presidential freedom to choose and nominate the board members.

As it now stands, the President has complete flexibility and discretion in the nomination of seven board members, of the 17-member board, subject only to the requirement that three of them be lawyers. His nomination of four members from the client community is subject only to the requirement that he give due consideration to the recommendations of the Advisory Council. He may, however, reject these recommendations entirely. He chooses all other six members of the board from lists provided by the judicial conference, the law schools, and the bar associations. If no name on a list suits him, he may call for a new list.

The final committee version of the bill prohibits any lobbying by project attorneys. It also prohibits their participation in partisan politics and elections, and nonpartisan elections as well.

The proposed title X limits representation by project attorneys to persons who are "members of the client community," a phrase we intend to cover only those unable to obtain private legal counsel because of inadequate financial resources.

On the matter of criminal representation, the committee labored long and earnestly to achieve a compromise. We wound up with a recommendation forbidding criminal representation except in extraordinary circumstances—

Where, after consultation with the court having jurisdiction, the Board has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available under the legal services program.

As far as I am personally concerned these extraordinary circumstances had better be rare indeed. The committee fully intends that this exception be made only in genuinely, repeat genuinely exceptional circumstances.

And so, with these strictures, the Committee is ready to cut the umbilical cord with the legal services program, and launch it as an independent entity. With it go the hopes that it lives up to its promise to cut the price tag from full justice to the poor.

TECHNICAL CHANGE

These are the major programmatic changes in the Economic Opportunity Act as contemplated by H.R. 10351. There are, however, several technical and procedural changes which have been suggested by the hearings, and by the Committee's oversight of the legislation over the past 7 years.

PUERTO RICO FUNDS

The first of these involves the allotment of funds to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific, for local initiative and special emphasis programs. Heretofore, this has been 2 percent of the available funds for these programs. The committee bill felt this should be raised to 4 percent, an estimated $16 million.

NON-FEDERAL SHARE LIMIT

Under the existing act, Federal assistance to a community action agency or other entity to operate a local initiative or special emphasis program is limited generally to 80 percent of the approved program cost. The Director may, at his option, reduce the Federal share and require a higher percentage of local agency funding.

After taking testimony on this point from a number of witnesses, the committee feels that this sword of uncertainty hanging over the head of the community action agencies with respect to these programs should be removed. Accordingly, the bill before you contains an amendment limiting the Director's authority to require more than a 20-percent local share of the funding. It must be made clear, however, that this does not infringe upon a local agency's prerogative to contribute more than 20 percent if it wishes. And the local agency retains the option as to whether the non-Federal contribution shall be in cash or in kind.

STATE ECONOMIC OPPORTUNITY OFFICES

Oversight hearings held by the committee turned up instances in which a State economic opportunity office was in violation of the Economic Opportunity Act. It was learned that OEO auditors had discovered abuses by a State office, and misuse of funds provided under the act. The General Accounting Office reported similar violations.

The committee therefore proposes an amendment providing that if a member of a community action agency board files an allegation with the Director of the OEO that a State Office is in violation of the act or any rule, regulation or guideline promulgated under the act, the Director shall immediately investigate the charge. If the charge is validated, the State office is given reasonable opportunity to take appropriate action. If no

such corrective action is forthcoming, the Director is required directly to terminate any further assistance to the State office with title II funds.

This committee has always felt, and still feels, that the State economic opportunity offices have a necessary and important role to play in the poverty program. Most have justified that trust and have performed excellent service on behalf of their people.

The OEO has in recent years enlarged the role of the State offices in the evaluation of community action programs. Unfortunately, I cannot report that this enlargement of activity has been matched in every instance by an enlargement of trust and confidence on the part of the CAA's for their State offices. Nor could the findings of this committee, of the OEO auditors, and of the General Accounting Office be counted upon to restore complete amity.

A rereading of the act establishing the State economic opportunity offices and of the voluminous hearings conducted by the Committee on Education and Labor in the course of three OEO renewals, should remind those in authority that the intended role of the State offices is cooperation and assistance, not harassment of local agencies. The abuse of discretion, the ignoring of Federal law and regulation, and the disregard of the purposes of the Economic Opportunity Act ought to merit the prompt attention of the OEO Director and his aides.

I for one certainly hope that the amendment contained in this bill will remedy the defect once and for all. If it does not, subsequent oversight hearings by the Committee on Education and Labor will no doubt recommend an additional specific.

FAIR DISTRIBUTION OF OEO FUNDS

Another instance in which oversight hearings have produced a recommendation for change is found in the amendment to section 244 of the act. An ad hoc subcommittee heard a claim that one segment of the poverty community was not receiving its fair share of benefits under the act because of the dominance of another segment in the local poverty population. To correct this situation, the committee has approved an amendment requiring the Director to assure that financial assistance be distributed on an equitable basis throughout the community served.

RULES AND GUIDELINES

For a considerable period of time—perhaps ever since OEO was established—Members of the Congress and of the committee have heard complaints from local elected officials and managers of the community action agencies that the various program guidelines, rules, regulations and forms were confusing, suffocating, or even subversive of the intent of the act.

In an effort to remedy this situation somewhat, the committee approved an amendment requiring that it and its opposite member, the Senate Committee on Labor and Public Welfare, be furnished copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated under the act at least 30 days prior to their effective date.

Far from proposing that the appropriate committees of the House and Senate be given a veto over such rules, regulations, guidelines, and so forth, the intent of this amendment is merely to keep the committees informed of agency proposals, and abreast of the alleged proliferation of "red tape" about which local officials are complaining.

Parenthetically, if this requirement and the attendant knowledge that other eyes are seeing and other ears are hearing does happen to result in a diminishing flow of such documents, I doubt that anyone on the committee will be tragically grieved.

OTHER PROGRAMS

In this discussion, I have dealt almost exclusively with the changes proposed by the Committee on Education and Labor in the existing Economic Opportunity Act.

But I do not wish to imply any lessening of interest in or support for the ongoing programs of the OEO.

JOB CORPS

The Job Corps continues to meet a genuine need among poor youngsters in the 14-to-21 age bracket. From my own personal standpoint, I regret the diminshed emphasis placed upon this program since its delegation to the Department of Labor 2 years ago. The hasty and unwise closing of many ongoing centers in 1969 slammed shut the door of opportunity in the faces of many youngsters. Alternative provision was not made for these disadvantaged youngsters, notwithstanding the claims at the time.

The promise to develop quickly some 30 new inner-city or near-city residential manpower centers—made before the committee in 1969 by the Secretary of Labor—has not been fulfilled. I do not know how many are actually in being today, but when the Assistant Secretary of Labor for Manpower testified before the Committee on the 1971 Amendments, he said 10 large centers had been opened with a capacity of 2,555. The opportunity once held out to all of those hundreds of other youngsters has gone glimmering.

The administration has proposed some $40 million in new Job Corps money over last year for fiscal 1972. The committee is delighted to concur and that recommendation is contained in the bill before the House today.

NEIGHBORHOOD YOUTH CORPS

The Neighborhood Youth Corps is not affected by the present legislation, except that the committee feels an additional $12,500,000 authorization should be in order, bringing the total recommended for fiscal 1972 to $375 million.

MAINSTREAM

Operation Mainstream, a tremendously effective program for chronically unemployed adults and the older poor in rural areas, likewise continues under this legislation. The committee has, however, recommended $50 million for this activity, an increase of $11,200,000 over the budget.

DAY CARE

A day-care program was authorized under the Economic Opportunity Act, and funds have previously been authorized for its support. These funds have never been made available. There seems to be little opposition to the call for day care and child development funds to be increased drastically now, and the President, in his family assistance plan, is on record for a day-care component at some $400 million annually. The committee feels that a minimum of $25 million should be authorized immediately under the day-care component of the Economic Opportunity Act.

Mr. Chairman, I commend H.R. 10351 to the House, and urge its swift passage.

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

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

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

Just this week it was my pleasure to visit a Job Corps camp in McCreary County, Ky. I found there that many young people, both black and white, who had been disadvantaged in their youth, were receiving excellent training, and I found the morale of that group of people to be high.

We see there young people who have never had an opportunity for an education receiving general education and also vocational education training which will fit them for a better life after their service there.

Mr. Chairman, I think the Job Corps is doing a wonderful thing, particularly in this area.

Also, I would like to state that I believe that the Neighborhood Youth Corps is helping the disadvantaged youths; those who could not go to high school by any other means are assisted under this program to go, and are educated.

I think it is extremely helpful so far as the Headstart program is concerned, and without a doubt it is very good.

Operation Mainstream has been helpful. As I understand, it came after the Happy Pappy program, as it was called at that time.

In that program, although the men did not receive the guidance that they should, and were not in many cases engaged in meaningful work—yet, the money that they received did help the poor children to go to school and to stay in school.

Those parts of the program I certainly support.

The CHAIRMAN. The gentleman from Kentucky has consumed 10 minutes.

Mr. PERKINS. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I will answer the first part of the question of my colleague from Kentucky by stating that in the Job Corps we are authorizing for the fiscal year 1972 only the amount of money that is presently in the President's budget—$210,287,000.

On the concentrated employment program we are authorizing $120 million, the same amount that is in the President's budget.

Neighborhood Youth Corps we have in-

creased from $362 million in the Presidents' budget up to $375 million—an increase of $12,500,000.

There is an increase in Operation Mainstream which the gentleman has specifically referred to from $38,800,000 in the President's budget up to $50 million—or an increase of $11,200,000.

To my way of thinking the Administration is starving some of these most worthy programs by underfunding. But it is my hope that this money will not be transferred around to other programs, and that every dime we authorize for these most worthy programs will be expended by the administration in administering these programs.

These programs, coupled with those under local control, make a great contribution to our efforts to provide economic opportunity to the poor.

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

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

Mr. GROSS. Is not local control one of the difficulties in a certain county in Kentucky that I have been reading about so much lately?

Mr. PERKINS. I do not know. Perhaps the gentleman has read about some problems in eastern Kentucky or maybe in Floyd County.

Mr. GROSS. At least one county in Kentucky was widely publicized. Is that Floyd County?

Mr. PERKINS. That is Floyd County. But in that county a majority of the people wanted to run the comprehensive health services program and it was interrupted by a small minority. That is what has taken place. Now they are in the process of electing three delegates to represent the poor countywide, and I think that will answer all questions involved in connection with a comprehensive program for Floyd County.

Mr. GROSS. Will the gentleman yield further?

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

Mr. GROSS. The gentleman from Kentucky (Mr. CARTER) used the designation "Main Spring." The gentleman from Kentucky (Mr. PERKINS) talks about "Mainstream." Do we have both Mainstream and a Main Spring programs? Is there anywhere a glossary of all of these various organizations within the poverty program?

Mr. PERKINS. Let me say to my distinguished colleague from Iowa that the Mainstream program is constituted mostly of elderly people who otherwise are unemployable. They work for counties and municipalities, performing public service that would not otherwise be performed.

Mr. GROSS. Then is there a Main Spring program?

Mr. PERKINS. I yield to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. I thank the distinguished gentleman for yielding. Things are not always what they seem. I did not say "Main Spring." I said Mainstream, as the distinguished gentleman in the well realizes, and I must say that this is a worthwhile project.

Mr. PERKINS. Let me thank the gentleman for his contribution.

Mr. CARTER. I thank the gentleman.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman I rise in support of H.R. 10351, to extend the Economic Opportunity Act for an additional 2 years. While there are certain provisions in the bill reported by the Committee on Education and Labor about which I have some questions, for example, the new program in housing which was adopted by the committee, basically the committee bill is one that can legitimately be supported by all Members of the House of Representatives.

I believe it is important to understand at the outset that the Office of Economic Opportunity has gone through a significant shift in its thrust and in its operation.

I believe that the leadership which has been given to OEO, both by former Director Don Rumsfeld and the Director who recently was promoted to the Office of Management and Budget, Frank Carlucci, has done more for OEO than any other single action that has been taken by the Congress or by the administration.

I cite specifically, Mr. Chairman, the effort that has been made to tighten administrative control over local community action agencies, to defund those that were not adequately or responsibly expending governmental funds, and the actions that have been taken to change the thrust of OEO from an institution designed for confrontation to one, as I believe is the intent of the Congress, of cooperation. It is that key of cooperation that has been the most important change in the operation of local community action agencies and the whole agency itself, for that matter, across the United States, because it is only with that kind of cooperation between all levels of Government, between governmental officials and those who are disadvantaged, between local officials who have in the end the responsibility for programs far in excess of those operated by the Office of Economic Opportunity, that we can insure there is the ability to mobilize the resources in behalf of the poor in the United States.

I believe the changes which have taken place within the agency, within the operation of the local community action agencies, have been for the better. I believe they have done an excellent job in insuring that the intent of the Congress was carried out, and that the reason why this bill comes before us today without minority views is in large part a tribute not only to what I call a lower profile on behalf of the agency but also because the agency has done its work well in insuring there was this redirection and that the intent of the Congress was fulfilled in areas where heretofore it had not been, and in insuring there was an opportunity of the poor to participate fully in the operation of those programs funded and operated under this act.

Thus, the Economic Opportunity Amendments of 1971 and the extension for 2 years can, in my view, insure that this program continues to operate effectively. I have every confidence that the new Director, Mr. Sanchez, will bring the same kind of leadership and responsible activity that has been characterized in the leadership provided both by Mr. Rumsfeld and by Mr. Carlucci.

There is one title in this bill, Mr. Chairman, to which I should like now to turn, and that is title X.

Title X of the Economic Opportunity Amendments of 1971 establishes a nonprofit corporation to carry out the legal services work that is now administered by the Office of Economic Opportunity. This part of the legislation is the product of a unique and truly joint effort.

During the past 8 months—since the day in February when the President's Advisory Council on Executive Organization first suggested that a public nonprofit corporation would be the best possible institutional setting for the legal services program for the poor—and since the day in March when a bipartisan group of Members first set forth a proposal outlining a model for such a Legal Services Corporation—more than 130 Members of Congress, Republicans and Democrats alike, have played a part in shaping and promoting the legislation that is before us today. The product of these efforts has received the support of a united Committee on Education and Labor.

The committee report's description of title X is a good one. The report calls it: "the result of extensive good faith efforts on the part of Members on both sides of the aisle to resolve honest differences of opinion as between the supporters of the two major bills introduced on this subject." The two bills were H.R. 6360, a bipartisan measure first offered by Mr. MEEDS and myself, Mr. BIESTER, Mr. BRADEMAS, Mr. CONABLE, Mr. CLAY, Mr. ERLENBORN, Mr. WILLIAM FORD, Mr. PREYER of North Carolina, and Mr. RAILSBACK, and H.R. 8163, the administration bill offered by Mr. QUIE, Mr. GERALD R. FORD, Mr. ERLENBORN, Mr. DELLENBACK, and Mr. POFF.

The two legal services proposals shared a very basic concept—we agreed with the findings of both the Ash Council and the American Bar Association's Standing Commtitee on Legal Aid and Indigent Defenders; namely, that granting corporate status to the legal services program would give the program greater professional accountability as well as greater visibility to the poor, and, in so doing, it would signal recognition of the principle that full access to our legal system should be denied to no individual simply because of inadequate personal means. In the words of the ABA's committee report:

> [The Corporation] presents an opportunity to the nation to make a lasting unequivocal commitment to the concept of justice for all.

A number of basic differences nevertheless existed between the two proposals for a corporation. The committee bill has resolved all of these differences with adjustment in the positions of both sides. Restrictions are included, greatly limiting the degree to which project attor-

neys may engage in political and lobbying activities, for example. Similarly, assurances are built into the legislation. On the issue of the board of directors, the principle of representation for all groups legitimately interested in the program is combined with the principle that the President should choose the Legal Services Corporation board members.

The Corporation's board of directors is comprised of 17 members appointed by the President with the advice and consent of the Senate in the following manner: one from the courts, seven from the general public, three of whom are to be attorneys, two from the client community, two from among former project attorneys, one from the association of law schools, and four from the organized bar—that is, from the largest associations: the American Bar Association, the National Legal Aid and Defender Association, the National Bar Association, and the American Trial Lawyers Association. The President retains maximum flexibility as to whom he nominates.

In the 6 years of its existence, the Legal Services program has served the Nation as well as the poor: the program has given to poor people an appreciation of the law as a force for good. It is widely recognized as a means of redressing legal grievances through our system of courts and laws.

As President Nixon said in an eloquent message to Congress on May 5, 1971:

> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

Title X of the committee bill will assure the preservation of the strength of this program and its professional integrity as well. The fact that the committee was able to reach agreement on this legislation—with the continued strong support of both Republican and Democratic members of the committee—is a good sign that the Legal Services Corporation is not a partisan issue.

Free and open access to the law is neither radical, liberal, nor conservative. Our system of adversary justice simply can never work unless there are real adversaries; our system of representation by counsel cannot work if one party has no counsel; indeed, our system of justice cannot succeed unless all of our people, including the poor and the powerless, have full and genuine confidence in the legal system.

The Legal Services Corporation will preserve the professional integrity of the legal aid program. And, more importantly, it will preserve the integrity of our system of government. I support its adoption and pray for its success.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 2 additional minutes.

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

Mr. STEIGER of Wisconsin. I would be happy to yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

With reference to this matter of the Legal Services Corporation one of the chief criticisms of the Legal Services operations under the OEO, as I understand it, has been that it has not simply served to aid the poor who might have legal problems, as I think the Congress intended, but it has gone out and sought and encouraged these people to attack the institutions of our society, and that sort of thing.

Now, I am wondering, if there is any virtue to that criticism, as to whether the proposal to remove it from all political control, which is suggested as a basis for the new approach, will really help meet that criticism, or whether it might be that the complete removal and independence of the corporation might increase and enhance these problems?

Mr. STEIGER of Wisconsin. May I say to the gentleman from Indiana that I think the intent of the Congress at the time the Legal Services program was established in OEO was quite clear. It was not limited to simply providing legal assistance in the case of personal legal problems for indigents, but to insure that there was a broad range of representation given to those who otherwise would be unable to receive legal services. I cite for example, the need to bring suits against governmental units that were not abiding by the law, or in the case of the elderly who might otherwise not have an opportunity to obtain legal services to appeal their social security case or veterans who might have legal problems with the Veterans' Administration and its rulings.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. STEIGER of Wisconsin. So, my response to the gentleman from Indiana is that the legal services program now operating in OEO and that which I think would be operated under the new Corporation would be consistent with the intent of the Congress, with the full range of services being available to those who otherwise would not be able to receive them because their income was not adequate.

Mr. DENNIS. Mr. Chairman, if the gentleman will yield further, I, of course, realize that a governmental entity should not be exempt by any means from the filing of suits where it violates the law. I do not think that should be done. But I wonder if the idea behind these legal services was that they should not only bring suits when a problem of this kind was brought to their attention, but whether it was contemplated by the Congress for them to go out and stir up complaints and say to their clients that they do have a suit which they can bring.

Mr. STEIGER of Wisconsin. I recognize that there is that criticism in the record which we have in the committee. I think the committee has done an outstanding job in assessing this program and has found very little of that kind of abuse with reference to the solicitation of cases. Basically, the legal services program as it has been operated has insured that it is responsive, representative and knowledgeable of the kind of problems that have come to it and as a result of that the cases that are brought to its attention are brought by those who cannot afford legal representation.

Mr. DENNIS. Mr. Chairman, if the gentleman will yield further, it is my understanding, from a reading of the bill, that the lawyers engaged in these legal services are supposed to be governed by the ordinary canons of professional ethics.

Mr. STEIGER of Wisconsin. That is correct.

Mr. DENNIS. There is a general statement to that effect contained in the bill. I have read it. However, I find no specific prohibition against the type of solicitation I have referred to. Of course, one of the basic canons of professional conduct is against solicitation..

Would the gentleman be disposed to accept an amendment which, frankly, I am thinking of offering, which would specifically write in a prohibition against solicitation and which stated that no business would be handled which was the result of such solicitation?

Mr. STEIGER of Wisconsin. I would have to see the language that is proposed before I could give the gentleman an answer one way or the other. But my best judgment would be that that kind of an amendment is unnecessary; that the canons of ethics are clearly applicable and—although I am not a lawyer—but as I understand the law of the canons of ethics govern the solicitation of cases.

I think that that would be more than enough to govern that kind of situation.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman and members of the Committee, I rise in support of this legislation and, like the gentleman from Wisconsin (Mr. STEIGER), would like to utilize my time speaking about title X.

As the gentleman from Wisconsin correctly pointed out, this legislation which now appears before us in the product of the painstaking negotiations and good faith compromise between several conflicting views. I would like especially to extend my appreciation to the gentleman from Wisconsin (Mr. STEIGER), the gentleman from Minnesota (Mr. QUIE) and to the gentleman from Illinois (Mr. ERLENBORN).

Two bills, as the gentleman from Wisconsin pointed out, went into the House. There were some 86 cosponsors of legislation proposed by the gentleman from Wisconsin (Mr. STEIGER), and myself.

After several months of negotiations we were able to bring before the Committee on Education and Labor this compromise, and were able to bring from the

Committee on Education and Labor this compromise pretty much intact.

It sets up and provides for an Independent Legal Services Corporation. Now, the success of the Legal Services in OEO I think is beyond question. In fiscal year 1971, 1.2 million cases were handled by Legal Services attorneys. Contrary to some people's views, 99 percent of those cases were handled for individuals, only 1 percent represented class actions. There are presently some 2,000 Legal Services lawyers across this Nation representing poor people. Approximately 270 programs operate in every State of this Union except in North Dakota. The success rate has been I think phenomenal, and as a person who formerly practiced private law I am very envious of the record which the Legal Services lawyers have achieved. They have won 70 percent of their cases. They have settled 15 percent of their cases, and they have lost or have on appeal 15 percent of their cases.

But Legal Services has not been free of controversy, and it has not been free of criticism. Some of this criticism I think has been justified. Far more of it, I feel, has not been justified. Since it has not been free of controversy or free of criticism it has not been free of political pressure.

Mr. Edward L. Wright, president of the American Bar Association, said before our committee:

> Recurring attacks on the Legal Services program have helped shape our view that the Legal Services program should be provided a new and independent home. * * *
>
> The main focus of the association and its authorized representatives has been the protection and continuation of the program in a framework through which the lawyer could serve his clients to the extent of his professional responsibility and the ethical mandates of the profession. The maintenance of this professionalism is absolutely essential for the success of any Legal Services program.

It seems to me, Mr. Chairman and members of the committee, that it is particularly important that in our judicial system we maintain the kind of legal service program which is free of political influence. Because by its nature, it is controversial. One does not have perhaps a big problem with voting for a bill to furnish legal services in criminal action. But in a specific instance, it could be a politically tough thing to do in a locality on an ad hoc basis. So we are always going to have controversy. We are always going to have criticism of any kind of legal services program that is really doing what it should be doing.

It seems to me that if justice under the law means anything, it means we are going to be undertaking unpopular causes. It means that the poor are going to receive the kind of representation from lawyers that those who can afford to pay are going to receive. This is equal justice under the law and it means that we are going to disagree sometimes with the individual case.

But if our judicial system is to function and if the poor are really to have all of the rights that all citizens in this Nation have, then they must have equal access to the courts. That is what this program is all about..

This program and the concept of an independent public-service corporation has been suggested and backed by the American Bar Association, by all of the National Bar Associations, the Esch committee, as the gentleman from Wisconsin mentioned, the advisory groups appointed by the President to advise the legal service within the Office of Economic Opportunity, and many other supporters. Many of them are listed in the committee report.

So that is what this bill does. It sets up a public service Legal Service Corporation. It is empowered to carry out functions which are presently being carried out within the OEO under the Legal Services program there, to provide financial aid for the individual local Legal Service program; to conduct research, training, and provide technical assistance; to provide financial assistance for legal education for minority and for the economically disadvantaged; and to coordinate these programs—to collect the information and to disseminate the results among the various legal services—that is—local Legal Service programs.

It prescribes policies to preserve the highest standards of the legal profession.

The gentleman from Indiana, and I wish he had remained here, asked a question about solicitation. These lawyers under this program will be covered by the code of professional responsibility just like any other lawyer in this Nation and the solicitation of cases is specifically prohibited under the code of professional responsibility.

The board, or the National Legal Service Corporation, is under this legislation allowed to set up local programs to provide at the local level Legal Service programs that will serve the poor in those areas.

What are some of the safeguards? Some of the criticism that has been leveled, as I have said, has been justified. We have taken great pains to provide safeguards in this bill.

The first safeguard, it seems to me, is a majority of the board that runs these local Legal Services programs is required to be attorneys—a majority of the board. So you can look to your local bar association. That is where these people are going to come from. The measure requires that the State bar in the State where the program is located have 30 days' notice of the funding of any program. It requires the establishment, again at the local level, of guidelines for the programs, including eligibility of clients, the conduct of attorneys, and again in areas that have been very touchy, guidelines for appeals.

Again the gentleman from Indiana was talking about people going out and looking for cases. We provide in this legislation—indeed we require—that unless the individual Legal Services attorney represents a client or is requested by the legislative body before whom he appears, there can be no legislative advocacy; in other words, he cannot go out and stir up a controversy and get cases, as the gentleman from Indiana asks. We provide an absolute prohibition against political activity. This act is even tougher than the Hatch Act, because we cover nonpartisan political activity.

As I said earlier, the local Legal Services program will be required to establish guidelines for appeal, not to tell the individual lawyer what case he may appeal or what case he may not appeal, because that would be an absolute violation of the Code of Professional Responsibility and violate the relationship of attorney and client, but to establish guidelines under which appeals should be carried out.

This legislation establishes a 17-member board and, very frankly, this was the big problem in reaching the compromise we have. There were some who wanted the President to have absolute authority in the appointment of the board members without being required to accept recommendations from without. And there were some who wanted the President to have very little authority in the selection of these members. I think the compromise which we bring to this floor today maintains the integrity and independence of the Legal Services Corporation, and yet allows the President to have the kind of input that a President of the United States should have in setting up this Legal Services Corporation. Six of the members will be members who are recommended by the Judicial Conference and by various bar associations. They are listed in the bill; so there can be no mistake. Four of the members will be appointed by the President after due consideration to nominations made to him by the client community, that is to say, the people to be served, and by project attorneys. And in seven appointments he will have absolute discretion. Maybe I should say almost absolute. Three of the seven must be attorneys. That is the only stricture on that selection.

It seems to me we have brought to this House legislation which carries out the very purpose and intent of establishing independent legal services, and it should be remembered that the primary function is to provide legal services to poor people who would not be able to afford it, thus making all of the rights of Americans available to those people.

To this date and prior to the Legal Services Corporation being in the Office of Economic Opportunity, I think they were deprived of access to the courts. In the final analysis, the purpose of this legislation is to insulate the Legal Services Corporation from political pressure without isolating it from the problems of the poor. I think the bill does this, and I urge the members to support it.

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

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

Mr. MAYNE. Mr. Speaker, I am concerned about the provision which provides for funds of the corporation being used in criminal cases. I would like to ask the gentleman why it was thought necessary to make any exception and provide

such funds in criminal cases. Is there not adequate provision in the criminal courts, both Federal and State, to see that indigent people do have adequate criminal defense?

Mr. MEEDS. There are a number of reasons, and as the gentleman properly points out, the provision of criminal defense is primarily a job for State and local courts.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman from Washington 2 additional minutes, so he may respond to the gentleman from Iowa.

Mr. MEEDS. There are two primary reasons. First of all, because it is difficult to tell sometimes when we start representing a person, whether we are representing him in a civil or a criminal matter. We, therefore, felt that in those instances where the determination could not be made early, the individual attorney might be in violation of a strict prohibition against criminal representation. So it is our clear intent that as soon as it is identified as a criminal matter, the man then should get away from it and get out of it. In some States, for instance, it is a criminal violation to remain on a leased property after one has received notice that he must quit. If a Legal Services attorney were to represent that kind of person, he would be in violation of a strict prohibition.

Mr. MAYNE. If the gentleman will yield further, I think the gentleman will find he is opening a can of worms in making this exception, and that there is a very good public policy involved in not having Legal Services attorneys in criminal cases.

Mr. MEEDS. The gentleman will also observe that the exception we have made is only after the board consults with the court and determination is made that the person will not receive representation unless that is done, so again this is providing ample protection.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman from Washington 1 additional minute.

Will the gentleman yield to me?

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

Mr. PERKINS. It was the view of the committee that ordinarily the attorneys would not participate in criminal cases except in exceptional circumstances, and these exceptional circumstances must be where the court makes a decision that the defendant needs representation from the Legal Services, and the board of directors must rule. So we have safeguards in here to make sure that we are not, except in exceptional cases, defending in criminal cases.

Mr. MEEDS. The gentleman from Kentucky is absolutely right. This is not the individual Legal Services attorney's judgment or his opinion. It has to be the Board, after consultation with the court which says the person will not receive adequate representation.

Mr. QUIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this is the first time in the history of OEO that the Education and Labor Committee has reported out a bill in which there are no minority views. We have reached an agreement on this legislation, and are pretty much in support of what was reported to the House. I am hopeful that we will be able to expedite the matter with the least number of amendments tomorrow, under the 5-minute rule, when we begin the amendment process.

Our action indicates to me—that in the past 2 or 2½ years the Office of Economic Opportunity has been doing an excellent job and we are pleased with the work they have done. I might give special commendation to the former Director, Frank Carlucci, who is no longer there, for the very outstanding work he did. He is a very dedicated individual, with a great sensitivity for the poor, and a courageous individual who straightens out some of the inequities that existed in programs around the country.

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

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

Mr. PERKINS. Mr. Chairman, I omitted to state that we had the wholehearted cooperation of the minority. The gentleman from Minnesota (Mr. QUIE) and all the Republican Members made considerable contributions to this legislation and its improvement. I certainly appreciate the cooperation we have received in bringing before this committee a bipartisan bill, and this is a bipartisan bill.

I want to thank the gentleman in the well for his great efforts in that regard.

Mr. QUIE. I thank the gentleman from Kentucky.

Mr. Chairman, the bill before us today calls for a 2-year extension of the Economic Opportunity Act. There are a few new programs that are in the bill which is before us, but I believe we can say these do not represent a major expansion of the Agency. The programs that are a part of this bill are small, and will meet the needs that some of the poor have found to be unmet. This is why we added them.

I guess the most significant change in the bill is the establishment of a National Legal Services Corporation. For many years I, along with many of my colleagues in the House, have contended that the legal services for the poor, which attempt to bring equal justice for all, is both valuable and necessary to preserve our democratic system.

While I supported the concept, I have always felt that the legal services program should not have its future based on the fate of the Economic Opportunity Act. It is so important that it stand by itself. I have looked around the executive branch of the Government, to see where we would transfer it, and there just did not seem to be any place where it would naturally fit. Certainly it would not fit in the Justice Department, where they would be in effect pleading cases against their own Department.

So this National Legal Services Corporation was recommended by two pieces of legislation. First, there was a group of Members of the House who introduced legislation for a Legal Services Corporation and, second, the administration which had a bill to do the same thing.

The major controversy arose over the make-up of the Board of Directors. The Board under the administration bill would have been entirely appointed by the President; and the Board, under the other bill, would have had a fraction appointed by the President and the remainder appointed by bar groups and constituency committees and legal services attorneys committees themselves.

I, along with many of my colleagues felt that if the present Legal Services attorneys, and others who might be appointed served on the board there would be a conflict of interest. Therefore we provided that former attorneys could serve on the board and in this way resolved that question.

What we have really done is to compromise the two bills in such a way that the inherent principle of both pieces of legislation were maintained.

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

Mr. QUIE. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 additional minutes.

Mr. QUIE. I think it is always good when you can resolve differences in the committee and reach an agreement. Sometimes that cannot be done and you have to fight it all out all the way through the House and then again in conference.

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

Mr. QUIE. I am glad to yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding, before we passed on to some other subject, in order that I might revert for just a moment to the point which was raised by the gentleman from Iowa a moment ago with reference to criminal cases.

I think the impression was left here that the Corporation would in no way involve itself in criminal cases unless the court had given prior approval.

As I read the language of the bill which appears at the bottom of page 36, I do not think that impression is accurate.

The bill says:

(f) No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the board has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

In other words, you are required to consult with the court, but you do not have to have the court's permission. The Board, after consultation, still determines, for itself alone whether or not these circumstances exist, and whether or not it should intervene.

Mr. QUIE. I read the language in the same way as the gentleman from In-

diana. If you want that legislative history and indicate that is not the intent, I would be glad to yield to someone if they want me to do so. However, I believe the gentleman reads the language correctly.

I might say on this matter that provision was not in the bill on which we originally had an agreement. There was an amendment offered in the committee which provided for this exception to handle criminal cases. Our feeling was that we should have no exception at all and there should be a flat prohibition against the handling of criminal cases. The committee decided differently. I would prefer a blanket prohibition.

I might say to the gentleman that if the House concurs with the committee it will not cause me to vote against the bill because I think it rather narrowly limits the bill and I do want to indicate how I would vote if such an amendment is offered.

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

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

Mr. PERKINS. As I read the language, I do not think the Legal Services Corporation's board of directors would recommend that they participate in a criminal case after consultation with the court if the court has suggested otherwise. Am I correct in that assumption?

Mr. QUIE. I would say that if the board was made up of individuals which I think the President would appoint I think that you might be correct, but I think some of the other gentlemen are looking down the road when the board is not the kind of a board that we intended. There might be differences of opinion on the board that might prevent the handling of criminal cases and I would say to the gentleman that I am not too worked up about the matter. I would hope that the President would never appoint anybody on the board who would permit them to handle criminal cases, except in exceptional circumstances.

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

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

Mr. MAYNE. Mr. Chairman, I thank the gentleman from Minnesota for yielding. I would like to say that I certainly agree wholeheartedly with his interpretation of this language, and also the interpretation given by the gentleman from Indiana (Mr. DENNIS). It does still give the Board the power to override the recommendations of the Federal judge after mere consultation with him. I think the gentleman from Minnesota is very sound in his view that it would be a big mistake to use these funds in criminal cases, because in any event, there are adequate provisions in the State and local laws to provide criminal defenses for indigent defendants.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. QUIE. Mr. Chairman, I yield myself 5 additional minutes.

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

Mr. QUIE. I yield to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding to me, and this is more or less in response to the questions raised by the gentleman from Iowa (Mr. MAYNE), with respect to criminal actions which are permitted under exceptional and extraordinary circumstances.

If I read the report correctly, and this is based in part upon my statements during the committee hearings and in the committee markup, that the Board to which we are referring as perhaps making an exception under these unusual and extraordinary circumstances, is in fact a local board, and not the National Board of Directors.

And the point and purpose of that was to insure that one-half of the local board is composed of attorneys at law locally organized and locally situated. It would seem to me that those people in consultation with the court would make a more objective determination as to whether or not a criminal action should be defended than a Federal board located in Washington who is not familiar with local situations and local personnel. So that was my intention, I might say to the gentleman from Minnesota, that there be this final step of decision making by local people prior to the enactment or prior to the excitement or any reaction on the part of the local legal services.

Mr. QUIE. I would say to the gentleman from Kentucky that if it is the intention to mean the local board, I would be more strongly opposed to it. I have some real question as to whether some people on the local boards could make the right decision.

Mr. MAZZOLI. I believe the gentleman from Minnesota did pursue that point in committee, and did so very eloquently, but I did want to explain that to the gentleman from Iowa (Mr. MAYNE).

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

Mr. QUIE. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I agree with the gentleman that it would be a better policy to have a flat prohibition in criminal cases. Do I understand the gentleman from Minnesota, the ranking member of the committee, will offer such an amendment when we read the bill under the 5-minute rule?

Mr. QUIE. No, I did not say that I would offer it. I said I would support it, and I expect that one of the gentlemen who are raising the questions today undoubtedly will offer such an amendment.

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

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

Mr. DENNIS. Mr. Chairman, I address this inquiry to the Chairman of the Committee, since it is quite clear that the ultimate decision does lie with the board after consultation with the court, and since the gentleman says that normally he thinks that the board would not intervene unless the court agreed, and I think normally that would be true; but how would the gentleman feel about an amendment which read that the board would not intervene unless the court had concurred?

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, the Legal Services Corporation is not set up to defend criminals, or to defend criminal cases. We provide services for the poor in general, and only make an exception in criminal cases where the governing authorities and the board have determined that the defendant is not properly being defended, after consultations with the court.

That, in my judgment, is the exception, and the only way this provision will be construed. If the court sets forth to the board after consultation that in his opinion they had an attorney who was competent and experienced, and that all the rights of the defendant were being safeguarded, then in my judgment the board would not undertake to make a ruling, or, I mean, make a judgment to the contrary.

Mr. DENNIS. Under the language in the bill, the board could decide to go ahead in spite of the court's judgment.

Mr. PERKINS. I think that would be an arbitrary viewpoint, if the board made a decision contrary to the recommendation after consultation with the court.

Mr. DENNIS. The question I am asking the very distinguished chairman is whether he would object to an amendment which would make clear that the board could not go ahead contrary to the advice of the court.

Mr. PERKINS. Certainly, we will agree to an amendment of that kind.

Mr. DENNIS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has expired.

Mr. QUIE. Mr. Chairman, I yield myself 5 additional minutes.

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

Mr. QUIE. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

May I go back to the point raised on the question as to which board would make the judgment under extraordinary circumstances for handling criminal cases.

I recognize that in the committee report it is somewhat unclear as to whether or not it is the board of the corporation or the local board of a funded agency. I would have to say in all honesty, in view of the location of section (f) on page 36, in terms of its being an amendment to the section dealing with the activities of the corporation, it was my understanding at the time this amendment was offered in committee that it was the board of the corporation that made this decision as to whether or not to allow representation in respect to any criminal proceeding and not that it be a local board.

I would not like to see us in the position of having a local board make this decision. That would run contrary to the present OEO statute which allows the Director of the OEO to make the order. I think it is clearly superior to have it in the hands of the corporation.

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

Mr. QUIE. I yield to the gentleman.

Mr. MAZZOLI. In response to the question of the gentleman from Wisconsin, I direct his attention to the last full sentence in the first paragraph on page 34 of the committee report.

That last full sentence is as follows:

It is the intent of the Committee, however, that the local legal services governing board should be permitted to make exceptions in individual cases where substantial reason exists for a deviation from the general prohibition.

I can understand why, perhaps, the gentleman was, in view of the swirling nature of the mark-ups, perhaps somewhat confused as to what I was trying to get across. But my intention was to make it a local governing body. This is all stated in the report and this is not subject to any misunderstanding—the committee report itself is clear.

Mr. QUIE. But I think we should bear in mind what the author of the amendment intended and what is in the committee report. I agree with the gentleman from Wisconsin.

As to the national board, I would have more confidence there. I think it should be taken into consideration by any Member when we are considering any amendment.

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

Mr. QUIE. I yield to the gentleman.

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

I would although point out that the committee report refers to the "local legal services board"—it is not so specified in the act in subparagraph (f) on page 36.

There was no discussion, as I recall, in the committee as to the meaning of "the board"—as to whether it was a local service or a national corporation board. The way it appears in this paragraph in the first line, it refers to the corporation and then without qualification says "the board." I think it is subject to the interpretation that it means the board of the corporation. That is the way I construe it. So I would say, at best, the decision is left up in the air and unresolved.

Mr. QUIE. That is right. I think it ought to be clarified.

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

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

Mr. MAYNE. I thank the gentleman for yielding. I would just like to have a little further clarification as to what the responsibility of a judge is in these criminal case situations. I believe the fact to be that the court has a very clear responsibility under existing State and Federal law to see to it that a defendant charged with a criminal offense does have adequate counsel, and not to unload it onto the Legal Services Corporation. They should do that under existing laws. That is their responsibility, and we should not put something in this legislation which invites them to get out from that responsibility, shifting the burden from criminal statute representation to the legislation we are considering today, which essentially is for representation in civil litigation.

Mr. QUIE. I would say the gentleman makes the most important point as to why there should be a prohibition against the handling of criminal cases by Legal Services attorneys, Mr. Chairman, that when we get back into the House I shall get permission to include with my remarks material which will give the Members precedents on the makeup of other national boards appointed under other laws: they will include independent administrative agencies, Government-owned corporations and nonprofit corporations, because undoubtedly the question of the makeup of the board will be an item that the Members will consider tomorrow. Therefore in considering the legislation Members will have some understanding of what has already been done with other agencies and corporations.

So that my colleagues might have a clear picture of the Corporation and the Board of Directors, there will be 17 members appointed by the President with the advice and consent of the Senate selected in the following manner:

One member—from list of nominees submitted by the Judicial Conference of the United States.

Seven members—from individuals in the general public, three of whom must be attorneys admitted to the bar.

Two members—from persons eligible for assistance under this title, after having given due consideration to the recommendations of client members of the Advisory Council.

Two members—from among former legal services project attorneys, after having given due consideration to the recommendations of the attorney members of the Advisory Council.

One member—from list of nominees submitted by the Association of American Law Schools.

Four members—from lists of nominees submitted by the American Bar Association, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers Association, in accordance with procedures established by the incorporating trusteeship.

It must be clear that it is the intention of the committee through this compromise that the President will make all of the final decisions on who will be selected and that the President may reject all lists submitted to him until he finds individuals who are acceptable to him.

Some of the other provisions of this bill will be to absolutely prohibit project attorneys from participating in political activity, including nonpartisan elections; to prohibit outside practice of law by legal service attorneys, except where specifically authorized under guidelines established by the Corporation. It insures that services will be provided for clients whose incomes are below the poverty guidelines; and specifically limits the lobbying by project attorneys to those cases where they are representing a client.

Many Members have expressed the feeling through the years that legal service attorneys should not be allowed to provide representation to any clients in criminal matters because this was a responsibility of the States and local jurisdictions. The administration's bill had a flat prohibition against project attorneys providing any such representation, the other bill did not. The committee adopted language similar to existing law forbidding criminal representation except in extraordinary circumstances "where, after consultation with the court having jurisdiction, the Board has determined that adequate legal assistance will not be available under the Legal Services Program."

It is the specific intention of the committee that this exception be made only in genuinely exceptional circumstances. As I said earlier I would prefer no authority to handle criminal cases.

Although I feel the compromise does not include everything that I had wanted, it does go a long way toward meeting our objectives in providing a rational and workable legal services program.

So that Members may understand other boards that have been established for other independent administrative agencies throughout the Federal Government, I am inserting at this point the following charts which show the makeup, number and manner of appointment for directors of the individual bodies of independent administrative agencies and Government-owned corporations.

Name, statutory authority and year of enactment	Purpose of agency	Number of directors or members, how appointed, term	Restrictions on appointment	Fiscal 1970 estimated appropriation (millions)
INDEPENDENT ADMINISTRATIVE AGENCIES				
Administrative Conference of the United States, 5 U.S.C. 571-576 (1964).	Develop improved Federal administrative procedures.	Council consists of chairman, Presidentially-appointed for 5-year term (conferred by Senate) 10 others appointed by President for 3-year terms.		$0.25
American Battle Monument Commission, 36 U.S.C. 121 (1923).	Erection, maintenance, design of battle monuments.	Chairman, and vice-chairman, 9 commissioners, 1 secretary at pleasure of President.	Secretary: officer of Regular Army	2.621
Appalachian Regional Commission, 40 U.S.C. App. 1 (1965).	To improve Appalachian Region	13 members, cochairman elected by membership (6-month term) and Federal cochairman selected by President.	Members are representative of 13 States.	.89

Name, statutory authority and year of enactment	Purpose of agency	Number of directors or members, how appointed, term	Restrictions on appointment	Fiscal 1970 estimated appropriation (millions)
Atomic Energy Commission, 42 U.S.C. 20 11 et seq. 1946).	Concerned with development, use and control of atomic energy.	4 members plus chairman appointed by President at pleasure of President.		$2,223.685
Commission of Fine Arts, 40 U.S.C. 104, 106 (1910).	To give advice on matters of art	7 members chosen by President for 4-year terms.		.115
Delaware River Basin Commission, 75 Stat. 688 (1961).	Development of Delaware River Basin	Federal members and U.S. Commissioner appointed by President.		.2
Equal Employment Opportunity Commission, 42 U.S.C. 2000a.	To end employment discrimination and to increase employment opportunities for minority groups.	5 members chosen by President, 5-year terms.	Maximum 3 from one political party	13.247
Farmers Land Banks, 12 U.S.C. 641 (1916)	To make agricultural loans	Board of directors of individual banks elected by members (borrowers).		
Federal Home Loan Bank Board, 12 U.S.C. 1437 (1955).	Supervision of Federal home loan bank system, Federal savings and loan system, and Federal Savings and Loan Insurance Corporation.	3 members appointed by President for 4-year terms.	No more than 2 from 1 political party	8.4
Federal Mediation and Conciliation Service, 29 U.S.C. 172 (1947).	To assist in settlements of labor disputes	Director appointed by President		9.018
Federal Reserve System, 12 U.S.C. 221 (1913)	To provide for establishment of Federal Reserve Banks, to furnish an elastic currency, etc.	Board of Governors appointed by President. 7 members for 14-year terms.	Not more than 1 from any Federal Reserve district.	
Foreign Claims Settlement Commission, 22 U.S.C. 1621-42; 50 U.S.C. 2001-16; 68 Stat. 1279 (1954).	To determine claims of U.S. nationals against foreign governments for compensation for losses and injuries sustained by them.	3 members by President for 3-year terms		.706
Indian Claims Commission, 25 U.S.C. 70 (1946).	To determine claims by Indians against the U.S.	Chairman and 4 commissioners by President for indefinite term.	At least 3 must be members of the bar of the Supreme Court of the United States. Maximum 3 from either political party.	.85
National Aeronautics and Space Administration, 42 U.S.C. 2451 (1958).	Space Research and Operations	Administrator by President		3,734.926
National Credit Union Administration, 12 U.S.C. 1752 (1970).	Chartering, supervising, and examining Federal credit unions.	Administrator and chairman by President to serve at pleasure of President; 1 member from each of 6 credit unions to serve for 6 years by President.		
National Foundation on the Arts and Humanities, 20 U.S.C. 951 (1965).	Encourage and support national progress in the humanities and arts through studies and grants.	Chairman, national endowment for arts, national endowment for humanities, and 7 other named officials.		[1] 17.910
National Endowment for the Arts, 20 U.S.C. 954 (1964).	Provide financial assistance for the arts	Chairman appointed for 4 years and 26 members appointed by President for 6 years.	(1) Private citizens knowledgeable in the arts, (2) practicing artists, civic leaders, others engaged in the arts, distributed among major art fields.	
National Endowment for the Humanities, 20 U.S.C. 956 (1965).	Provide financial assistance for the humanities	Same as arts endowment	Selected on basis of scholarship, creativity, and in a manner to provide comprehensive views of scholars and practitioners in the humanities. President requested to give consideration to recommendations made by leading organizations concerned in the humanities.	
National Science Foundation, 42 U.S.C. 1861-75 (1950).	Strengthen research and education in science	24 members by President for 6 years; Director by President for 6 years.	Eminence in the natural or social sciences selected to provide a cross section of views. President requested to consider nominations of certain specified groups.	438.951
Railroad Retirement Board, 45 U.S.C. 215-28, 351-67 (1935).	Administers retirement, unemployment and disability benefits to railroad employees.	3 members appointed by President for 5 years.	1 from employee recommendations, 1 from carrier recommendations, 1 chairman from neither.	1,699.504
Renegotiation Board, 50 U.S.C. App. 1211 (1951).	Eliminate excessive profits derived by contractors and subcontractors in connection with national defense program.	5 members by President		4.11
Subversive Activities Control Board, 50 U.S.C. 781 et. seq. (1950).	Hold hearings to determine if organization is a Communist front or dominated.	5 members by President, 3-year terms	Maximun. 3 from 1 political party	.401
U.S. Arms Control and Disarmament Agency, 22 U.S.C. 2551 (1961).	Further arms control disarmament	1 director, 1 deputy director by President, 15 members by President.		9.5
United States Information Agency, Reorganization plan No. 8, 1953.	Accomplish United States and foreign policy by influencing attitudes in other nations.	1 director, 1 deputy, director by President		180.603
United States Tariff Commission, 39 Stat. 795. (1916).	Advisory, fact-finding agency on tariff, commercial policy and foreign trade.	6 members by President for 6 years	Maximum 3 from same political party	4.139
Veterans Administration, 46 Stat. 1016 (1930).	Administers laws providing benefits for veterans.	Administrator by President		8,396.277
GOVERNMENT-OWNED CORPORATIONS				
Banks for Cooperatives, 12 U.S.C. 1134 (1933).	Source of permanent credit to farmer cooperatives.			
Commodity Credit Corporation, Executive Order 6340 (1933), 15 U.S.C. 714 (1948).	Administers price support and stabilization programs.	Chairman—Secretary of Agriculture, 6 members appointed by President.		4,161.237
Export-Import Bank, Executive Order 6581 (1934), 12 U.S.C. 635 (1945).	To aid in financing and to facilitate exports and imports and the exchange of commodities between United States and other countries.	Chairman (president of bank), vice chairman (vice president of bank), 3 additional members by President at pleasure of President.	Maximum 3 from 1 political party	
Federal Crop Insurance Corp., 7 U.S.C. 1501 (1938).	Insures crops against unavoidable losses	5 appointed by Secretary of Agriculture, serving at his pleasure.	3 employees of the Agriculture Department (1 of whom is to be manager), 2 others experienced in insurance	21.996
Federal Deposit Insurance Corp., 12 U.S.C. 264, 1811-31 (1933).	Provide insurance for bank deposits	Comptroller of the Currency and 2 members appointed by President, 6 years.		—332.599
Federal Intermediate Credit Banks, 12 U.S.C. 1021 (1923).	Loan money to and discount agricultural paper for organizations which lend money to farmers.	Members of the several farm credit boards		
Federal Prison Industries, Inc., 18 U.S.C. 4121 (1948).	Administers prison work programs	6 Directors by President at will of President	Representatives of industry, labor, agriculture, retailers, consumers, Secretary of Defense, Attorney General	—9.750
Federal Savings & Loan Insurance Corporation, U.S.C. 1724 (1934).	To insure the safety in thrift and home financing institutions.	Federal Home Loan Bank Board		
Panama Canal Company, Stat. 1076 (1948)	Maintain and operate the Panama Canal	Secretary of Army, Governor of Cana. Zone, Under Secretary of Army; 10 others chosen by Secretary of Army.		
St. Lawrence Seaway Development Corporation, U.S.C. 981 (1954).	Operates and maintains St. Lawrence Seaway in conjunction with St. Lawrence Seaway Authority of Canada.	Administrator and Deputy Administrator by President. Advisory Board (5) by President.	Maximum 3 members of Board from 1 political party.	.702
Tennessee Valley Authority, U.S.C. 831 (1933).	To speed the economic development of the Tennessee Valley region.	3 members by President for 9 year terms		50.532
U.S. Postal Service, Stat. 10 (1789) 39 U.S.C. 301 (1872)	To operate postal service	9 members appointed by President; these 9 appoint a Postmaster General and Deputy Postmaster General who serve on board.	No more than 5 from 1 political party	[2]

Name, statutory authority and year of enactment	Purpose of agency	Number of directors or members, how appointed, term	Restrictions on appointment	Fiscal 1970 estimated appropriation (millions)
NONPROFIT CORPORATIONS				
American National Red Cross, U.S.C. 1 (1905)	Medium of relief and communication between people and Armed Forces; to relieve disasters.	Board of Governors, 50; 30 by chapters, 12 by Board itself, 8 by President. All for 3 years.	Minimum 1, maximum 3 of Presidential appointees must be from armed services.	(3)
Corporation for Public Broadcasting, U.S.C. 396 (1967).	To facilitate the development of noncommercial educational TV and radio.	15 by President for 6 years	Maximum 8 from 1 political party. Eminent in field of cultural, civic affairs, broad cross section.	$15.0
Smithsonian Institution, U.S.C. 41 (1846)	For the increase and diffusion of knowledge among men.	Members: President, Vice President, Chief Justice and members of Cabinet; Board of Regents—Vice President, Chief Justice, 3 Senators, 3 Congressmen, 6 private citizens appointed by joint resolution of Congress, 6-year term.	Private citizens, 2 from District of Columbia, others cannot be from same State.	49.306
American Printing House for the Blind, Inc., legislation (1858) U.S.C. 101	Assists in education of blind by distributing braille books, talking books, and other educational aids.			1.404
National Technical Institute for the Deaf, U.S.C. 681 (1965).	Postsecondary career trainitg for the deaf	12 by Secretary of HEW plus Commissioner of Education, Commissioner of Vocational Rehabilitation, temporary board on establishment.		2.851
Model Secondary School for the Deaf, U.S.C. Code 31–1051 (1966).	Secondary school for deaf	Gallaudet College		.766
Gallaudet College, U.S.C. 231, 235 (1857)	College for the deaf	1 Senator appointed by President of Senate, 2 from House appointed by Speaker of House, both for 2-year terms. 18 private citizens appointed by Board itself.		5.124
Howard University, U.S.C. 121 (1867)	University primarily for black students	27; 3 by alumni for 3 years, 2 by faculty for 2 years, 2 by students for 1 year, remainder by Board itself for 3 years.		52.264
Overseas Private Investment Corp., U.S.C. 2191 (1970).	To mobilize and facilitate participation of U.S. foreign capital and skills in the economic and social progress of less-developed friendly countries.	11 directors, chairman is administrator of AID, 1 is President of the corporation, 6 by President of United States for 3 years, 5 by President at pleasure of President.	Of 6 by President for 3 years, none can be officials or employees of United States, 1 must be experienced in small business, 1 in organized labor, 1 in cooperatives. Of 5 by President, all must be Government officials.	37.5
FEDERALLY CHARTERED PROFIT-MAKING CORPORATIONS				
COMSAT, U.S.C. 731 (1962)	To operate a communication satellite system	3 by President for 3 years, 6 by communication common carriers stockholders for 1 year, and 6 others by stockholders for 1 year.		
Federal National Mortgage Association, U.S.C. 1717 (1934).	To provide liquidity for mortgage investments by dealing in same.	15; 5 by President, 10 by stockholders, all 1 year.	Presidential appointments must include 1 from home-building industry, 1 from mortgage lending industry, 1 from real estate industry.	
National Corporation for Housing Partnerships, U.S.C. 3931 (1968).	To encourage private investment in low and moderate income housing.	3 directors appointed by President, 12 by stockholders.		

[1] Divided between arts and humanities fund.
[2] New entity.
[3] None.

So that Members may better understand, I am inserting those sections from three totally different pieces of legislation which pertain specifically to the makeup of the board. As you will note from the charts as well as the laws themselves, there is substantial precedent and, in fact, legislative guidance to illustrate that the President should have, and has in over 95 percent of the cases, the sole right of choice and final selection:

CORPORATION FOR PUBLIC BROADCASTING

"(c)(1) The Corporation shall have a Board of Directors (hereinafter in this section referred to as the 'Board'), consisting of fifteen members appointed by the President, by and with the advice and consent of the Senate. Not more than eight members of the Board may be members of the same political party.

"(2) The members of the Board (A) shall be selected from among citizens of the United States (not regular fulltime employees of the United States) *who are eminent* in such fields as education, cultural and civic affairs, or the arts, including radio and television: (B) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation.

NATIONAL SCIENCE FOUNDATION

SEC. 4. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio. In addition to any powers and functions otherwise granted to it by this Act, the Board shall establish the policies of the Foundation.

(b) The Board shall have an Executive Committee as provided in section 7, and may delegate to it or to the Director or both such of the powers and functions granted to the Board by this Act as it deems appropriate.

(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management or public affairs; (2) shall be selected solely on the basis of established records of distinguished service, and (3) shall be so selected as to provide representation of the views of scientific leaders in all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific or educational organizations.

NATIONAL FOUNDATION FOR THE ACTS

"SEC. 6. (a) There shall be, within the National Endowment for the Arts, a National Council on the Arts (hereinafter in this section referred to as the 'Council').

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, who shall be Chairman of the Council, and twenty-six other members appointed by the President who shall be selected—

"(1) from among private citizens of the United States who are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts;

"(2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and

"(3) so as collectively to provide an appropriate distribution of membership among the major art fields.

The President is requested, in the making of such appointments, to give consideration to such recommendations as may, from time to time, be submitted to him by leading national organizations in these fields.

The bill before us today also authorizes $2.194 billion for fiscal year 1972 and $2.750 billion for fiscal year 1973. This is higher than the President's original budget requests for EOA programs in fiscal year 1972. The intent of the committee is to allow the administration to have as much flexibility as possible in utilizing this money. It did not set mandatory "earmarks" as the Senate did, but the committee has introduced a new concept in legislation which it calls "moral earmarking."

The committee did set one statutory reservation on local initiative programs, which is consistent with the level of spending that the administration has already projected in that area. The moral

earmarks are recommended authorization levels and do not, I repeat, do not have the force of the law as the Senate bill's earmarks do. The Senate's earmarks are of considerable concern to many of us in that the restrictions on the use of funds are so great that, if actually passed into law, they would force the President to cut his proposed budget or even eliminate research and development program, which he feels should be the chief aim of the agency.

There is one other very significant difference between the House and Senate bills which has a direct bearing on the acceptability of this legislation. As most of my colleagues are aware, the House Education and Labor Committee has over the past 2½ years been working on a bipartisan child development bill. That bill has passed the full committee and is awaiting a rule by the Rules Committee. The EOA extension before us today does not contain child development legislation, but does extend and continue the successful Headstart program. The Senate, on the other hand, has incorporated a child development bill into their version of the EOA as a new title V. The Senate bill would replace the current Headstart program with a nationwide network of child development centers.

I feel the concept that we have incorporated into the bill now pending before the Rules Committee to direct our funds toward those who are culturally and socially disadvantaged takes into consideration that there are children in our society who, although not the poorest of the poor, still need the benefits such a program can provide.

Of concern to me, Mr. Speaker, is that the Senate bill allows that any community, city, town, hamlet or village, regardless of size, is eligible to become a prime sponsor and establish one of these programs. If such a provision were to be adopted by the full Congress, I think it would be a disaster for all programs, and the bureaucratic monstrosity that would result under such a provision would certainly doom the entire program to failure.

The bill reported out of our committee would limit prime sponsorship to those communities with a population of 100,000 or more. Our bill does not go below 100,000 because we felt that to directly fund the number of potentially eligible programs, if the figure were less, would be impossible. With a 100,000 figure, we are talking about 150 cities or combinations of units of local government. If we were to drop below the 100,000 population figure to 25,000 or above for cities, we would be talking about approximately 1,800 programs, plus 50 States, plus territories, plus combinations of units of government. It is conceivable that under the Senate-passed bill, the Federal Government will receive applications for approximately 10,000 to 40,000 facilities which do not yet exist, and from a strictly administrative point of view, this would be unmanageable.

From what I have been able to observe at the State level as well as in the Federal Government, we must begin to pay attention to those problems if we are to use our scarce resources effectively to meet people's real needs.

Accordingly, the delivery system proposed in the committee bill would utilize a relatively small number of prime sponsors as the primary vehicle for channeling Federal funds to child care programs. Whenever possible, prime sponsors would be State governments, large city general purpose governments, or federally recognized Indian tribal organizations. The prime sponsor of a child development program would have broad responsibility for submitting a plan to HEW for approval, receiving a direct grant from the Federal Government, and reviewing, approving, funding, and monitoring individual projects within the areas over which it has jurisdiction.

The prime sponsor will be the vehicle for securing funds, will establish a Child Development Council—CDC—which in turn develops a comprehensive plan for services for the area it will serve. There may be 10, 50, or even 100 individual programs within the area served by the CDC. But each program, regardless of size, will have a Local Policy Council—LPC—made up primarily of parents of children served by that individual program. The subcommittee recognized the value of parents as a resource that could effectively be utilized in developing local programs, but it was the intention that an LPC be advisory for the particular program through which it was established. The committee felt that the LPC's should assist in designing the local plan, in determining the amount of funds needed, and give their recommendations for funding to the full CDC. Fifty percent of the CDC's membership will come from the LPC's, with the other 50-percent being appointed by the prime sponsor. One-third of the total membership must be parents of children served by the child development programs.

I am hopeful that, when the child development bill does come before the House, this position will be sustained. I am also hopeful that the House will have an opportunity to work its will on a separate piece of child development legislation before we go to conference on the Economic Opportunity Act. I think that every Member should have an opportunity to express his feelings, through his vote, and that we should go to conference with the mandate of this House.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 10351, the Economic Opportunity Amendments of 1971.

Extension of our antipoverty program for 2 more years, as provided by this legislation, is essential. H.R. 10351 would authorize the appropriation of $2.2 billion for fiscal year 1972 and $2.8 billion for fiscal year 1973 to expand and continue this vital program.

With increasing unemployment, we greatly need the existing programs as well as the new special emphasis programs, environmental action and rural housing, which are authorized by the bill. Indeed, I feel that programs to alleviate poverty deserve far greater budget priority as compared to weapons expenditures and other such purposes than now afforded.

While I support the adoption of H.R. 10351, I have grave reservations about the provision transferring legal services for the poor from the Office of Economic Opportunity to a new National Legal Services Corporation. I consider this as another effort to further dismantle the poverty program by removing from it a program which has been working well.

The stated objectives are lofty—removal of these services from partisan politics; and the creation of an independent agency which will be nonprofit and work solely on behalf of poor clients. Under this new organization, we are told, legal counsel will no longer be subjected to the pressures of political tampering.

Our Committee on Education and Labor did improve the proposal submitted by the administration, which would have given the President complete discretion in choosing legal services board members as well as place an absolute prohibition on attorneys taking criminal cases. Under the bill as reported, there will be a 17-member Board of Directors appointed by the President—with the advice and consent of the Senate—having at least two members from the poor, two from former legal service project attorneys, and seven from the general public. Representation in criminal cases would be possible in extraordinary circumstances.

Despite these improvements, the basic change to an independent corporation I believe is ill-advised. The plain fact is that we are creating another separate and independent agency which will not be responsible to the Congress and thus to the public. All our experience shows that such independent agencies quickly shed the restraints of congressional opinion and act in ways never envisioned even by the original sponsors. By the time we learn this, however, it is too late to exercise control.

We were persuaded by all of the promises and platitudes of Postal Corporation advocates to abandon our public postal service in favor of a closed independent corporation. We were told that there would be better service and less cost, and a removal of "politics" from the system. Instead, we find that the head of the Postal Corporation is the same political appointee named by the President to head the former Post Office Department; the cost of mail to the consumer has risen sharply; service has deteriorated and many previous services have been curtailed; once-prosperous publications are folding; political clearance is required for postal employees; and in general there has been a decline in the quality of mail service in the United States. Not surprisingly, former backers of the Corporation are now sponsoring legislation to repeal the Postal Corporation Act.

I believe that under a legal services corporation, notwithstanding its support by many of the same public interest organizations which supported the Postal Corporation, we will find many of the

same adverse effects. The influence of those who have long sought to weaken legal services will be pronounced. The Corporation will be able to quietly establish procedures not subject to congressional approval. Poor clients who are refused adequate counsel or whose programs are ineffective will be unable to petition Congress for redress on the grounds that this would constitute political meddling in the policies of an independent agency.

I believe that under the existing system, legal services has an effective champion in the committees having jurisdiction over this program in the House and Senate. These committees have taken an active interest in the program and worked to improve it as well as to prevent the imposition of weakening changes. Under an independent agency, this protection will be severely impaired.

In short, I honestly believe that legal services for the poor could be seriously affected under the Corporation without opportunity for this Congress to intervene. I do support the overall legislation and intend to vote for it but I do object to this potentially harmful and unnecessary change. The program as it exists is working well and I believe it should be allowed to continue as it is presently constituted.

I regret to note that most legal services lawyers support this change of status. I, of course, deplore the political meddling on the local level which occurred in the California rural legal services program, but its solution came about because of aggressive oversight actions on the part of the committees of Congress having responsibility for this program.

Let us not overreact by changing the entire program because of a few isolated problems which occurred.

I hope that we will give careful consideration to these reservations.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

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

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

Mr. BRADEMAS. Mr. Chairman, I thank my colleague.

I rise to endorse very strongly the provisions of H.R. 10351 and to commend the distinguished gentleman from Kentucky, the chairman of our committee (Mr. PERKINS) for his great leadership in bringing this bill to the floor.

Mr. MAZZOLI. Mr. Chairman, I think it has been very clear from the first few minutes of debate today that we have a controversial section in the OEO Extension Act. This is, of course, the Legal Services. We have talked for a few moments this afternoon about the feelings we have concerning the Legal Services program. Some of our committee generally are for it, and some are against certain provisions but will support it generally.

I think it is important to talk for a moment about the bill. It is controversial, and there has been some misinformation about it. I think that is all the more reason why Members should sit calmly and think about it deliberately and deliberatively, because this is the only way we can understand what the Education Committee attempted to do here.

We have talked about the national directors and about the local boards and councils which act as advisory groups. We have talked about the criminal services.

I would like to make mention of the fact again that it was my intention, in putting the amendment on in the committee, to provide that the local board itself, those who are closest to the situation locally, will make the determination, with the counsel and advice of the court, in deciding whether or not extraordinary and unusual circumstances are present in a case, so that Legal Services could render legal assistance in criminal cases.

When the committee met and talked about this bill, there were three or four areas of main concern. But the two main proponents got together and came up with a compromise bill.

We talked for a while about the board of directors. The best handling appeared to be that represented in the committee bill. It gives the President full flexibility in his appointments, and at the same time all interested groups are represented on the board of directors.

The lobbying activities, which have been generating concern at the local level, have been largely curtailed, if not outright eliminated, by the strictures placed on these activities in the committee bill.

Client eligibility was a problem. Some wanted the near-poor to be handled on a fee basis. The committee decided eventually to abandon that and to provide services only to the indigent, which is presently the case with the OEO.

Then again we have the question of criminal representation. Some members of the committee wanted a flat prohibition and some members of the committee decided there should be no limitation whatever on criminal services. The compromise was reached wherein there would be criminal services provided only under extraordinary circumstances shown. I believe that was a healthy change.

The Members might be helped by hearing some information about my State of Kentucky. There is no legal defender service in the State of Kentucky. Therefore, an indigent person does not have such services available by law.

Now, the State and the members of the bar, of which I am also a member, have a responsibility to provide services pro bono, for free, for the public's benefit.

Many of us have read decisions in the papers, in which the courts have reversed findings of guilt below, and have exonerated and freed defendants who were defended by appointed attorneys but not defended adequately.

We can sympathize with our fellow members of the bar. They have to make a living. Therefore, what time is left over frequently is the amount of time given to the representation of the indigent poor.

It would seem to me that it would be very helpful, and would be in the public interest, to provide legal services to the poor under the circumstances of extraordinary need.

It would also appear to me that we ought to be very anxious to have quick trials in criminal cases, as is now urged by the law enforcement agencies. Because, then the public will be better served.

It would seem to me that having attorneys to represent the poor in criminal matters, when occasional and extraordinary circumstances obtain, we might be able to avoid reversals in courts of appeals which free people who are guilty, which free convicts. This would generally help on the law and order situation in the Nation.

Finally, Mr. Chairman, I should like to commend the distinguished chairman of our committee and the members of the committee, the chief sponsors of the legal services bill, the gentleman from Washington (Mr. MEEDS) the gentleman from Wisconsin (Mr. STEIGER) and many others, for putting their heads together and coming up with an acceptable compromise.

I urge the committee to adopt the bill.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I want first of all to address myself to the title relative to the Legal Services Corporation, which has been amply explained on the floor by other Members who have appeared and spoken before me. I would merely want to commend the gentleman from Wisconsin (Mr. STEIGER), the gentleman from Washington (Mr. MEEDS), the gentleman from Minnesota (Mr. QUIE), and others who have worked so long and hard to resolve the differences between the two separate proposals that had been introduced to accomplish the formation of this Corporation.

I believe those differences really were minimal. The two approaches both had the same basic objective in mind; that was to create the separate Legal Services Corporation, to see that proper legal services were available to the indigent.

I feel that the safeguards which have been explained, which are included in this title in the bill before us, are safeguards we all would want, and make the Legal Services Corporation program even somewhat better than the program now being operated under OEO.

Mr. Chairman, I would like to address myself to another question so that we might have some legislative history on it.

I am pleased that the bill now pending before us does not earmark funds, as the Senate bill does. But on page 11 of the committee report, in listing the funds that are authorized and the purposes for which these authorizations are to be used, there is an item of $33 million for the VISTA program. In the bill which was passed by the other body, where an earmarking was made, the item which corresponds to the $33 million as contained in our bill was in the

amount of $45 million. The reason for this discrepancy I think should be made apparent. Earlier this year we adopted a presidential reorganization plan creating a new agency called ACTION. One of the constituents making up that agency is the program VISTA that had been previously operated under OEO.

In urging approval of his executive reorganization proposal, President Nixon also announced that he was going to request an additional $20 million authorization for the new Action agency, and a part of that he stated would go, in the sum of approximately $12 million, to the Vista portion of Action's functions.

I would point out to the members of the Committee of the Whole House on the State of the Union that in order to accomplish this funding there is no separate authorization for Action at the present time. The funding must flow through present authorizations. I would think it probably would be necessary for us in the conference to increase the total authorization in this bill to include the additional $12 million that is in the Senate bill for Vista funding.

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

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

Mr. PERKINS. The gentleman is absolutely correct. Vista was transferred out of the poverty bill earlier in the year into Action. We had to authorize the VISTA program in the Economic Opportunity Act and for that purpose only and the only purpose we mentioned VISTA was just to give them the authority to operate in Action and to get the extra authorization they will have to have in order to do that and that will have to be done in conference. We did not earmark it, with the exception of one reservation with reference to Action. However, we have an understanding, and have so stated in the report, that the amounts of money that we have already authorized for the various programs should be applied to those programs and, therefore, we do not have the extra money authorized in the House bill for VISTA but we will have to increase the authorization for that specific purpose in conference in the event we do it.

Mr. ERLENBORN. I thank the gentleman, because I believe that is what we will have to do and I am glad that we do have that public understanding.

Mr. Chairman, I yield back the balance of my time.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. I thank the gentleman for yielding.

Mr. Chairman, I rise at this time, as I have on so many occasions in the past, to express my total and vigorous opposition to the continued existence of the Office of Economic Opportunity.

No other agency in the history of this Government has come close to attaining the notoriety that has characterized OEO almost from its inception.

OEO has earned the enmity of a great many people in the Fifth District of North Carolina and throughout the Nation, as a result of its fiscal mismanagement, its frequent misrepresentation of its own achievements, and a tragic assortment of scandals.

It is not enough that this program casts the Federal Government in a bad light, especially when OEO was conceived as a noble effort to assist the less fortunate in our society.

It is these very people who were supposed to benefit from this program who have been deceived and maneuvered and actually hurt the most.

They have been promised things that could not be delivered. They have been used shamefully by some OEO officials on the local and national levels as pawns of emotionalism in efforts to secure more funds or more favorable recognition.

And they have been hurt because of the fact that, as a result of OEO's controversial image, the generous compassion of many Americans—which is vital to success in this kind of effort—has been seriously compromised by the widespread belief that their tax dollars are being squandered by this agency.

Too often, it has been proven that the economic opportunities generated by this program are those enjoyed by OEO staff members on both the national and local level.

And too infrequently has it been proven that increased economic opportunity is enjoyed by the agency's clientele.

Mr. Chairman, once again I call for the dismantling of the Office of Economic Opportunity, for the redistribution of what worthwhile programs may have somehow survived under this program, and for a complete reappraisal of what this Government's responsibility and assistance to the poor should be.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, the extension of and amendments to the Economic Opportunity Act are necessary to give 2 years of life to some vital programs. We in the Congress can use this time to develop viable alternatives to administration proposals that some of these programs be phased out.

Although I can quarrel with the drift of some of these programs, there are certain elements which should and must be preserved. Therefore, I commend the Education and Labor Committee for recognizing the worth of such programs as the Job Corps, green thumb, community action, day care centers, Neighborhood Youth Program, JOBS and others including the experimental program for rural development.

The Job Corps is a specific case in point.

Under the earlier revenue sharing proposals sent down from the administration, the Job Corps could have faced a slow but certain death. This legislation today gives us 2 more years to prove our case that Job Corps does, indeed, do the job of taking disadvantaged youth off the streets and out of the jails and teach them a trade or a profession.

Mr. Chairman, the Gary Job Corps Center just outside San Marcos, Tex., is proof positive that we can successfully train our young people for productive life.

The Gary Job Corps Center consistently leads the Nation in developing young leaders from young losers.

The Gary Job Corps Center consistently ignores the potential threat of extinction and continues to push ahead with progressive programs for out-of-work, unskilled, untrained youngsters.

At installations like Gary, we have the rare opportunity to remold youngsters into citizens who will put something back into the system instead of taking from it.

I personally have appreciation for the Gary officials and the corpsmen themselves for their ability to produce under stress. It is to their credit that they continue their education programs even in the shadow of the administration's ax, which has been hanging over their heads almost constantly for the last 2 years.

We feel that Gary is one of, if not the best Job Corps center in the Nation, and it is no idle claim. In thumbnail form, let me sketch our progress:

In the 6 years of its operation, Gary has trained and graduated over 30,000 young men.

Our job placement has been highly successful. This year we have placed over 70 percent of the young men in jobs. One year, nearly 88 percent found work to match their skills. This percentage gets better all the time as more data is accumulated. In fact, business and industry leaders are actually recruiting on the Gary campus. They like our graduates; they like their training, skills, and performance.

This year, some 2,756 are enrolled at Gary and again this year, we lead the Nation in the lowest cost per corpsman—$4,610. Even with this low cost, we have developed a wide range of skills and educational courses—some 34 different courses in all.

Importantly, the boys are accepted by the surrounding communities. This did not come easy, the boys had to earn their respect. And they earned it in very tangible ways such as: levelling the ground so a new elementary school could be built; digging out a sanitary land fill for the city of San Marcos; numerous parks and recreation developments; shrubbery work around the courthouse and more.

Our linkage program with nearby schools is remarkable in its success. Daily, more than 80 students from San Marcos, Hays County, and Luling come to Gary for 3 hours of instruction. The local school authorities recognize the value of Gary instruction and equipment.

I am hopeful that the House will extend this worthwhile OEO program.

Mr. RYAN. Mr. Chairman, I rise in support of H.R. 10351, providing for the continuation of programs authorized under the Economic Opportunity Act. I must, however, confess that there are several aspects of this legislation which I would like to see considerably improved, and to that end, I shall be working to urge improvement in the House-Senate conference of this legislation.

H.R. 10351 authorizes a 2-year extension of the Economic Opportunity Act of 1964, establishes two new programs, amends others, and, very importantly, transfers the legal services program to

a new independent, nonprofit corporation. Appropriations are authorized of $2.2 billion for fiscal year 1972 and $2.8 billion for fiscal year 1973—a 6.7 percent increase over the amount recommended by the administration.

Of the $1.2 billion for community action programs which this bill authorizes, $350 million is earmarked for the local initiative program. The Office of Economic Opportunity is prohibited—and this is very important and very much appropriate—from requiring non-Federal sources from contributing more than 20 percent in cash or kind toward a community action program. This provision thereby prevents the administration from requiring an increase in the local share to support these programs.

H.R. 10351 also increases the number of families eligible to participate without charge in the Headstart program by raising the general eligibility requirement to a higher level—that is, any family of four with an annual income not exceeding $4,500 can now participate.

The two new programs created by this bill are the environmental action and rural housing special emphasis programs. The environmental action program provides paid jobs for low-income people to work on projects designed to combat pollution and improve the environment, and is very much similar to the proposal I first enunciated on the floor of the House last year when the bill creating the Youth Conservation Corps was being debated. The provision concerning the rural housing program authorizes appropriations of $10 million for fiscal year 1972 and $15 million for fiscal year 1973 for a new program to improve existing housing and buy new housing in rural poverty areas.

Another important provision is that concerning State economic opportunity offices. Under the current administration, these offices have sought to aggrandize their power, and curb citizen and community participation—the basic tenets underlying the Economic Opportunity Act, as originally enacted in 1964. In H.R. 10351, provision is made for a procedure whereby a member of a community action board may file an allegation with the Director of the Office of Economic Opportunity, in Washington, concerning a violation of the Economic Opportunity Act by a State office.

I should like to discuss briefly the environmental action special emphasis program created by the bill before us, inasmuch as this embodies in legislation an approach with which I have been particularly concerned. In considering the bill creating the Youth Conservation Corps on June 15, 1970, I said:

(T)he ecology of our cities is in dire straits, and here too youth can participate. Provide money for them to build vest pocket parks. Provide money for youths to work on rehabilitating old buildings. Provide money to maintain city parks. Provide money to clean up shorelines. Provide money to build neighborhood pools. In every one of these endeavors, you can participate. And, what is more, they will have the benefit of being able to use and enjoy the fruits of their own work, done in their own neighborhoods and cities.

The environmental action program created by section 6(c) of H.R. 10351 would enable low-income persons to "be paid for working on projects designed to combat pollution or improve the environment." The program activities would include: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment and the improvement of the quality of life in urban and rural areas.

I would particularly note the committee report language—House Report No. 92-471—at page 20:

The effort is to be directed at the restoration and improvement of the environment as it affects the quality of life in urban and rural areas, particularly in those areas where there are high concentrations of poor people.

Needless to say, in light of my long espousal of such an approach, I very much endorse the environmental action program embodied in H.R. 10351. It is particularly welcome in light of the only minimal efforts thus far made by the executive to pursue such an approach. In fact, the only even similar program was that conducted during the summer, and known as SPARE—summer program for action to renew the environment.

SPARE was a subprogram of the Neighborhood Youth Corps, and was conducted this summer for the first time, in approximately 50 cities across the country. It involved 9,000 to 10,000 young people. Although SPARE was classified as an in-school program, so far it has been conducted only during the summer. Activities of individuals working in this program ranged from beautification of city parks to cleaning up vacant lots to recycling trash, or working in recycling centers. SPARE participants, also according to the Environmental Protection Agency, established rat control programs, conducted lead-based paint surveys, worked in connection with environmental health programs, etc. Program participants received supplemental environmental education courses in conjunction with their work.

While the SPARE program was a welcome beginning response to my urging creation of an urban-oriented ecology manpower program, it certainly was not enough—particularly since it only operated during the summer. The environmental action program created by H.R. 10351 is a much better, thorough step.

Another very important provision in H.R. 10351 is section 6(b). This provision authorizes the Director of the Office of Economic Opportunity to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts and assisting employers in dealing with addiction and drug abuse problems among formerly hard core unemployed so that they can be maintained in employment. Special priority is to be given to veterans and employers of significant numbers of veterans.

It is very clear that the cycle of poverty is a devastating one. Many people turn to alcoholism and drugs because they perceive such bleak opportunities for themselves in a society which provides too few jobs for them, and too many jobs which are demeaning and deadend.

Thus, this new approach embodied in section 6(c) is very much on the mark.

Another very important point is the emphasis in the committee report that the income-eligibility requirements for OEO programs should not adversely affect the rehabilitation process for low-income addicts and drug abusers. As the committee report states at page 19:

While the total rehabilitation process may realistically require two to three years of outpatient counselling and follow-up support to prevent recidivism (or to intervene very early if the client begins to return to drug use), a successful program is in fact designed to enable the client to be gainfully employed before the end of the first year, thus rendering him ineligible by virtue of income to continue to receive services that are necessary to his long term success.

Another commendatory step taken by the Education and Labor Committee is section 10 of H.R. 10351, which broadens the authority to provide for assisting the migrant and seasonal farmworkers in the attainment of self-sufficiency and well-being by "participating in available Government employment or training programs." The words "employment or" are new; they open up increased opportunity for a segment of our population which has been consistently victimized.

Part B of title V of the Economic Opportunity Act, as amended, authorizes a day care program. This program has never been implemented. The bill before us provides $25 million to finally begin this long overdue, urgently needed program. I know that the committee has been working on major day care legislation, under the leadership of the distinguished Member from Indiana (Mr. BRADEMAS). I am gratified to be a cosponsor of the original legislation introduced, and on which the committee's work has been premised. But, until that program is enacted into law, that which exists under existing law must be funded and implemented. The $25 million provided by H.R. 10351—actually only a pittance compared to what is needed—is at least a beginning.

Certainly a major aspect of H.R. 10351 is the creation of a new title X, establishing a National Legal Services Corporation.

As a sponsor of the bipartisan bill—H.R. 6363—to create such a Corporation, I am pleased to see this action taken. Unfortunately, the compromise worked out and embodied in title X is not as strong as the original legislation which I joined in sponsoring, but hopefully some strengthening will occur in conference as a result of the Senate's having passed a similar, but stronger, proposal.

Even as a compromise, title X does accomplish the enormously important step of creating an independent, nonprofit corporation. This is essential to insulate the legal services program from the political assaults which have been leveled against it by the administration.

Title X establishes a 17-member board of directors with staggered 3-year terms appointed by the President, with the advice and consent of the Senate, from several sources. This is in contrast to the administration-backed proposal, which would give the President complete discretion in choosing legal services board members. Under title X, the 17 members are to be chosen by the President from the following sources:

One member from a list of nominees prepared by the Judicial Conference of the United States;

Two members from persons eligible for assistance, after having given due consideration to the recommendations of attorney members of the Advisory Council;

Two members from former legal service project attorneys after giving due consideration to the recommendations of attorney members of the Advisory Council;

Four members from lists of nominees submitted by the American Bar Association, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers Association;

One member from a list of nominees submitted by the Association of American Law Schools; and

Seven members from individuals in the general public, three of whom must be attorneys admitted to the bar.

The legal services program will be supervised by a 16-member Advisory Council, equally divided between clients and project attorneys.

Unfortunately, some bars are erected to activities by legal services attorneys. For example, the title prohibits the attorneys from engaging in lobbying activities except in the case where the attorney is engaged in the actual representation of a client or requested to do so by a legislative body. I think the case against this restriction is well put in the New York State Bar Association's August 1971, analysis, entitled "Proposed Legislation Authorizing Creation of a National Legal Services Corporation":

> It is common practice for private attorneys to assist clients with lobbying and the preparation of lobbying materials, to communicate with legislative bodies and to testify before legislative committees. To allow less of the Legal Services attorney on behalf of his clients means that some commonly accepted legal services are denied to indigents. Some of the most effective advances on behalf of poor people have in the past resulted from changes in statutory law—changes which often have made unnecessary expensive and protracted litigation.

Another unfortunate provision is that prohibiting project attorneys from participating in both partisan politics and elections and nonpartisan elections. In the bill, of which I am a cosponsor, the sole prohibition in this area was that—

> The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

I believe the restriction on individual attorney activities is unwarranted.

Notwithstanding the lessened strength of the compromise National Legal Services Corporation, its establishment cannot be gainsaid. It is an essential step, and one which I urgently support.

One of my major concerns regarding the bill before us is its failure to authorize sufficient amounts of funds. The committee report itself states:

> There is not a single program authorized or being carried out under the Economic Opportunity Act that is meeting the needs of more than a fraction of the eligible poor people. The hearing record is replete with sound recommendations for a substantial expansion of each and every poverty program based upon actual program needs.

Yet, despite the demonstrated need for "substantial expansion," H.R. 10351 does not provide that expansion. This is a very serious and unfortunate shortcoming. I realize, of course, that this deficiency stems from the meager budget requests from the administration, and that any effort to greatly exceed these requests would probably consign H.R. 10351 to defeat. However, this deficiency must force us to work that much harder to forge the coalition of Members who can vote for and pass legislation which does much more to meet the needs of the poor. This is particularly urgent in light of the administration's economic and spending policies, which have resulted, for the first time in a decade, in an increase in the number of persons living in poverty. The number of poor persons increased by 1.2 million in 1969 and 1970—an increase of 5.1 percent.

Some of the specific figures show just how poorly the needs of the poor are being served. There are more than 5.5 million senior citizens living in poverty. Yet, for the senior opportunities and services program, the administration requested a bare $8 million. The committee increased this to $12 million, but that is still far, far too little.

The administration requested only $376.5 million for Headstart. The committee increased this by $13.5 million, yet, as the committee acknowledges in the committee report:

> Under current eligibility standards there are an estimated 1.6 million children in need of Head Start services. About 20% of the eligible children are currently being served. The 4.5% increase proposed by the Administration budget over the amount obligated in fiscal year 1971 will scarcely keep Head Start at last year's level of operation.

Certainly, even the additional $13.5 million added by the committee is a mere drop in the bucket.

Other programs are also seriously underfunded. And this is unconscionable. We have drastically failed to meet the needs—basic needs—of millions of Americans. H.R. 10351 is important legislation. But—and the repetition of this statement may become monotonous, but it is deadly true—we must do more.

Mr. SCHEUER. Mr. Chairman, I have no doubt that the House will pass, by an overwhelming margin, the Economic Opportunity Act Amendments of 1971. In its 7 years of existence, the Office of Economic Opportunity, though often caught in a whirlpool of controversy, has effectively developed imaginative programs to "eliminate the paradox of poverty in the midst of plenty." This is a worthy program and certainly deserves congressional support.

Today, I wish to discuss two long-standing OEO programs and one entirely new one contained in the committee bill. The New Careers program began as an amendment to the Economic Opportunity Act of 1964 with the twin goals of increasing the employment and career mobility of the poor, and developing new, uniquely qualified manpower for human services. Tens of thousands of the disadvantaged, unemployed, and recipients of welfare have succesfully completed new careers programs across the country. Legislative oversight hearings conducted by Representative AUGUSTUS HAWKINS' Special Field Hearing Subcommittee No. 1 have confirmed the unquestionable success of new careers in providing jobs for low-income persons leading to broader career opportunities. It is clearly one of the most successful and effectively designed manpower training and employment programs operated by the Federal Government.

New Careers has directed Federal dollars to the heart of the poverty problem—the need for meaningful, well-paid employment. It has provided persons disadvantaged by educational, training, or other credential limitations with new entry routes to human service jobs through the coordination of training and work with special arrangements for educational and supportive services. It has redesigned and restructured jobs and is thus largely responsible for the concept of the "paraprofessional " who assumes many of the tasks which formerly burdened professionals. Finally, it has created new job ladders with built-in opportunities for realistic career advancement for New Careers workers, completely avoiding the "dead-end, leaf-raking" jobs which the President rightly finds so abhorrent.

Because of these features, the new careers program has heightened relevance in view of the recent proposals for manpower training and employment programs, such as the emergency public service employment program, and the opportunities for families program of the welfare reform bill. These programs can profit and build upon the successful new careers model to provide meaningful job opportunities for the unemployed, disadvantaged, and recipients of welfare.

The Office of Economic Opportunity has also developed a unique program to provide design and planning assistance for the poor. While most of the programs of OEO have dealt primarily with the legal, educational and health problems of the poor, the worsening state of their everyday environment has been sadly neglected. Conditions in urban slums and remote rural areas continue to deteriorate. Housing is overcrowded and inadequate, expressways and renewal projects destroy neighborhoods with little or no plans for adequate restoration or relocation. In this setting, the poor are defenseless. They are lost in the maze of planning jargon and procedures.

These citizens should have access to design and planning assistance just as they now have access to legal services and health care. This assistance would serve to help them understand the terms and processes of community development as well as to translate their needs and de-

sires into working plans for that development. With these services available, communities would have the opportunity to make constructive contributions to the physical/environmental development of their neighborhoods. These contributions can result in plans which can be implemented and which are responsive to the needs of the community.

In order to provide communities with this type of assistance, OEO granted research and demonstration funds to three existing community-based architectural and planning workshops known as Community Design/Development Centers—CDC. These were: Architects Renewal Committee in Harlem—ARCH—in New York City, San Francisco Community Design Center, and Urban Planning Aid—UPA—in Boston.

The OEO funds were used by the centers only for day-to-day operating expenses and served as a catalyst to harvest the voluntary services of professional architects, planners, and engineers to work directly with community people.

These three centers are among 73 now operating in 56 cities across the Nation. Staffed by architects, planners, engineers, and other design professionals, the centers work on projects varying from minor renovation work on individual dwelling units to the development of comprehensive planning documents for the future growth of neighborhoods. This unique combination of technical assistance, social planning and community organization, has become the hallmark of the Community Design/Development Center movement.

The OEO funding of the three design and planning centers has been a clear success as an OEO evaluation report on the combined project, "Community Design Centers—What We Have Learned," March 1971, states:

> They have done an effective job of helping community groups bring about changes in public plans and policies. They have aided the poor in producing those changes by constructive rather than destructive methods, by negotiating rather than rioting. They are beginning to show that they can help community groups develop to the point where they are their own advocates and planners.

However, since OEO no longer believes these successful programs can be classified as research and demonstration projects, they will not be refunded by the Office of Program Development in the coming year. Implicit in this decision is an endorsement on the part of OEO that these Community Design/Development Centers have proved themselves and proven the design and planning assistance concept.

Aside from OEO funding of the three centers, no other satisfactory source of funds has been found to provide design and planning services to the poor. Without any national funding, the centers across the country have had to rely on the sporadic support of local foundations and private contributions.

In this fiscal year, five centers were able to obtain from the Department of Housing and Urban Development, comprehensive planning grants through their regional or State planning authority. But too often, these funds were bogged down by local bureaucracies and redtape, thus severely hampering the performance of the centers on their contracts. In addition, this HUD 701 program only provides funds for specific projects and does not represent a source of daily operational revenue. This limits the ability of a center to respond to other issues and needs arising in the community.

I insert brief summaries of the activities of several Community Design Development Centers in the RECORD at this time:

COMMUNITY DESIGN/DEVELOPMENT CENTERS

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN CALIFORNIA

1. San Francisco, Calif., Community Design Center, Charles B. Turner, Jr., Director, 215 Haight Street, 94102, 415/863-3718.

Scope: January 1967; 2 community based workshops; broad based architectural and planning workshop.

Budget: $192,000 from OEO in 1970; small contributions from AIA chapter.

Staff: 4 full-time paid staff members, 4 part time staff, 1 VISTA and 2 students; plus 35 active volunteers.

Projects: Completed projects taken on by CDC, both workshops, include the following: architectural services for the Hospitality House in the Central City area; technical assistance to the United Filipino Association on the International Hotel; rehab of a 42 unit apartment house (236 project) for the Asian Housing Area Development Corporation; feasibility study and cost estimates on child care center in Chinatown; open space design for public housing project in Chinatown; planning a 2000 unit, new and rehab housing and community facilities for T.O.O.R.; Model Cities Planning Training Workshops for the Mission Coalition's Planning Committee; training program for W.A.P.A.C.; and numerous other feasibility studies, housing surveys, cost estimates and training programs.

Comments: The San Francisco CDC is a department of the U.C. Extension, but with a "community" majority on its board of directors.

2. Richmond, Calif., Richmond Community Systems Design Center, Virgus Streets, Director, 765 Market Street, 94804, 415/233-1301.

Scope: Started in 1969; workshop working in one community, serving city-wide architectural preliminaries through construction.

1971 Budget: University of California Extension funds ($5,000) expire July 1971. Presently seeking other source of funds.

Staff: 3 full-time, 1 state job trainee and 1 Univ. of California student on part-time/work study program.

Projects: Primarily involved with planning and construction of housing, furniture, design and teaching youths about architecture and photography and increasing their design skills.

3. Los Angeles, Calif., Urban Workshop,[1] Eugene Brooks, Exec. Dir., 1673 E. 108th Street, Watts, California 90059, 213/566-6101.

Scope: 1965; located in Watts community with national focus; comprehensive architectural and planning services.

Budget: $65,000/HUD 701 special projects contract; other smaller project contracts.

Staff: 3 paid staff/4 part-time consultants.

Projects: community design and planning workshops for community access and exposure; consultant for Watts Renewal Proposal, Greater Watts Model Cities, and other city agencies; 36 units 221(d)3 now completed; consultants to community on regional service core study for S. Los Angeles; relocation housing due to highway; rehab of 400 seat community theater; comprehensive regional and community planning for L.A. county.

Comments: necessitated taking several planning-consultancy contracts across the country in order to support community projects in Watts.

4. Los Angeles, California, Los Angeles CDC, Margot Siegel, AIA, Vol. Director, 8919 Harratt Street 90069, 213/276-5015.

Scope: Started 1968; operates in several neighborhood offices for city-wide service; developed architectural preliminaries through working drawings (for small projects).

1971 Budget: $1,250 from AIA and AIP chapters; $1,000 from Appel Foundation; $1,000 from USC. Proposals have been submited to HUD for both 701(b) (Special Projects) and HUD 314 (Urban Renewal Demonstration). Since they are applying for year-end funds and the available amounts are in question, they presented three alternatives ranging from $105,000 to $59,000. To date there has been no responses to these proposals.

Staff: 25 volunteer professionals (including architects, planners, economists, engineers); some students.

Projects: Several community facilities initiated and some now constructed, including community centers and playgrounds, private residential construction and renovation.

5. San Diego, California, San Diego, CDC, Bruce Dammann, AIA, Vol. Director, 3603 Fifth Avenue, 92103, 714/296-1372.

Scope: Started in 1969; community-based in Model Cities area, providing advisory assistance on housing proposals to non-profit organizations within Model Cities area such as YWCA and YMCA.

1791 Budget: $1,900 from AIA chapter; proposal submitted to Model Cities for half-year funding of $2,500. The outlook is dismal. Plan to submit a full-year proposal for $52,-000 beginning December, 1971.

Staff: If proposal approved will have full-time director and secretary. Presently have volunteer director and staff from local architects and planners.

Projects: If Model Cities proposal is accepted, an OJT (On-the-Job Training) program for minorities will be initiated, an educational program for individuals in school and community in general will be begun. Plans will be developed for non-profit businesses within Model Cities area. Presently working with Model Cities in housing development.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN COLORADO

1. Denver, Colorado, Environment, Inc.,[2] Bernard Jones, President, P.O. Box 2985, 80201, 303/222-1258.

Scope: 1968; architect's offices; city-wide and regional services; architectural preliminaries through working drawings (for small projects), neighborhood planning.

1971 Budget: Approximately $500 from local foundation and dues.

Staff: Over 20 volunteer professionals (architects, planners, economists, sociologists); 5 University of Colorado architect students.

Projects: Various community facilities rehabed; several neighborhood planning (including urban renewal) and zoning projects; housing for migrant workers.

2. Denver, Colorado, Community Design Center, George L. Keith, Coord./Admin., 2745 Downing Street, 80205, 303/893-3102.

Comments: Recently received Model Cities funding for workshop and staffing to coordinate volunteer professionals.

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[1] Gene Brooks is also Chairman of the Nat'l. CDC Council of Seven as well as a member of the AIA's National Task Force on Professional Responsibility to Society.

[2] Environment, Inc. is a member of the national Community Design/Development Centers Council of Seven.

COMMUNITY DEVELOPMENT CENTERS IN CONNECTICUT

1. New Haven, Conn., Black Workshop, Wendeall Harp, General Coordinator, 1086 Chapel Street, New Haven, Conn., 06510, 203/777–5280.

Scope: September 1969; centrally located workshop, serving several local communities; architectural and planning workshop controlled by students at Yale University.

Budget: $10,000 from Yale University; $5,000 from planning projects in 1970.

Staff: 2 VISTAs, 5 paid students (University Work-study) and 4 other architect/planning students.

Projects: 7 community facilities have completed construction; 3 residences (rehabilitation) and 3 other community facilities are now in construction.

COMMUNITY DEVELOPMENT CENTERS IN HAWAII

1. Honolulu, Hawaii, Hawaii Community Development/Design Center, Hugh Burgess, AIA, Director, Suite 510, 119 Merchant Street, Honolulu, Hawaii, 96813.

Scope: June 1970; downtown office serving state-wide; architectural preliminaries through working drawings (on small projects), community planning.

Budget: American Institute of Architects chapter and University of Hawaii.

Staff: Full-time director; volunteer architects from American Institute of Architects chapter and architectural students from University of Hawaii.

Projects: Schematics for 22 acre campsite development; community facility rehabilitations; community plan for a small town.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN ILLINOIS

1. Champaign-Urbana, Ill., Community Action Depot, Dick Williams, Director, 118 N. First Street, 61820.

Comments: Started in September 1969; storefront workshop for University of Illinois architecture and planning students.

2. Chicago, Illinois, Uptown Community Development Center, Rodney Wright, AIA, Vol. Director, 1050 W. Leland Avenue, 60640, 312/334–5435.

Scope: March 1968; located in Uptown Community; architectural schematics and community planning.

1971 Budget: $1,800 from American Institute of Architects chapter.

Staff: A VISTAs; 10 volunteer professionals (including architects, planner, engineer).

Projects: Much of Uptown CDC involvement has revolved around a community college campus which the city proposed for Uptown and which would have forced relocation of many families. Alternative plans were developed and relocation housing data gathered which resulted in changes in the campus plans. In addition, several community facilities have been rehabed and studies/feasibilities for new and rehabed housing has been submitted to the Housing Authority. "The Village", a comprehensive plan of 12 blocks, was developed with the community to guide future development.

Comments: Much of the alternative plans and comprehensive neighborhood planning was done under a grant to Rodney Wright, Assoc. from the Community Renewal Society of Chicago.

Also, currently running drafting training program for 15 local youths with $60,000 from State Employment Agency (Federal Manpower Training Program).

3. Chicago, Illinois, Black Architects Collaborative, Charles Smith, Chairman, 4 East Huron Street, c/o Environment Seven, 60611, 312/787–0083.

Scope: 1968; centrally located office with two community workshops; architecture and planning work on community oriented projects; training programs.

1971 Budget: Funds from local architects (1969); materials from University of Illinois, Circle Campus.

Staff: Volunteer architects and students.

Projects: Comprehensive planning for Garfield and Douglas communities; renovation of training school for Garfield; organization; drafting training program for youths of K.O.C.O. (Kenwood-Oakland Community Organization) in 1969.

Comments: Soon to begin workshop in Lawndale (June 1971) for contract with West Side Contract Buyers League for Housing Rehab (@$800,000) under HND Sec. 312 Program.

4. Peoria, Illinois, Community Design/Development Centers, Robert Shanks, AIA, 233 Jefferson Building, 61602, 309/673–3215.

Comments: 1969; volunteer architects.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN IOWA

Des Moines, Iowa, Architects Council—Community Design/Development Centers, Ken Bussard, 913 Bankers Trust Building, 50309, 515/288–1093.

Scope: 1969; architects' offices; city-wide services of design schematics.

1971 Budget: $500 from American Institute of Architects chapter.

Staff: 6 volunteer architects.

Projects: Schematics provided for non-profit housing development corporation, first unit now under construction.

COMMUNITY DEVELOPMENT CENTERS IN KENTUCKY

1. Lexington, Kentucky, Lexington Community Design/Development Centers, Don Wallace, AIA, 710 West High Street, Lexington, Kentucky, 40508 606/255–0739.

Scope: October 1969; architects' offices for city-wide and regional (Appalachia) services; architectural feasibilities and schematics for non-profit housing development corporations.

Staff: Volunteer architects.

Comments: Assisting University of Kentucky Environment Workshop.

2. Lexington, Kentucky, Mountain Institute, Lou De Luca, Faculty, Department of Architecture University of Kentucky, Lexington, Kentucky, 40506, 606/258–9000, ext. 2329.

Scope: September 1969; university located; concentrating on regional (Appalachia) services; architectural and planning services.

Budget: University in-kind (Faculty).

Staff: University faculty (including architecture, law, etc.) and students.

Projects: Neighborhood planning and community facilities; working in Appalachian town on proposal to expand town with land fill from nearby highway construction.

3. Lexington, Kentucky, Prailtown, Development Corporation, David Edrington, 189 Prall Street Lexington, Kentucky, 40508, 606/255–9501.

Scope: September 1969; workshop in community; neighborhood planning and architectural services.

Budget: 1 staff salary from Council of Neighborhood Organizations.

Staff: 1 full-time architect; several volunteer architects including 1 who is practically full-time.

Projects: Playground designed and built; comprehensive neighborhood plan for 150 family neighborhood of Prailtown; housing advice.

Comments: This project started with five architecture students from University of Kentucky; two of these have remained after graduating. The community successfully petitioned the city for urban renewal and designation based on the plans developed by the students and the community; the community will maintain control of urban renewal decisions.

4. Lexington, Kentucky, (R.A.D.A.R.), Research, Analysis, Design of Alternate Recommendations, John Stearman, c/o McLoney, & Tune, Architects, 340 S. Broadway, Lexington, Kentucky, 40508.

5. Louisville, Kentucky, Community Service Team, Wenonah Chamberlain, c/o Jasper Ward, 131 West Main Street, Louisville, Kentucky, 40202.

Comments: Began in 1968; volunteer architects neighborhood studies and rehab assistance; tied in with local housing development corporations.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN MARYLAND

1. Baltimore, Maryland, Neighborhood Design Center, David O'Malley, AIA, Volunteer Director, 206 East Biddle Street, Baltimore, Maryland, 21202, 301/539–6385.

Scope: Neighborhood Design Center technical assistance services are available free upon request to any organized community group in Baltimore City or the surrounding counties who cannot afford to hire planning and design assistance. These services can range from identifying basic community deficiencies, through applications for official financial assistance, to the initial design of the facility. Also, a training program has been developed and recruitment is underway for twenty individuals who will participate in a sixteen-month work-study training program, utilizing both architectural and planning offices and the local community college.

1971 Budget: $5,000 from the Baltimore Chapter of The American Institute of Architects; $2,000 from the national and local chapters of the American Institute of Planners.

Staff: 1 full-time paid community coordinator; 3 VISTA volunteers; approximately 50 volunteer professionals who are active in determining policy and providing assistance on individual projects.

Projects: Work with the Riggs Ave. Improvement Association in researching their neighborhood and developing a long-range plan upon which to base future development activities; professional advisory assistance to the Berea Community Council in developing strategies and programs for improving housing conditions in their community; interior design and resource development assistance to the EAA Neighborhood Youth Council in development of a Teenage Coffee House; assistance to Concerned Citizens for Cultural and Recreational Development in preparing a graphic presentation which will be used to get local people to volunteer time in a pilot recreation program; 33 similar programs for other community groups.

2. Prince Georges and Montgomery Counties, Maryland.

Comments: The Potomac Valley Chapter of The American Institute of Planners provided community planning assistance to the Cedar Heights Civic Association in December, 1970. The possibility of a suburban Community Design/Development Center is being investigated.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN MASSACHUSETTS

1. Boston, Mass., Urban Planning Aid, Inc., Charles Dehnatil, Act. Director, 407 Highland Avenue, Somerville, Mass. 02143, 617/625–9411.

Scope: 1966; Community locations (3 offices) Lynn, Mass.; services in health, housing, employment and transportation.

1971 Budget: $258,000/OEO; Field Foundation.

Staff: 26 paid staff, multi-disciplinary (Health, employment, transportation, housing, media specialists).

Projects: Evaluation and feasibility studies on transportation systems (highways), rehab (city-wide) and urban renewal; emphasis on comprehensive community development.

2. Boston, Mass., Urban Field Service, Mania Seferi, Faculty, Director, Harvard Graduate School of Design, 56 Boylston

Street, Cambridge, Mass. 12138, 617/547–9861.

Scope: 1968; centrally located workshop serving metro. areas; planning and research services.

1971 Budget: $25,000 from Stern Foundation (in 1970); university in-kind (faculty).

Staff: 2 full-time staff; 5 part-time; 50 students, including about 20 architects, others are lawyers, economists, sociologists.

Projects: Alternatives to urban renewal and transportation plans; recreation facilities, drug users' center; housing studies, tenants' rights issues.

3. Boston, Massachusetts, Community Design/Development Centers, Russell Palmiter, AIA, Vol. Director, c/o Operational Mainstream, Boston Society of Architects, 320 Newberry Street 02115.

Comments: Started in 1970; volunteer architects; already involved with some community facility projects.

COMMUNITY DEVELOPMENT CENTERS IN MICHIGAN

1. Detroit, Michigan, Detroit Community Design/Development Center, Roderick Warren, AIA, Director, c/o Detroit Chapter, AIA, 28 W. Adams Avenue, Detroit, Michigan 48226.

Scope: 1970; working out of American Institute of Architects chapter office; architectural preliminaries through working drawings (on small projects).

Budget: Directors' salary paid by AIA chapter.

Staff: Full-time director; volunteer architects.

Projects: Several community facility projects; comprehensive physical plan with Action House area near municipal airport.

2. Detroit, Michigan, Community Design/Development Center, Jim Chaffers, Graduate Students, Department of Architecture, University of Michigan, Ann Arbor, Michigan, 48104.

Scope: September 1969; University involvement with Grass Roots Organization Workers (G.R.O.W.) Community Organization.

Budget: University in-kind (faculty).

Staff: 1 graduate, 5 undergraduate architecture students.

Projects: Development plan for 40 block neighborhood; plan has since been accepted by City Council as part of Detroit Master Plan; now developing specific projects within neighborhood.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN MINNESOTA

1. Minneapolis, Minnesota, Community Design/Development Centers of Minnesota, Al French, AIA, Ex. Director, 118 East 26th Street, 55404, 612/824–1282.

Scope: April 1968; workshop (shared with University of Minnesota Urban Education Center) in Model Cities neighborhood but offering state-wide services; architectural preliminaries through working drawings (for small projects), community planning.

1971 Budget: $10,000 from state American Institute of Architects; $1,000 from University Urban Education Center; $850 from two local art institutions.

Staff: Volunteer professionals (including architects, planners, engineers, etc.).

Projects: Several community facilities rehabed (including American Indian cultural center); feasibility studies for small supermarket owner; Saturday morning curriculum on "Architecture of the Man-Made Environment" conducted by architecture students from University of Minnesota and Community Design/Development Centers for local youths.

2. Minneapolis, Minnesota, Urban Education Center/U. of Minn., Roger Clemence, Faculty, 118 East 26th Street, 55404, 612/824–1282.

Scope: September 1969; workshop in Model Cities area; architectural services.

1971 Budget: $12,000 from university's Urban Education Center.

Staff: Faculty and approximately 30 students from Univ. of Minn. (17 architects, others are journalists, sociologists); 1 VISTA.

Projects: Neighborhood planning; housing and community facilities.

Comments: The Center shares space with and coordinates operations with American Institute of Architects supported Community Design/Development Centers of Minnesota.

COMMUNITY DEVELOPMENT CENTERS IN MISSOURI

1. Kansas City, Missouri, CCC (Community Consultation Center), Myles Stevens, Faculty, Director, School of Architecture, University of Kansas, Lawrence, Kansas, 66044, 913/864–4281.

Comments: Started in 1969; architecture students working out of workshop in community.

2. St. Louis, Missouri, Community Design Workshop, Allen Levin, Faculty, Director, School of Architecture, Washington University, St. Louis, Missouri, 63130, 314/863–0100 ext. 4504.

Scope: 1969; university located workshop; architectural and planning services.

Budget: $99,000 from Danforth Foundation (in St. Louis) for 3 years.

Staff: 1 full-time and 1 part-time faculty; 10 architecture students.

Projects: Developed workable program for Kinlock community under HUD 701 grant; comprehensive plans for two North St. Louis communities; working on implementation of "Project Rehab" in East St. Louis.

Comments: Working with the city-wide, OEO-funded Citizens' Volunteer Corps (CVC) which includes 4 VISTA architects and some volunteer architects from the AIA chapter.

Also operating drafting training program for local youth—ASTP/Architecture Skills Training Program—with OEO and HEW Title I funds.

COMMUNITY DEVELOPMENT CENTERS IN NEW JERSEY

1. Camden, New Jersey, Camden Community Design/Development Center, Van Bruner, AIA, Volunteer Director, 506 W. Park Boulevard, Haddonfield, New Jersey 08033, 609/854–5258.

Scope: January 1970; architect's office; area wide service; architectural preliminary designs.

Budget: None.

Staff: 5 volunteer architects.

Projects: Rehabilitation of old theater converted to a church, preliminaries.

2. New Brunswick, New Jersey, People's Workshop, Michael Sena, Graduate Student, 130 Bayard Street, New Brunswick, N.J. 08901, 201/247–2632.

Scope: 1969; workshop located in one community serving city-wide and small adjacent towns; architectural and planning services.

Budget: Princeton University paying workshop rent and expenses; New Jersey AIA supplying some funds.

Staff: Architecture students from Princeton; some volunteer architects from American Institute of Architects.

Projects: Several community projects; housing schematics developed for one group in New Brunswick now seeking funding.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN NEW YORK

1. New York, New York, Architects' Renewal Committee in Harlem, Inc., ARCH,[3] Arthur L. Symes, Exec. Director, 221 W. 116th Street, 10026, 212/666–9130.

Scope: May, 1965; community location; broad based planning and architectural workshop.

1971 Budget: $240,000 from OEO for operations; $100,000 from HUD/701 Special Projects for comprehensive planning in Harlem; $192,000 from HUD/Open Space; $150,000 contract with NYC Board of Education; $25,000 from Tri-State and OPC.

Staff: 13 full time professional staff members.

Projects: Neighborhood planning and architectural services for 17 block area of East Harlem Triangle, presently in first phase of implementation; neighborhood planning and architectural services for 20 block area of West Harlem Morningside district, preliminary development; five 5-story buildings rehabed,now seeking construction funds; architectural plans for community law office (new construction) and day care centers; planning survey of parks and recreational spaces for Harlem.

Comments: ARCH began as a volunteer workshop with the New York City American Institute of Architects chapter; has since developed into a full-time staff operation. The oldest and one of the foremost of the Community Design/Development Centers.

Operated a training program for 2 years funded by The Ford Foundation in which 45 Black and Puerto Rican youths went through one-year remedial/pre-architecture/working program; 15 have gone on to universities, 30 to jobs program, no longer funded. The NYC/AIA was involved with this program by supplying jobs with firms and scholarships for univ. studies. ARCH's working premise is to prepare the community to plan totally for itself.

2. New York, New York, Puerto Rican Workshop, Harry Quintana, Director.

Scope: June 1968; workshop in East Harlem community; comprehensive architectural and planning services.

1971 Budget: $5,000 from Center for Community Change; $10,000 HUD 701 Special projects; various local fundation funds for $40,000 and American Institute of Architects for $1,000 thru 1970.

Staff: 3 staff.

Projects: 5 vest-pocket parks; addicts rehabilitation center; housing feasibility study for Con Edison sites; programming input into urban renewal school project.

Comments: Workshop formerly called Real Great Society/Urban Planning Studio; has had a program with CCNY, Pratt and Columbia schools of architecture to place minority students in Workshop for course credits.

3. New York, New York, Architects Technical Assistance Center, The (TATAC), Joshua Lawrence, Exec. Director, 20 West 40th Street, 10018, 212/594–0259.

Scope: June, 1970, workshop space donated by NYC American Institute of Architects chapter; city-wide services; architectural design schematics.

1971 Budget: $15,000 from NYC Urban Coalition.

Staff: 1 full-time; volunteer architects.

Projects: Many community facility projects, especially Day Care Centers developed for submission to city agency, several since funded for construction.

Comments: Proposal submitted to Model Cities Agency for $30,000, awaiting approval.

4. Brooklyn, N.Y., Pratt Center for Community Improvement, Ron Shiffman, Faculty, Director, 244 Vanderbilt Avenue, 11205, 212/622–2200.

Comments: Started in 1969, workshop at Pratt Institute with students from several departments; HEW Title I funds.

5. Syracuse, New York, Man-Build, Inc., Sheldon Williams, Director, 102 Cortland Avenue, 13202, 315/475–5767.

Comments: Started in 1969; workshop (paid for by donations) to serve city-wide; volunteer architects and some Syracuse Uni-

[3] ARCH is a member of the National Community Design/Development Centers Council of Seven.

versity architecture students; several community facilities and houses rehabed.

6. Troy, New York, TAP, Inc. (Troy Professional Assistants), Vince Lepera, Director, 43 Hutton Street, 12180, 518/274–3050.

Scope: March 1969; workshop located in the community it serves; comprehensive architectural services.

1971 Budget: $10,000 from Howard & Bush Foundation; $5,000 in donations from area businesses and churches; $43,500 state planning grant.

Staff: 4 work-study and 4 course credit architecture students from RPI.

Projects: 3 recreation parks, 2 now completed; planning for infill housing units for 15 block area (state grant); rehabing 15 residences; arterial highway alternative proposal.

Comments: Though this is a student-manned workshop, the board of directors is comprised primarily of community residents.

COMMUNITY DEVELOPMENT CENTERS IN NORTH CAROLINA

1. Raleigh, North Carolina, Community Development Group, Henry Sarnoff, Director, School of Design, North Carolina State University, Raleigh, North Carolina, 27607, 919/755–2206.

Scope: 1969; university workshop serving communities throughout the State; architectural, planning and research services.

Budget: University in-kind funds.

Staff: 3 paid staff, 3 volunteer professionals, (psychologist/sociologist) and 16 architecture students.

Projects: Two demonstration, low-income houses designed and constructed, one shown at the State Fair; providing unit and site plan schematics for two housing authorities; developing site selection criteria for housing authorities across the state; developing program criteria for pre-school child development centers for statewide use; preliminaries for proposed, minority owned shopping center; several community facilities designed, two constructed.

Comments: Requested by citizen groups and local agencies to provide positively oriented technical assistance throughout the State; all projects are conducted in cooperation with The Agriculture Extension Service and Urban Affairs and Community Service Center.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN OHIO

1. Cleveland, Ohio, Cleveland Design Center,[4] Paul M. Cheeks, Director, 136 The Arcade, 44114, 216/241–8111.

Scope: January 1970; centrally located to serve city-wide; comprehensive architectural and planning services.

1971 Budget: $50,000 from Cleveland, NOW! for 1970; $67,550 from local foundations; $5,000 from local American Institute of Architects chapter.

Staff: 5 paid staff members; 6 VISTA's (3 of whom are architect planners); American Institute of Architects volunteers and students from Kent State University.

Projects: Preliminary work on 118 units of housing thru Operation Rehab (eventually 2500 d.u.s); 701 housing units (rehab) for H.O.P.E., Inc., 3 units under the Cleveland Metropolitan Housing Authority Turnkey III program are presently under construction; design of a secretarial school for the Community Fighters for Housing Large Families; designs and feasibility studies for El Hasa Temple's housing for the elderly; mobile home study for the Cleveland American Indian Center, Inc.; coordination of the "Architectural Enrichment Program for Black Students"; evaluation of modular housing in the Lee-Seville area; and involvement with the Cleveland Urban Learning Community's program for high school dropouts.

2. Dayton, Ohio, Dayton Design Center, Ray Brown, Director, c/o Model Cities Hsg. & Urban Dev. Corp., 505 Bolander Avenue, 45408, 513/222–3441.

Comment: March 1971; has recently entered Model Cities contract which hired coordinating staff for volunteer architects from American Institute of Architects chapter for Community Design/Development Centers effort in Model Cities area.

3. Cincinnati, Ohio, Connection, Bruce Goetzman, Faculty, No. 207 Paramount Bldg., 920 E. McMillan Street, 45206, 513/751–1956.

Scope: September 1968; workshop located in one community, primarily serving that community.

1971 Budget: $500 from American Institute of Architects chapter; workshop donated space; University of Cincinnati in-kind (faculty).

Staff: 2 faculty members plus 10 architecture and planning students from the University of Cincinnati.

Projects: Numerous renovations for various community facilities assistance to individual homeowners; operating community art classes; preparing guidebook to city services for communities' use.

Comments: Connection has been hindered by the University's co-op program which cause a turnover of students every 3 months; more continuity is now provided with one student on continuous work study.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN PENNSYLVANIA

1. Philadelphia, Pennsylvania, Architects Workshop,[5] Augustus Baxter, Exec. Director, 2012 Walnut Street, 19103, 215/561–2370.

Scope: January 1968; centrally located with 7 branch mini-workshops; comprehensive architectural and planning services.

1971 Budget: $70,000 from American Institute of Architects, local foundations, United Fund and small commercial contributions; $50,000 from The Ford Foundation; $50,000 from HUD/701 Special Projects fund.

Staff: 5 paid staff members with 10 VISTAs working in mini-workshops; 2 students from the Great Lakes Colleges Association; and more than 200 volunteer architects, engineers, landscape architects, planners, artists and lawyers.

Projects: The Workshop has been engaged in over 150 projects; housing projects which are currently under construction or about to enter construction, include: the Parkway Apartments, a 40 unit, 236 rehab project for Germantown Homes, Inc., 10 units of 235 duplex houses for Holy Trinity Enterprises, Inc., 50 townhouses and apartments for the Philadelphia Chinatown Development Corporation, and 48 row-houses, by the HOPE Development Corporation, for the East Frankfort Housing and Improvement Association area: 10 comprehensive neighborhood planning projects (3 have received major Urban Renewal and NDP fundings); housing feasibility studies, several awaiting FHA approval; several feasibility studies for commercial developments one with support from local banks; over 25 various rehabs of community facilities, most taken through to construction; 10 recreation parks, most taken through to construction.

Comments: The Philadelphia Architects Workshop is the best example of a local chapter of American Institute of Architects commitment and involvement in a Community Design/Development Center.

2. Philadelphia, Pa., Univ. of Penn/Urban Workshop, Ron Bedford, Faculty, Director, Dept of Architecture, 19104, 215/594–8321.

Scope: September 1969; community located workshops and planning services.

1971 Budget: University in-kind (faculty).

Staff: 2 faculty members; students.

Projects: neighborhood planning and housing (esp. rehab) in the Tioga-Nicetown community (which has 2 VISTA architect/planners); also assisting Mantua community.

3. Philadelphia, Pa., The Young Great Society/Architecture & Planning Center, Peter H. Brown, Co-Director, William D. Riley, Jr., Co-Director, 3420 Brandywine Street, 19140, 215/EV 7–4700.

Scope: April 1969; located and working in Mantua community; comprehensive architectural service.

1971 Budget: $40,000 from Dept. of Commerce (EDA) in 1970; $30,000 from The Ford Foundation for operational costs; $30,000 for Job Training Program from the Philadelphia Urban Coalition; $150,000 in contracts for several projects.

Staff: 10 full-time professional staff; 1 VISTA; 2 students from Univ. of Penn.; 10 volunteer professionals and 3 trainees.

Projects: 28 units of 236 rehab constructed; 14 units of 235 rehab constructed; 52 units of 236 rehab in progress; 122 units of new 236 in progress; various rehab and new constructions of community facilities; urban renewal plans completed for Glassboro, N.J.; NDP housing plan for Mantua completed; plans completed for a middle school in Mantua.

Comments: YGS is a partnership specializing in community work.

4. Pittsburgh, Pennsylvania, Architects' Workshop, Sam Jamrom, AIA, Vol. Director, 5995 Penn Circle South, 15206, 412/363–4442.

Scope: 1969; workshop centrally located for city-wide services; architectural preliminaries through working drawings (for small projects), neighborhood planning.

1971 Budget: $1,500 from American Institute of Architects chapter.

Staff: 5 VISTAs, volunteer architects.

Projects: Several community facility projects; housing study, land planning, and alternative public school site study in three separate communities. Coordinating with Community Design Assoc.

5. Pittsburgh, Penn., Community Design Association, Troy West, President, 2012 Wylie Avenue, 15210, 412/232–3118.

Scope: February 1968; workshop in the Hill community; comprehensive architectural services.

1971 Budget: $23,000 contract with Urban Renewal agency; $13,000 Carnegie Mellon University; Scaife Foundation for $16,000 thru 1970.

Staff: 5 full-time architects; 1 VISTA; 1 Carnegie Mellon student; 1 high school student; several community organizers, attorneys and engineers available when needed.

Projects: various housing and community facility rehabs (incl. Court of Ideas, community meeting area); 3 new housing systems developed using community construction methods (incl. Our Way project for 400 units); 24′ x 40′ map of Hill community done by community itself; scattered site housing study (Urban Renewal contract)

COMMUNITY DEVELOPMENT CENTERS IN WASHINGTON

1. Seattle, Washington, Environmental Works, Dale E. Miller, Project Coordinator, 1401 N.E. 40th Street, Seattle, Washington, 98105, 206–543–8700.

Scope: April 1970; workshop located in one community but works city wide; preliminary design small projects taken through construction.

Budget: $5,000 from H.E.W. grants; $5,000 from city and country; $1,200 from American Institute of Architects and individuals.

2. Tacoma, Washington, Tacoma Community Design Clinic. Alger Beal, AIA, 4216 North Mason, Tacoma, Washington, 98407.

Scope: June 1970; workshop in one community (until recently, since closed for lack

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[5] Architects Workshop is a member of the National Community Design/Development Centers Council of Seven.

of funds) for city-wide services; offering architectural preliminaries through working drawings (for small projects) and neighborhood plannnig.

Budget: Rent for workshop was paid by American Institute of Architects chapter. Recently funding $55,000 through Model Cities.

Staff: 10 volunteer architects; 1 VISTA (non-architect).

Projects: Several community facilities rehabed, one new facility project now in working drawings.

Comments: Proposal submitted to Model Cities Agency with tentative approval; awaiting funding.

COMMUNITY DESIGN/DEVELOPMENT CENTERS IN WISCONSIN

1. Milwaukee, Wisconsin, Architects Concerned in Walnut Improvement Council, Lillian Leenhouts, AIA, Walnut Improvement Council House, 2201 West Vine Street, 53205, 414/933–5356.

Scope: May 1969; workshop located at WAICO (Walnut Improvement Council) community center; neighborhood planning, achitectural feasibilities through working drawings (on small projects).

1971 Budget: Donations.

Staff: 12 volunteer architects; 1 architecture student (University of Wisconsin at Milwaukee); 10 volunteer professionals (planners, lawyers, engineer).

Projects: Developing neighborhood master plan of 40 block area to encourage residential development; model of neighborhood built to encourage public involvement; 3 new homes have been built.

As these summaries indicate, the scope and range of services provided by these community design and planning organizations are tremendous and reflect the varied needs of the people they serve.

I have been very impressed by the achievements of these centers and am very pleased by the highly favorable evaluations given the program by OEO. Hopefully, some means can be found to continue their worthy efforts.

The third program to which I would like to call the attention of my colleagues is an amendment which I succesfully offered in the Education and Labor Committee. This amendment creates a new emphasis in OEO's drug addiction programs on new approaches to the rehabilitation of addicts, with a special priority for veterans.

There is no need to dwell on the seriousness of the drug problem in this Nation today. Its seriousness is now acknowledged by all. However, there is one aspect of the problem, treatment, and rehabilitation, which has not received the serious attention and study it deserves.

Previous legislation has focused upon the medical aspects of treatment, ignoring its social and psychological aspects, while "rehabilitation" has not even been defined in the statutes which have been enacted to date. We have created, in effect, an "aftercare gap."

Those who have seriously studied the treatment of drug addicts acknowledge the existence of this "aftercare gap." For example, Dr. Beny J. Primm who heads the very successful Addiction Research and Treatment Corporation in Brooklyn's Bedford-Stuyvesant, has pointed out that addicts who have managed to end their physical addiction to drugs must learn new ways to handle their emotions if they are to remain drug free. Learning to obtain a job and to do a job well is central to this process.

Yet, we have barely begun to develop programs that can effectively help the ex-addict obtain a job and keep it. As Dr. Primm has said, jobs for the ex-addict are our "toughest problem."

The Office of Economic Opportunity's Office of Health Affairs, through its Division of Addiction, Alcoholism, and Mental Health, has made a beginning, however. The Office has researched and developed two combined addict rehabilitation manpower training programs, both soon to go into operation. I was pleased to offer an amendment, which was accepted in committee, to direct OEO to expand and intensify its efforts to rehabilitate addicts. Due to the interdisciplinary nature of this problem, the Office of Economic Opportunity is the place where this crucial aspect of this terrible problem must be researched and developed. It has made a start and the committee bill not only directs that these efforts be continued, but directs that they be given further encouragement and support.

My amendment is designed to give increased attention and priority to this search for innovative solutions to the problem of rehabilitation of narcotic addicts. Moreover, it specifically directs that preference be given to veterans. Certainly this is the least we can do for men who have returned home to fight a personal war against drug addiction induced by their almost accidental participation in the most unpopular war in our history.

By discussing these three programs, I in no way intend to denigrate the other programs of the Office of Economic Opportunity. The program is a truly important and, in many respects a uniquely effective one. I know that my colleagues will support it.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of the Economic Opportunity Act Amendments of 1971.

No longer is there any issue whether the Economic Opportunity Act should be continued. The act has provided the resources for thousands of people to bring themselves up by their own bootstraps. More important it has enabled these same people to organize and maintain their own self-help programs, giving them a stake in their community they never had before.

An extension of the Economic Opportunity Act will guarantee that more than 260,000 children can continue in year-around Headstart programs and more than 200,000 children can take advantage of special Headstart summer programs.

Headstart is one of the most successful individual programs ever passed by the Congress. For many years black, as well as white, children of low-income families fell increasingly behind in both urban and rural schools. As each school year began, these children, through no fault of their own, found themselves farther and farther behind their economically better-off classmates. Low-income families, for economic as well as cultural reasons, had been unable to provide the same preschool training and atmosphere in the home that children from middle and higher income families received.

Last year, a survey showed that, out of a group of children from families with similar incomes, those who had received Headstart training did better in every succeeding grade than those not enrolled in the program. In addition, the later job success of those receiving Headstart training also was higher. The obvious conclusion is, if we start early enough, we can rescue people from the cycle of poverty; we can develop citizens who can contribute to their community rather than fostering generation after generation of welfare recipients.

By extending the Economic Opportunity Act we can also guarantee that the Neighborhood Youth Corps can continue to provide thousands of work-training opportunities for young people who need them most, especially during this present high unemployment period.

Certainly there is no question that there is a tremendous need for the extension of comprehensive health services among lower income groups.

Recent studies, as well as testimony before the Committee on Education and Labor, disclosed that prior to EOA, health services among low-income groups were almost nonexistent. Under the comprehensive health service program, early medical care and preventive medicine can be made available to people who, primarily because of their economic position, have suffered a disproportionately high incidence of sickness and disease.

My congressional district in northern Hudson County, N.J., is a highly urban and congested area. In spite of the fact that it is made up of different groups, who have retained their ethnic identities—Italian, Irish, Jewish, Negro, and most recently Puerto Rican and Cubans—my constituents have a long history of working together. They have been able to take tremendous advantage, therefore, of OEO's Community Action program.

Under the direction of Nicholas Mastorelli, the North Hudson Community Action program has developed into one of the most successful and productive community action agencies on the eastern coast. Indeed I am sure it compares favorably with any community action agency in the entire country. The "let's do it ourselves" attitude which has been generated in the community is ample proof to me that many of the urban problems that we face can be solved if the city's Federal tax revenues can be returned to people who understand its specific problems and are provided sufficient direction as to congressional purpose.

The North Hudson Community Action program has organized young people in the community to take part in pollution clean-up programs as well as North Hudson CAP's "Operation Generation Gap." This latter program gives young people the opportunity to help senior citizens in an effort to not only assist older citizens who cannot get out to shop or do housework, but also to develop understanding between older and younger citizens. One older citizen from my district wrote to say:

I am writing you to commend you on the program "The Generation Gap." It was a marvelous thing for shut-in people as myself. I really loved it very much. The girls that I had to take me shopping were wonderful; couldn't be better. I would appreciate it very much if it would start soon again in the near future. I will repeat again, it was a wonderful thing.

In addition to programs for young and old people, as well as the Headstart program, the North Hudson Community Action program has taken advantage of the Economic Opportunity Act to develop programs which meet the specific needs of northern Hudson County. Perhaps the greatest strength of the Economic Opportunity Act is that it allows communities to provide for their own unique needs.

Mr. Chairman, as a member of the Education and Labor Committee, I can testify that the successful experience of the Economic Opportunity Act in Hudson County is not dissimilar from other areas in the country. Communities want to help themselves and the Economic Opportunity Act provides them with the resources to provide for their own circumstances.

I urge my colleagues to support the committee bill.

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 10351

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 "Economic Opportunity Amendments of 1971".

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, 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. 10351) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who desire to extend and revise their remarks in connection with the Economic Opportunity Amendments of 1971 may have that privilege.

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

There was no objection.

DESIGNATION AS MEMBER OF JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Ways and Means:

WASHINGTON, D.C.,
September 29, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Pursuant to section 8002 of the Internal Revenue Code of 1954, the Honorable James A. Burke, of the Committee on Ways and Means, has been designated as a member of the Joint Committee on Internal Revenue Taxation to fill the vacancy created by the death of the late Honorable John C. Watts.

Sincerely yours,

WILBUR D. MILLS,
Chairman.

THE HONORABLE HUGO LAFAYETTE BLACK

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

Mr. JONES of Alabama. Mr. Speaker, with the passing of Justice Hugo LaFayette Black, our country has lost a spirited and forceful magistrate. Many of Alabama's sons and daughters have earnestly sought to add to the total fabric of our land, but I can think of none who has strengthened the pattern and the cloth so deeply as did Mr. Justice Black.

He traveled a long road from the poor hill country of Alabama to a place of honor on our Nation's supreme tribunal. He never forgot his acquaintance with the short and simple annals of the poor, and his total life reflected his remembrance.

Although his daily work involved consideration of perplexing constitutional issues of transcending importance, he maintained a close and astute interest in the political life of his home State which he had served with considerable distinction as a U.S. Senator for more than 10 years.

While the demands on his time were many, Mr. Justice Black was always pleased to receive visitors from Alabama. For many who were awed by the formal dignity of the Supreme Court setting, his friendly and open manner was an unexpected contrast. He had a deep and abiding affection for Alabama and her people. His vast store of knowledge concerning current State and local affairs was an indication of the breadth of his interests.

Yet, his greatest devotion was reserved for the Constitution and the nation which it created. He has written:

I have thoroughly enjoyed my small part in trying to preserve our Constitution with the earnest desire that it may meet the fondest hope of its creators, which was to keep this nation strong and great through countless ages.

No small part of his respect for the Constitution was his awareness of the opportunities our system of government had afforded him and countless others.

He never flinched in applying the protection of the Constitution to ideas regardless of whether he personally embraced or abhored them. He acknowledged the controversy raised by his efforts to follow the literal meanings of the words of the Constitution and the history of their adoption. As a result of his awareness, he took care to write and speak in plain language so that his reasoning would be clear to those who would look beyond the cliches.

Because Mr. Justice Black now takes his place in history with the select handful of those most influential legal scholars of this Nation, many words have been written about him and his work.

His impact was such that many more will be written about him in the future. The comments on his life and his work to make the Constitution as meaningful to others as it was to him could fill volumes.

Through the years his friends have admired his courage and his contributions to the meaning and significance of our Nation.

As I extend my sincere sympathy to his wife and family in their great personal loss, it is my hope that they may find comfort in the brilliant record of service established by Justice Hugo LaFayette Black.

A CALL TO EXCELLENCE BY HARRY REASONER

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

(Mr. MAYNE. Mr. Speaker, during the past 3 months it has been my privilege to hear two speeches by the distinguished commentator of the American Broadcasting Co., Mr. Harry Reasoner. The first was the principal address at the dedication of Joe Reasoner Dam in Humboldt, Iowa, on June 20. Harry Reasoner was born in nearby Dakota City in Humboldt County and returned with other members of the Reasoner family to honor his uncle Joe Reasoner, still an active sportsman and conservationist, for whom the dam is named.

More recently, on September 8, I was in the audience when Harry Reasoner addressed the annual meeting of the Sioux City Chamber of Commerce. His analysis of the decline of excellence in American life and his call for a new national commitment in pursuit of excellence on that occasion deserve a much wider hearing than it was possible for them to receive from the capacity audience in Sioux City. I recommend them for most careful consideration to my colleagues in the Congress and to all Americans interested in preserving and strengthening our free society. I, therefore, include the complete text of Mr. Harry Reasoner's speech to the Sioux City Chamber of Commerce at this point in the RECORD:

ADDRESS TO SIOUX CITY CHAMBER OF COMMERCE BY HARRY REASONER, SEPT. 8, 1971

We're all going to celebrate a birthday in five years—that is if we're all still around to celebrate anything. . . .

This country's going to be 200 years old. It doesn't sound very old. Not when you consider the ancient ruins in Greece and the pyramids in Egypt.

There are Europeans living in homes which predate the establishment of this country.

In terms of human history, 200 years is the blink of an eye.

But in terms of the history of nations, 200 years is an all-but-unprecedented

achievement. The United States has the second oldest continuing government in the world.

Under that stable, enduring government, we have gained more prosperity for more people than any other society in history.

And now, with our two hundredth birthday coming up—and I don't mean that personally for any of us—I think it's a good time to take stock, see where we are and maybe set some goals for where we ought to be going.

At superficial first glance, we look pretty good. Our populace is educated, our wealth immense, our cities are prime achievements of modern technology. The skyscrapers, clean and new, rise like glass and steel trees in a man-made forest.

But take a closer look. Many of the trees in that forest are artistic disasters, badly planned, inhuman in scale, sterile, too plain to be called ugly.

And what of the men and women who work in those upended ice cube trays? What of the unspeakable trials they put up with each day to travel to and from those towers? For some, commuting is harder work than working.

That's just one of the incongruities of life in America today.

There are others.

That economy I mentioned is the most efficient, consumer-oriented economy ever devised by man. It has given more people more goods than the 18th Century proponents of the free market would have dreamed possible. But that forward-charging economy has left in its wake a class of abjectly poor, living in hovels which would disgrace an underdeveloped country.

We have organized the resources and talent necessary to put men on the moon—not once, but four times. Yet we can't even get our passenger trains to run—much less to run on time.

And as a solution to that problem, Railpax, the new transportation entity was created by the Federal Government. The first thing it did was change its name to Amtrak. And then it proposed to fix matters by simply eliminating trains.

That's like curing colds by giving the patient pneumonia. It's an admission of defeat.

(Incidentally, my Italy expert tells me the perhaps apocryphal tale about how Mussolini got the trains to run on time. During his regime, Mussolini had the trains leave their station of origination early—before the scheduled departure time. The longer the trip, the more prematurely the departure. This resulted in an impressive on-time record at the final destination. And once passengers got used to showing up thirty or forty minutes before their train was due to leave, the system worked pretty well. I hope Railpax/Amtrak doesn't hear about it).

We have the best-informed mass public of all times, thanks to the technological developments in radio and television and to the speedy distribution methods of mass-circulation newspapers and magazines. Yet we have the news media under attack from two sides—from those who'd rather not hear the truth but tranquilizing distortions instead and from others—including a number within our own profession—who want us to drop our goal of objectivity and deliver tirades instead of facts.

We have worked hard so that our children don't have to wonder where the next tank of gasoline for their cars is coming from—much less having to worry about where the next meal is coming from. And, yet, we have hundreds of thousands—perhaps millions—of our most thoughtful youth alienated, discontented, rejecting the material wealth we've expended our energies to produce for them.

(I'm not so sure they'd be that quick to reject material comfort if they weren't terribly sure that it would remain available, no matter what their attitude. It's one thing to decry the idolatry of the automobile, it's quite another for the family 18-year-old to give up the family car for Saturday night dates.)

Am I painting a grim picture?

Yes, but . . .

I'm not a member of the doomsday crowd. They are that growing number of quite successful magazine and book writers—who live principally in New York City—and who make upwards of six-figure incomes by writing about the wall of doom we're building about the wall of doom we're building around ourselves.

Of course, in New York City, it's a little easier to see imminent doom than it is in some other parts of the country.

We have doomsday ecologists, doomsday urbanologists, doomsday consumerologists and doomsday political scientists. And, of course, there is a corps of doomsday journalists—generalists in this gloomy field who hop from threat to threat in their chronicling of the decline and fall of America.

Professional doomsdayers are a sophisticated lot. They usually choose a date for the ultimate demise of this country (if not the entire world) well beyond their anticipated creative lives. That way they can go on making a living and not predict themselves out of business.

Back in the early days of the Republic, a doomsday sect in Philadelphia made the mistake of picking a date in the foreseeable future for the end of the world. When the day came, the adherents gave all their worldly goods to their skeptical neighbors, donned white robes and mounted a hill to wait for the end.

After a long while, the sky blackened, lightning crackled and a terrific rainstorm began. It was the deluge. The robed doomsdayers were grimly satisfied.

When the rain stopped, the soaked believers had become soaked unbelievers. They wandered off that hill, searching for those neighbors they'd given their worldly goods to.

Well, I don't want to put the people who decry the waste of our environment and the shoddyness of our consumer goods and the tendency toward mendacity in government in the same camp with the unfortunates who endured that world-ending thunderstorm atop a Philadelphia hill so long ago.

We do, after all, have our problems.

But I'm not so sure that the disease is terminal. Certainly there is a lot of medication the patient can take.

The problem is, we're having more than a little trouble—as a people—deciding what the medicine should be. In fact, sometimes we have trouble identifying the illness—although the symptoms are obvious.

Division is nothing new in this country. Not everyone sided with General Washington and the Continental Congress during the Revolution.

The Tories were less than grandly treated when American independence was secured. This dissident element had its lands expropriated and many were forced to flee this newly-founded land of freedom because of their political views.

Since that time we Americans have been a contentious people.

We had the Whiskey Rebellion—one of the few causes some would say was worth fighting for—the violent activities of both slaveholders and abolitionists, the bloody Missouri-Kansas border war, the Civil War draft riots and—of course—that most difficult test of all, the Civil War itself.

That spasm cost 617,000 lives, North and South.

And it did not quell divisiveness in the nation. Emerging from that bloodbath were regional antagonisms which are only now beginning to subside.

The regional divisiveness was augmented by the violent birth of the labor movement, by the populist movement, by the gold-silver-bimetalic debate.

In the early years of this century, and again after the First World War, there was a massive Klu Klux Klan conspiracy which cost hundreds of lives and terrorized entire communities.

There was the radicalism born of the poverty and frustration of the Depression years and the civil rights clashes of the 1950s and 1960s when discriminatory traditions were successfully challenged and a small, sometimes grudging start was made toward granting long-denied rights.

We've been this divisive route before. We've survived, as a nation, strains which destroyed weaker societies and crumbled lesser governments.

There's nothing unusual about division in American life. What is unusual is the set of circumstances under which we face today's divisions.

For one thing, we no longer have a frontier. Once, there was a place a man could go with his wife and family to escape other men. There was a place where divisive ideas wouldn't reach. There was an area in this country where bare survival took so much effort, dissention became an unaffordable luxury. There was a place to go when you used up the resources of the place you were in.

That's gone today.

And not only are we frontierless, but the technology which helped us conquer the frontier—speedy travel and communications—has insured that no dissident movement remains localized any more. While it once took months for a man to travel from coast-to-coast—and years for ideas to make the journey—today a man can breakfast in New York and lunch in Los Angeles and he can transmit his thoughts there even faster—without ever leaving New York.

I don't think we can ease our problems by annexing Canada and calling it our frontier. Nor can we help ourselves by turning our backs on communications technology. The facts of the filled-in frontier and scientific and engineering development are very real. They won't go away and it would be foolish to deny them.

Technology, handled in humane ways, ought to be able to help us.

We've got something else making today's problems more serious than yesterday's numbers—numbers.

We've suddenly become conscious of how many people there are and of the limitations of our resources. There are more of us all the time. And all of us feel we are entitled to everything everyone else has—if not a little more. The pressures of number has made clear the impossibility of the dream of infinite economic growth in a world with quite finite resources.

We are already too many for the sort of life we'd like to live. We can have quantity or quality, not both. And at present the quantity is beginning to squeeze a lot of the quality out of our country.

There are clear signs that our institutions are suffering. And we suffer with them.

The first and foremost agony, I think, is the war. It damages everything connected with it. The government's credibility is lessened, business and industry ethics are questioned, the education establishment is under assault because of it. And perhaps the most serious casualty of the war is the pride of our military services.

I don't think anyone can find an opinion poll taken in the last year which doesn't clearly indicate that the majority of us have had it with the war in Southeast Asia.

Yet we remain there.

Now I am not a member of the group that believes our involvement there started for wholly bad reasons, or that the aims and principles at stake were always hopeless. But they are now. Logic says end it and get on with the problem of healing America. Yet, in defiance of logic, it continues.

How do we get out? Well, I like President Nixon's answer when someone asked how we could possibly extricate our troops. He said, you call the Navy and tell them to have the boats there Tuesday morning.

He went on to amend that quip, but I like the unedited version.

The war has bred a totally depressing political dialogue—or maybe two-sided harangue is more accurate. From the extremes of right and left come a kind of ineffable self-righteousness, a priggishness of ideology which is totally without humor.

It seems to me there is an overdose of solemnity in some of the current discussion. If a man believes in something so much that he can't laugh at it, I immediately dismiss him from serious consideration. There is no great answer to everything. No one has the ultimate truth in a satchel.

I find it sad that the young revolutionaries can spout "racist imperialism" with the same grim determination that a Bircher uses when shouting "fluoridation."

Also depressing are the love revolutionaries. They're almost as offensive as their political brothers. Their grinding emphasis on love is awful. Love, after all, can be talked to death.

I'm reminded of a British film producer working in San Francisco on a story of the early hippie community there. He had had it, he said. If one more hirsuite denizen of Haight-Ashbury came up to him to philosophize, he was going to say, "Love off, Buster."

I share that feeling. Just as the constant discussion of food by gourmets ruins meals for us ordinary gluttons, so this overdiscussion of love kind of kills that appetite, too.

There are enough grotesqueries in American life today without making love grotesque, too.

There are grotesque fashions—for both men and women:

Purses for men. Men's fur coats. These are grotesque. I've often felt tempted to ask men wearing fur coats if they didn't feel their masculinity was under assault. But I've resisted the impulse. I suppose I'm just afraid one of them would hit me with his purse.

Women's fashions are disastrous, too. If the theory is correct that the appearance of a nation's women reflects the strength and buoyancy of that nation, we may be in as much trouble as the doomsdayers think.

Despite the love revolutionaries—or maybe because of them—someone is out to destroy sex. And he's doing pretty well at it. I give it another five thousand years at the most.

We've also got grotesque cities for our grotesquely-dressed men and women to live and work in. The cities just don't seem to work as basic communities. People gathered in them originally for safety and convenience. Neither feature remains.

Our cities aren't the only things that don't work. Have you tried making a telephone call in New York City recently? Or sending a telegram anywhere?

I've got an American automobile—I'll spare the manufacturer by not naming the brand—which is so badly designed that its front wheels go out of alignment every time it hits a bump.

Now they've managed to hide the windshield wipers—those unsightly, but utilitarian pieces of hardware—and the radio antenna. But they can't build a front end. Maybe they need more practice. We've only been building cars in this country for fifty years or so.

You'd think cars would be perfect—or at least excellent—by this time. Just as you'd think the telephones would work a lot better than they did when Don Ameche made that first telephone call to Watson, his assistant, in the movies so long ago.

I won't beat a dead horse—the dead iron horse—of our railroads. Suffice it to say they're unspeakable. And now the airlines are trying to get into the spirit of things and close the gap by treating passengers only slightly worse than freight.

I suppose they don't build cars and run cities and utilities and transportation systems the way they should because the professionals have discovered that there are nicer, cleaner things to do than come to grips with the issues.

As an example, not too long ago an officer in one of the oldest and most successful private agencies dealing with family problems told me: "We're getting out of the direct service game." That means they are no longer going to deal with family problems; they are instead going to go to meetings with other professionals and talk to them about *how* to deal with family problems.

We talk and study, rather than *do*. The trend would be laughable were it not so costly.

Come to think of it, it sometimes *is* laughable. For example, I was told of a two-year study commissioned by some furniture manufacturers who were concerned about the vast amount of breakage in furniture shipment. The experts duly came up with a conclusion: when you handle furniture in shipment, you should be more careful.

And then there was the study conducted by the scientist who tried to determine why so many old men married young women.

It turned out—well, you all know how it turned out.

If our professionals are reluctant to take action, our Congress is absolutely paralyzed by the prospect of doing something—*anything*.

Mark Twain, Will Rogers and—to a decidedly lesser extent—I, have just about exhausted the humor in that situation. As you can see, Congress has been a joke so long it's getting tough for us latter-day comics to get a chuckle out of it.

It's also hard to get a chuckle because I don't think people are listening anymore. Or they're listening and not hearing. Inattentiveness, long a national vice, is becoming a plague.

Take my mail, for example. I got one lengthy letter, addressed to me, care of NBC, discussing a piece that Morley Safer did for "60 Minutes" on CBS. And—from a more attentive viewer—I got a letter criticizing a commentary on our Evening News program. Unfortunately, it wasn't one of my commentaries the viewer took exception to, it was one of Howard K. Smith's.

Now I will do almost anything for Howard, but he doesn't need me to defend his comments. I'm too busy replying to Morley Safer's fans to take time out to do that.

I don't mean that no one is listening—or hearing. One alert viewer wrote me—properly addressed and referring, properly, to something I had said on a certain night. The letter began: "Dear Mr. Reasoner, Your comments last night were up to their usual standard. Stupid and misleading."

I just wish more people paid attention like that.

Perhaps people don't listen anymore because so much of what is said isn't English. It's some new, cheapened language in which words don't mean what they used to and meanings change retroactively to meet situations.

I don't know what to call the new language. But I think it probably got its start in 1949 when the Departments of War and Navy became the Department of Defense—and war stopped being an activity of the federal government.

From that date on the use of euphemism escalated. Escalate, by the way, is one of the great new non-words in the new non-language.

In recent years, an invasion has become an incursion; a deficit budget has become a full employment budget; an air raid has become a protective reaction strike; censorship of the news media has become an embargo and the Post Office became the Postal Service, but it still takes a letter three days to get from one end of Manhattan Island to the other. That, of course, renders worthless the word "service" in Postal Service.

Language pollution isn't restricted to the government, either. The computerization of the English language has left us with such non-words as input and output and turnpike toll tickets which are impossible to read for all the holes punched in them.

In conversational English, a casual survey reveals that the phrase "you know" is inserted every seven words by at least 95 per cent of all Americans under the age of 30.

"You know" is prevalent among, but not exclusive to the young. The only good thing about it is that it has replaced "like."

Three years ago when someone came back from demonstrating in Washington, he told his bewildered father, "It was like a real drag, man." Now he says, "It was quite a, you know, experience. It was very, you know, important." The father remains bewildered.

Bewilderment seems to be sweeping the nation—like a, you know epidemic.

Now I don't want to leave you with a totally bleak picture of America five years before its two hundredth birthday. There are some hopeful signs, too. We ought to note them and encourage them.

Take that Postal Service. There is the promise—and that's all it is at this stage—that the Postal Service will establish next-day delivery for airmail letters between major cities—if they're not too far apart. This will be a major step toward reestablishing some of the high standards of 1935.

And there are our courts which—in recent months—have shown that even the most politically unpopular can still receive a fair trial—despite their courtroom demeanor and the melodramatics of their attorneys.

There are the public servants—unfortunately, I think, a minority—who still interpret their job as serving the public. Somehow, this dedicated band continues to do its job although all around them it sees public and private executives who won't execute and second-class, second-rate work being rewarded with first-class, first-rate money. Somehow the true public servants continue to resist the idea that being first-class is not very fashionable in the United States anymore. May their tribe increase—and soon.

Another encouraging sign: the right of privacy is reasserting itself. This means people are beginning again to treasure their individuality. We are getting tired of being treated as numbers by big government, big business and big bill collectors.

The concern—the very genuine concern—for the environment is another hopeful indication that maybe we're not falling down the deep, bottomless pit of self-destruction after all.

You can tell this is a real concern: like most crises this one can't be solved by discussion. And people *are* taking action. Corporations are doing something. State legislatures are doing something—in my state, Connecticut, phosphate detergents have been banned.

And even Congress is bestirring itself to think about holding hearings to consider planning to do something.

We may not poison ourselves after all. We may somehow find a way out of our own garbage.

Companies have started recycling centers where they pay money for returned bottles and cans. Now the money just isn't enough to motivate the residents of an affluent society to turn in their empties for profit, so the fact that these recycling centers are

jammed is an indication that something other than the profit motive is at work here.

People really care. And they're not only doing something about it personally, they're demanding government do something, too.

There are sure to be some ecology profiteers, but that's okay. If someone can make money cleaning up the environment, it only goes to prove there's a real demand that it *be* cleaned up.

And since not a few fortunes were made befouling the environment, there ought to be some reward for those who help us right the situation.

Our ecology-consciousness started with the young and that brings me to another hopeful sign.

Once you get past the dullards who fancy themselves revolutionaries and once you tune out the rhetoric, you find a pretty nice generation of kids who are concerned with where we're going and why we're going there.

It's encouraging to see them search for new values—even if they're doing it while we support them in the manner to which we've accustomed them.

Maybe we should take a page from the youngsters—all of us. Maybe we ought to seek some new values, ourselves.

If the phrase hadn't been so worked over it's become meaningless, I'd talk about reordering our priorities.

I won't.

Instead, I'll suggest something a little different—a new frontier. A frontier of the mind.

I'm an empiricist. Oversimplified, empiricism means trying to get along in a world we never made and only dimly understand. Perhaps my philosophy can best be summed up as the belief that there are very few causes in the world worth killing anyone for.

We empiricists are always looking for little areas of agreement which permit some small progress.

Empiricists are all the time saying dull things like, "Okay, so you can't end the cold war tomorrow. Is that any reason for not cleaning up the sidewalks?"

Empiricists also don't waste time and energy with recriminations for past lapses—they look to the future.

So let's look to the future and find some sidewalk we can agree to clean up.

How about concentrating on excellence? That car of mine which goes out of alignment every time it hits a bump, that airline that treats people like machine parts and machine parts like people, that post office or service which delivers special delivery mail a day after first-class mail—all of those are evidences of a decline of excellence in American life.

Let's reverse that. Let's pursue excellence. Let's not settle for second best in anything. Let's make excellence our new frontier.

By what I don't necessarily mean excellent things—although if we're going to have things, they should, by all rights, be excellent. I mean excellence in every aspect of our life. Even an excellent Congress—if that's not mutually exclusive.

Certainly the frontier of excellence isn't physical. It's no place to move. It's a frontier of the mind, as I said. But then Middle America isn't a geographical location either—despite the opinion of that Maryland Easterner, the Vice President, who chose *my* home state of Iowa to launch his attack on the wicked Eastern national news media and we wicked, Eastern newsmen. Middle America is a state of the mind. The frontier of excellence can be, too.

We've got five years until our national birthday. If we keep up the pressure, maybe we can have that frontier of excellence filled in by then, just as the western frontier has been filled.

Where do we go after that? I don't really know. But invite me back in 1976 and I'll come up with something.

Thank you.

POLITICAL NEWS MANAGEMENT BY LABOR DEPARTMENT AND NIXON ADMINISTRATION

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

Mr. MOORHEAD. Mr. Speaker, it has been evident, since the current administration assumed office, that it cared more for its public image than the substance of good government.

There are more public relations types in the executive branch now than ever before. There have been continual efforts from downtown to shape and control news emanating from Washington, obviously to make the poor performance by the Nixon administration look better to the American people.

But sugar coating can just do so much to better the taste of arsenic.

I note with outrage, but little surprise, the news today that the White House is replacing Bureau of Labor Statistics personnel with political appointees—whose role will be to try and fool the American public and to put a veneer of hope on the poor showing on the President's fiscal policies.

This substitution of news charlatans for trained economists is another example of the emptiness of the current administration's economic record. If the emperor does not think everyone knows he has no clothes on, the emperor is more foolish than I thought.

The Foreign Operations and Government Information Subcommittee held hearings in April and has prepared a report on the earlier Nixon action regarding the Bureau of Labor Statistics—the administration's decision to discontinue monthly briefings by career experts for the press on employment and unemployment statistics.

The subcommittee's efforts were hampered by the refusal of the Secretary of Labor to appear before the subcommittee—a form of inpertinence that this Congress has been forced to endure—but the record is clear that the first action regarding the press briefings and today's report are no more than crass attempts to manipulate the news. And that the faith of the people in their Government has once more been dashed for political expediency.

This announcement of yesterday now explains clearly why Secretary Hodgson was so unwilling to testify under oath before the subcommittee on this subject, since the plans for the sacking of career BLS experts by the administration would have surely been revealed.

Mr. Speaker, I include the text of the article from this morning's Washington Post at this point in the RECORD:

ANGERED BY JOBLESS REPORTS—NIXON OUSTING LABOR ANALYSTS

The Nixon administration is bringing hand-picked political appointees into the Bureau of Labor Statistics to interpret wage, price and employment data, displacing career technicians who incurred White House displeasure last winter.

It is another chapter in a continuing controversy which the administration claims stems from the technicians being exposed to embarrassing policy questions. Critics charge, on the other hand, that the technicians' analysis of economic trends conflicted with the roseate interpretations put out by White House spokesmen.

A major victim of what the government calls a reorganization—and the critics call a purge—is Peter Henle, chief economist in charge of analysis. He is scheduled to leave BLS for a post with a private research foundation. He has refused to comment on the move.

Also affected is Harold Goldstein, assistant commissioner of labor statistics for manpower and employment. It was understood his job is being split in two with Goldstein assigned to presumably non-controversial long-range analysis.

Goldstein, who used to conduct monthly briefings for the press on employment and unemployment statistics, played a key role in the incident which culminated in the controversial abandonment of these briefings.

Last March, BLS reported that unemployment dropped from 6.0 to 5.8 per cent (it has since risen to 6.1 per cent). But some unfavorable developments—a contraction in the number of jobs and a decline in the average work week—caused Goldstein to call the February picture "sort of mixed."

At practically the same time Secretary of Labor James D. Hodgson was calling the February report, "favorable," "hopeful," and "indeed heartening." It was an open secret that the White House and Hodgson were miffed with Goldstein.

Two weeks later the government dropped its monthly briefings on both the job figures and the consumer price index.

Administration sources explain that the shakeup in BLS, which is slated to take place Nov. 1, is only the result of a long-planned reorganization of government statistical services set forth in a federal publication in July.

Under this, a new Office of Data Analysis will be established in BLS. It will have the responsibility, formerly borne by Goldstein and other top career technicians, for the analysis and interpretation of the consumer price index, employment and jobless figures, productivity statistics and the like.

There have been persistent reports that this job will be filled by an unidentified University of Texas economist recommended for the job by Sen. John G. Tower (R-Tex.).

At the same time there were similar reports that Goldstein's present functions will be taken over by John Myers, an economist for the Conference Board, a research organization supported mainly by business.

But Geoffrey H. Moore denied yesterday that these appointments have been made, although he confirmed that the Bureau is going through a reorganization.

It was made clear that the present data-gathering functions of the bureau will not be affected, only analysis.

Congressional sources said they had been told a number of BLS professionals will receive reductions in grade as a result of the reorganization and some employees are being encouraged to retire. There was one report that an under secretary for statistics would be created in the Labor Department but there was no confirmation.

Advised of the impending BLS shakeup, Chairman William Proxmire (D-Wis.) of the House-Senate Joint Economic Committee, charged that the Nixon administration "would bring in analysts whose conclusions would be subordinated to the political interests of the administration."

Proxmire, who strongly protested abandon-

ment of the briefings and has summoned BLS officials to explain price and unemployment figures before his committee in their absence, said:

"After Nov. 1, when the Bureau of Labor Statistics provides an analysis of the latest economic figures, it will be what the administration wants the public to believe about the figures, not what objective economic experts believe they signify."

In another development yesterday, it was learned the Census Bureau will take what perhaps is the first public opinion poll conducted by the government itself about its own policies.

The poll was ordered by the Cost of Living Council, headed by Treasury Secretary John B. Connally Jr. The questions are designed to determine Americans' knowledge of the details of the 90-day wage-price freeze, how it has affected them, how effective they think it is, and whether they think it is fair.

A copy of the questionnaire for interviewers' use and obtained by The Washington Post also asks a number of personal questions—income, education, employment status and whether the person polled belongs to a labor union.

The latter question brought an explosive reaction from the AFL-CIO.

A federation spokesman, told about the survey, said "we think it's pretty obvious that this is a continuation of a campaign to drive a wedge between the leadership and the membership of labor to prove their (the administration's) ill-founded claim that George Meany is out of step with its membership."

After AFL-CIO President Meany criticized the freeze for alleged inequities, an administration leader suggested he is "out of step" with his members.

On learning of the poll, another labor official said "it strikes me as 1984 and doublethink."

It was reported that the questions will be asked of those making up part of the sample for the quarterly survey on consumer buying intentions conducted by the Census Bureau. The total sample is about 17,000, but since the freeze poll will involve only those about to be dropped from the sample after six surveys to make room for new interviewees, the number is expected to be a bit less than 3,000.—FRANK C. PORTER.

FORCED SCHOOL BUSING AGONY BEGINS IN THE NORTH

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

Mr. BROYHILL of Virginia. Mr. Speaker, in June 1971, the Secretary of Health, Education, and Welfare said that many people in the North would resist application in their communities of desegregation measures which they felt were entirely right for the South. The Secretary proposed large-scale busing of pupils between schools in the North—an activity undoubtedly not wanted by most of the people living there.

Within the last 2 weeks the public press has reported events in Pontiac, Mich., and in Boston, Mass., which have shown the tragic results of attempts to force busing of pupils to achieve racial integration in those cities. The agony over forced school busing has begun in the North. Prompt passage of House Joint Resolution 651, of which I am a sponsor, would initiate action which would prevent the North from experiencing the turmoil which the South is already suffering over this matter.

Mr. Speaker, I insert in the RECORD at this point an article quoting the Secretary of Health, Education, and Welfare concerning the issue:

[Washington Star, June 4, 1971, p. A5.
(Excerpts—emphasis added)]

RICHARDSON LAMBASTS NORTH FOR INTEGRATION "HYPOCRISY"

Elliot L. Richardson, secretary of health, education and welfare, today followed President Nixon's lead in lambasting the North for "hypocrisy" on school desegregation.

Asked whether he agreed with Nixon's charge—made during a recent trip to Alabama—that there is a "hypocritical, double standard" in the North on school desegregation, he said:

"Yes, there is. *There are a lot of people in the North who feel in effect, that the Supreme Court cases, as applied to the South, are entirely right and appropriate, but who would resist the same requirement in their own communities. . . .*

SYMPATHETIC VIEW

"The situation has reached the point in which one can only regard with sympathetic understanding the problems for the South of having already taken steps that achieved more desegregation than the North and having to go farther."

Richardson's point was not that desegregation should be slowed down in the South but that more needs to be done in the North.

He said that "on the face of it," the only way to achieve substantial desegregation where there are large concentrations of blacks in Northern urban areas is with "large-scale busing of pupils between schools."

He pointed out that the South is being required under recent Supreme Court decisions to go to busing, non-contiguous zoning and school pairings to achieve more desegregation.

He said the courts have been able to do this because the South has had segregation by law and the courts have had a basis for requiring it to change.

HOUSING PATTERNS

"You don't have that basis for exercise of power in the North," Richardson said, because the segregation there has been the result of housing patterns rather than official policy.

He said it has been much harder for HEW to make a case of deliberate segregation against school districts in the North because you "have to prove it." On the other hand, it has been accepted by the courts that in the South segregation has been officially approved.

He said he doesn't know what the courts will do about bringing the de facto segregation of the North into the same arena as de jure segregation of the South, but he added:

"I don't think that forever we can or should accept the widespread situation where there is a grouping by race."

Asked whether he agreed with Nixon's statement that he looked with "utter contempt" on those who push desegregation in the South but resist it in the North, Richardson said: "Yes, I know a lot of people of whom this could be said."

THE MANSFIELD AMENDMENT: APPROPRIATE BIRTHDAY GREETINGS TO A POW

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

Mr. MELCHER. Mr. Speaker, today is the birthday of Lt. Comdr. Rodney Knutson whose home is in Billings, Mont., but who has been a prisoner of war in Hanoi since October 17, 1965. Lieutenant Commander Knutson is 32 years old today, and 6 of those 32 years have been spent as a prisoner of war.

He probably has little chance to celebrate his birthday today, but I think it is appropriate that we here in the House of Representatives take note of this occasion and send him our word that Americans have not forgotten him, or the rest of the prisoners of war, or the Americans missing in action in Southeast Asia.

The best birthday greetings we could send Lieutenant Commander Knutson that will be beneficial to him and his comrades is the adoption of the Mansfield amendment to withdraw from Vietnam conditioned on the release of American prisoners of war.

Lieutenant Commander Knutson is a navigator. On a bombing mission on that day in 1965 when his aircraft was shot down and he and the pilot parachuted to safety on the ground, very few of us anticipated that in 1971, almost 6 years later, our country still would be floundering to find an end to the war and the compassionate release of prisoners held by Hanoi.

The Mansfield amendment addresses itself to our responsibilities to these men such as Rodney Knutson, who have been identified by Hanoi as prisoners, and to the missing in action. Contingent on their release, the resolution sets a time for our withdrawal from the war.

Lieutenant Commander Knutson cannot be aware of my birthday greetings to him today, but I encourage my colleagues in the House to examine the Mansfield amendment and to support it so the day may come quickly when all the prisoners held by the enemy in Southeast Asia will be freed.

THE COMPREHENSIVE CHILD DEVELOPMENT ACT

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

Mr. BRADEMAS. Mr. Speaker, today I introduce, on behalf of myself, as chairman of the Select Education Subcommittee of the Committee on Education and Labor, and the distinguished ranking minority member of the subcommittee, the gentleman from New York (Mr. REID), a bill to establish and expand comprehensive child development programs in order to make comprehensive services available to all children.

The bill I today introduce is identical to a bill ordered reported to the House by the Committee on Education and Labor on September 23.

Following these remarks, the bill, together with some material explaining it, will be printed in the RECORD.

Mr. Speaker, I take this action as a way of advising Members that I plan to offer the exact text of this bill as an amendment to title VB of the Economic Opportunity Act when H.R. 10351 is read

for amendment tomorrow under the 5-minute rule.

I should note, Mr. Speaker, that the Senate has already passed its version of the Economic Opportunity Act amendments and that the Senate version of the bill contains a comprehensive child development title. The action I propose to take tomorrow, therefore, would enable a House version of the comprehensive child development bill to be considered in any conference.

H.R. 10952

A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare

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 "Comprehensive Child Development Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

SEC. 101. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

CHILD DEVELOPMENT PROGRAMS

SEC. 102. Funds appropriated under section 108 may be used (in accordance with approved applications) for the following activities:

(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

(b) establishing, maintaining, and operating child development programs, which may include activities such as—

(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

(2) food and nutritional services (including family consultation);

(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home;

(5) a program of daily activities designed to develop fully each child's potential;

(6) other specially designed health, social, and educational programs (including after-school, summer, weekend, vacation, and overnight programs);

(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

(9) preservice and inservice education and other training for professional and paraprofessional personnel;

(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

(11) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children; and

(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

(c) staff and administrative expenses of local policy councils and child development councils.

PRIME SPONSORS

SEC. 103. (a) The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section:

(1) any State; or

(2) any unit of general local government—

(A) which is a city with a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government with a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city; or

(3) any combination of units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary which proposes to operate programs authorized by this Act through contract with public or private nonprofit agencies or organizations including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of Indians, employers of working mothers and local public and private educational agencies and institutions, serving or applying to serve children in a community or neighborhood or other area possessing a commonality of interest; or

(4) an Indian tribal organization; or

(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within one hundred and twenty days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 104 within two hundred and forty days of said implementation during the first fiscal year in which this title is funded or earlier than ninety days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (8) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title, (B) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families, or (C) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, preschool-age children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection.

(b) In the event that a State, a city, a unit of general local government, a county or other unit of general local government, any combinations thereof, or an Indian tribal organization have not submitted a plan under section 104 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 103 or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served, the Secretary may directly fund programs, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

(c) Any State, unit or combination of units of general local government or Indian tribal organization that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served shall provide for—

(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 104. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 105 designed to fulfill that plan, and is authorized to approve applications for funding by the Child Development Council.

(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, Indian tribal organization, or any local educational agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965 of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 104, for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title: Provided, That such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

(d) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a)(5) in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a)(5);

(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

(e)(1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a city or an Indian tribal organization which is eligible under paragraph (2) or (4) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall approve the application of the city or the Indian tribal organization.

(2) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a unit of general local government which is a county or combinations of units of local government which is eligible under paragraph (2)(B), or (3), of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the State or unit of general government which he determines will most effectively carry out the purpose of this title.

(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

(4) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

(5) When a unit (or combination of units) of a general local government has maintained a pattern of exclusion of minorities or insensitivity to the needs of economically disadvantaged citizens, or when substantial objections are raised by representatives of minorities or the economically disadvantaged to the application of such units (or combination of units) for prime sponsorship, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged people.

(f) The Governor or appropriate State agency shall be given sixty days to review applications for designation filed by other than the State, offer recommendations to the applicants, and submit comments to the Secretary.

(g) Except as provided in subsection (c), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

(2) sixty days in which to submit corrective amendments to such application or undertake other necessary corrective action; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(h)(1) If any party is dissatisfied with the Secretary's final action under subsection (g) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, within sixty days after notice of such action, file with the United States Court of Appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

COMPREHENSIVE CHILD DEVELOPMENT PLANS

SEC. 104. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 103(c) only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

(2) meets the needs of children in the prime sponsorship area, to the extent appropriate and feasible, including (A) priority programs for pre-school children 5 years of age and under, (B) before and after school programs, and (C) infant care programs as well as insuring the availability of child care services for the children of single parents or working mothers who must work or attend school or other employment related training or educational activities on night shifts of night sessions;

(3) gives priority to providing child development programs and services to economically disadvantaged children by reserving for such children from such funds as are received under section 109 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by reserving no less than 65 per centum of the remainder of its allotment under section 109 for child development programs and services for those children of families having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor;

(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

(6) provides that (A) no charge for services provided under a child development program assisted under the plan will be made with respect to any child whose family has an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor, except to the extent that payment will be made by a third party (including a Government agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to any child who does not qualify under (A) in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a Government agency) is authorized or required to make payments for such services;

(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education of or other services to handicapped children, will make such services available, where appropriate, to programs approved under the plan;

(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home;

(11) provides equitably for the child development needs of children from each minority group residing within the area served;

(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

(14) provides for direct parent participation in the conduct, overall direction and evaluation of programs;

(15) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

(16) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(17) provides that, to the extent appropriate, programs will include participation by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

(18) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

(19) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

(20) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary schoolchildren, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222 (a) (2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

(21) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area appropriate, and particularly for such coordination when appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(22) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

(23) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

(24) provides assurance satisfactory to the Secretary that the non-Federal share requirements will be met;

(25) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

(26) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation;

(27) provides that consideration will be given to project applications submitted by public, private, nonprofit, and profitmaking organizations with emphasis given to ongoing programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title; and

(28) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them;

(29) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one percentum of the cost of the project).

(c) No comprehensive child development plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) any educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportunity to submit comments to the prime sponsor and the Secretary;

(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian tribal organization, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 105. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 103 (c) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employee and labor-management organization, which submits an application meeting the requirements of subsection (b).

(b) A project application submitted for approval under this section shall—

(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

(3) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(4) provide assurance that any person employed on such project, except for volunteers participating under section 104(a)(17), shall be paid no less than the prevailing rate of pay for such employees in the area in which the project is to be carried out, *Provided that*, in no case shall such employee be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206);

(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 104.

(c) The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding. Further, the Local Policy Council may appeal to the Secretary any action or decision by the Child Development Council which the Local Policy Council feels does not meet the intent of this Act.

(d)(1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 103(a)(5), which submits a project application meeting the requirements of subsection (b).

(2) Such financial assistance may be provided from the funds alloted under section 109 to the prime sponsorship area in which the section 103(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 103(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 109(a)(1).

(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

SEC. 106. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

(f) in the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than one per centum of the cost of the project).

PAYMENTS

SEC. 107. (a)(1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons.

(2) The Secretary shall pay to each prime sponsor approved under section 103(a)(5)(B) 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

(3) The Secretary shall pay to each prime sponsor approved under section 103(a)(4) 100 per centum of the costs of providing child development programs for children on federally recognized Indian tribal organizations.

(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 104(a)(6) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 104(a)(3);

(c) If, in any fiscal year, a prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title.

ALLOTMENTS AMONG PRIME SPONSORS

SEC. 109. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

(1) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors under section 103(a)(5)(B);

(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children who are members of Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian tribal organizations for programs serving such organizations so that the amount apportioned to each such organization bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children who are members of such organization bears to the total number of children residing who are members of all such organizations;

(3) a sum, not in excess of 5 per centum thereof, for use by him, for purposes of this Act; and

(4) a sum, not less than 7 per centum thereof, for use by him, to guarantee special services to handicapped children pursuant to the purposes of this Act.

(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required in subsection (a) among the States in the following manner:

(1) 50 per centum thereof so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

(2) 25 percentum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2).

(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State.

(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under

subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallotted among the States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallotted to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

(h) If the allotment to any State under subsection (b) for any fiscal year ending before June 30, 1973, is less than the amount received by it, and by public and private agencies in the State, during the fiscal year 1971 under the Economic Opportunity Act of 1964 (other than section 221 thereof), and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then there shall be allotted to each such State from sums appropriated to carry out this subsection (and such appropriations are hereby authorized) the amount by which its allotment under subsection (a) from such appropriations is less than such amount so received in such fiscal year.

OFFICE OF CHILD DEVELOPMENT

SEC. 110. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

SEC. 111. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance, to be known as the Federal Standards for Child Development Services.

(b) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 112. (a) The Secretary shall within sixty days after enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 111.

(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance or in which programs receiving Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

SEC. 113. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State, unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

REPEAL, CONSOLIDATION, AND COORDINATION

SEC. 114. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this Act, the following statutes are amended, effective July 1, 1973:

(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children, but not operation of child development programs for children."

(4) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children."

(5) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children."

(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a)(2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

(c) The day care and other child development services furnished or required as a part of the Social Security Act shall be day care services made available under this title. The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that suitable child development programs under this Act are available for children receiving aid or services under State plans approved under the Social Security Act to the extent that such programs are required for the administration of such plans and the achievement of their objectives, and that there is effective coordination between the child development programs under this Act and the programs of aid and services under such Act.

(d)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child development facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child development facilities",

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child development facilities,", and

(C) by inserting after "public health purposes" in the second sentence the following: ", or for the operation of child development facilities,".

(3) Section 203(j) of such Act is amended by adding at the end thereof the following new pragraph:

"(8) The term 'child development facility'

has the meaning given in section 201(b)(1) of the Comprehensive Child Development Act."

TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

SEC. 201. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for child care and child development programs.

(b) For the purpose of this section—

(1) The term "child development facility" means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

(2) The terms "mortgage", "mortgagor", "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretray finds necessary to meet the mortgage market.

(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 112 of this Act.

(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

(6) that in the plans for such child development facility due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one per centum of the cost of the project).

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(h)(1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

SEC. 301. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence. "There is additionally authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of $20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.".

SEC. 302. Section 205(b)(3) of the National Defense Education Act is amended as follows, by adding after the word "nonprofit" the phrase "child development program," by striking out "and (C)" and inserting in lieu thereof the following: "(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)".

SEC. 303. The Secretary of Health, Education, and Welfare is authorized to provide directly or through grant, contract or other arrangement for the training of personnel employed, preparing for employment or volunteering for work in a program funded under the Act.

SEC. 304. There is authorized to be appropriated for the purposes of section 303 the sum of $5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

SEC. 401. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

(A) provides that the child development program shall be administered under the direction of the agency commission;

(B) provides that the program will meet the Federal interagency standards for child development;

(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management, staffing, and facilities for such program.

(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

SEC. 402. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, union and employer contributions.

(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

SEC. 403. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of $5,000,000.

TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

EVALUATION

SEC. 501. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development which shall include—

(1) enumeration and description of all Federal activities which affect child development;

(2) analysis of expenditures of Federal funds for such activities;

(3) determination of effectiveness and results of such expenditures and activities; and

(4) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

(c) The Secretary may enter into contracts with public or private nonprofit or profit agencies, organizations, or individuals to carry out the provisions of this section.

SEC. 502. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

SEC. 503. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

TECHNICAL ASSISTANCE

SEC. 504. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 103.

(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for expenses relating to development, submission, and planning for implementation of child development plans and project applications.

(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

SEC. 505. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

DECLARATION AND PURPOSE

SEC. 601. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

NATIONAL CENTER FOR CHILD DEVELOPMENT

SEC. 602. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the "Center").

(b) The activities of the Center shall include—

(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

(2) evaluation of research findings and the development of these findings into effective products for application;

(3) dissemination of research and development efforts into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

(4) production of informational systems and other resources necessary to support the activities of the Center; and

(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

GENERAL AUTHORITY OF THE CENTER

SEC. 603. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this title;

(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination, or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

(d) to acquire by purchase, lease, loan, or gift, and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 501;

(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ANNUAL REPORT

SEC. 604. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during Supplemental or dissenting views and recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

COORDINATION OF RESEARCH

SEC. 605. (a) Funds available to any department or agency of the Government for the purposes stated in section 501 or the activities stated in section 502(b) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 501.

AUTHORIZATION OF APPROPRIATIONS

SEC. 606. There are authorized to be appropriated such sums each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

TITLE VII—GENERAL PROVISIONS

ADVANCE FUNDING

SEC. 701. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

PUBLIC INFORMATION

SEC. 702. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 703. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

SEC. 704. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

SEC. 705. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

SEC. 706. The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

DEFINITIONS

SEC. 707. As used in this Act—

(a) "child development programs" means those programs which provide the educational, nutritional, social, health, and physical services neeed for children to attain their full potential; nothing in this or any other provision of this Act shall be deemed to authorize or require medical or psychological examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others;

(b) "children" means children through age 14;

(c) "economically disadvantaged children" means children of families having an annual income below the cost of family consumption of the lower living standard budget as determined by the Bureau of Labor Statistics of the Department of Labor or who are recipients of Federal or State public assistance;

(d) "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(e) "program" means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided:

(f) "parent" means any person who has day-to-day responsibility for a child or children;

(g) "single parent" means any person who has sole day-to-day parental responsibility for a child or children;

(h) "working mother" means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

(i) "minority group" includes persons who are Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term "Spanish-surnamed American" includes any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

(j) "bilingual" includes persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term "bilingual family" means a family in which one or both parents are bilingual;

(k) "Secretary" means the Secretary of Health, Education, and Welfare; and

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

THE COMPREHENSIVE CHILD DEVELOPMENT ACT

QUESTIONS AND ANSWERS TO COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

Question. What are child development programs?

Answer. Child development programs are those services which provide for the physical, emotional, social and cognitive development of children. They may be full day, half day, after school, weekend, overnight or hourly programs; they may be provided in centers, such as day care or Head Start, in schools or in homes. Child development programs may be designed to work directly with the child or through his parents; they may include services for youth and prospective parents to teach them the fundamentals of child development.

Question. What may be funded as part of Child Development programs?

Answer. A variety of services may be funded as part of the child development program, including day care services, preschool services, special services designed to improve the home environments of children and to involve the family in the child's development, special services designed to identify physical, mental and emotional barriers to full participation in child development programs, and services to meet the special needs of handicapped children. Funds may be used to carry out a program of daily activities, to provide food and nutritional services, including family consultation, to provide social services, to provide medical, psychological, educational and other appropriate diagnostic services, and services to ameliorate handicaps. Funds may also be used to plan and develop programs, to establish and to maintain them. Funds may be used for rental, remodeling and renovation, alteration, or construction of necessary facilities and the acquisition of equipment and supplies.

Question. What Federal agency will have responsibility for administering the Child Development Program?

Answer. The Office of Child Development, within the Department of Health, Education and Welfare will be the principal agency for administering the child development program. Responsibilities include the approval of child development plans, and the coordination of programs and other activities relating to child development.

Question. Are services expected to meet Federal standards?

Answer. All services provided are expected to meet a set of program standards which shall be applicable to all programs providing child development services with Federal assistance. These shall be known as the Federal Standards for Child Development Services.

Question. Who is eligible to receive child development services?

Answer. Child development services may be provided for all (0–14) children needing and benefitting from such services. Particular emphasis is given to the provision of special services for handicapped children, Indian and bilingual children, children in migrant families and children in economically disadvantaged families.

Question. Are families required to pay for child development services?

Answer. No charge for child development program services will be made with respect to any child whose family's income is below the poverty level or for families whose annual income is below the lower budget for a four person urban family (presently $6,960); charges will be made with respect to a child whose family's income is above the above levels only in accordance with the parent's ability to pay a fee as determined by a fee schedule established by the Secretary. Any third party, including a government agency, which is authorized or required to pay for services for a child, will be charged.

Question. Who may receive funds to operate child development programs?

Answer. Applications for funds to operate child development programs may be submitted by any public or private nonprofit or profit organization or group. Applications are to be made to the agency designated to develop and implement the child development plan.

Question. What proportion of the total costs will the Federal government pay?

Answer. The Federal Government will pay to each State an amount not to exceed 80% of the cost of providing child development

services (except when the Secretary deems it necessary to waive such matching).

Question. How may the non-Federal share be provided and what form may it take?

Answer. The non-Federal share of costs of programs under this title may be provided through public or private funds and may be in the form of goods, services, or facilities, or from union or employer contributions. If, in any fiscal year, a program provides non-Federal contributions exceeding its requirements such excess may be applied toward meeting the requirements for such contribution of other such programs for the same fiscal year.

Question. Will any State receive less Federal funds for child development services?

Answer. Each State is guaranteed an allocation at least equal to the aggregate amount received by it, and by public and private agencies in the State, during the fiscal year 1972 under the Economic Opportunity Act (Headstart) and Title IV of the Social Security Act for child development services.

Question. How are State allotments determined?

Answer. After deducting no greater than 5% of the total appropriation for use of the Secretary, a proportionate amount for Indians and Migrants as they relate to other disadvantaged groups, and at least 7% for handicapped services, of the remaining funds: 50% will be allocated to States on the basis of the proportionate number of families in poverty in the State to all States; 25% will be allocated on the basis of the number of children with working mothers in the State as compared to all States; 25% will be allocated on the basis of the proportionate number of children under age 6 in the State to all States.

Question. What is the relationship of the Child Development bill to Head Start?

Answer. 1. Head Start allows 10% non-disadvantaged to participate in its program. The Child Development bill extends services to all children but with a priority to the disadvantaged.

2. The Head Start program allows children of parents whose income is less than the poverty level ($3,900) to participate in the program without charge. All others must pay, including the near poor.

The Child Development bill would allow children whose families have an annual income below Lower Budget for a four persons urban family established by the Department of Labor (presently $6,960) or less to participate free. All other children would be required to pay a fee based upon a fee schedule established by the Secretary and upon the ability of the parents to pay.

3. The Child Development bill encourages a socio-economic mix. The socio-economic mix is not a requirement of the Head Start program.

National Center for Child Development and Education

Question. What is the purpose of this Center?

Answer. It is the purpose fo this Center to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes, to develop effective programs and research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

Question. Is the Center responsible for reporting on its activities to the Congress?

Answer. The Center shall make an annual report to Congress, summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the Center and the grants, contracts, or other arrangements entered into during the preceding year, and make recommendations as it may deem appropriate. Supplemented or dissenting views and recommendations, if any, shall be included in this report.

Question. What funds are available to the Center for coordination of research?

Answer. Funds available to any department or agencies of the government for research related to the purposes of the Center shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds are provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

Question. What other provisions are made for research?

Answer. The Secretary of Health, Education, and Welfare shall integrate and coordinate all child development research, training and development efforts including those conducted by the Office of Child Development and by other agencies, organizations and individuals.

A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction.

Question. Why have you not conducted enough hearings on the child development bill. In particular, why have you not included mothers and Head Start mothers?

Answer. On the contrary, the Select Subcommittee on Education has conducted the most extensive child development hearings ever of either House of Congress. During the last Congress we held 17 days of hearings in Washington and around the country. In that time, we heard from many experts and authorities in the field which also included mothers and Head Start mothers. The conclusion of hearings this year on the child development bill added an additional 3 days. The subcommittee has visited research laboratories, day care centers and homes where child development programs were taking place. It is very hard, therefore, to understand the criticism made.

Question. Why weren't the hearings more representative of the population to be served?

Answer. Individuals who testified:

Akers, Milton, executive director, the National Association for Education of Young Children.

Auerback, Mrs. Stevanne, Professional Assistant for Urban Education to the Assistant Secretary/Commissioner of Education, HEW (accompanied by: Mrs. Ellen C. Fagins, Mrs. Pauline Adams, and Art Bessener).

Ballard, John H., executive director of Welfare Council of Metropolitan Chicago.

Bettelheim, Dr. Bruno, early childhood specialist, University of Chicago.

Breathitt, Hon. Edward T., president, American Child Centers, Inc., Nashville, Tenn., accompanied by panel.

Bronfenbrenner, Dr. Urie, professor of psychology and human development, Cornell University.

Bruner, Dr. Jerome, professor of psychology, Center for Cognitive Studies, Harvard University.

Caldwell, Dr. Bettye, director, Center for Early Development and Education, Little Rock, Ark.

Carmichael, Mrs. Oliver C., Jr., chairman, Community Planning Division, United Community Services of St. Joseph County.

Chisholm, Hon. Shirley, a Representative in Congress from the State of New York.

Coleman, James, professor of social relations, Johns Hopkins University.

Cooke, Dr. Robert, professor of pediatrics, Gibbon Foundation, and Mr. William Cohen, and Mr. Arnold Osborn.

Cooney, John Ganz, executive director, accompanied by: Dr. Edward Palmer.

DeHon, LaVaughn, director, Headstart program, Vincennes, Ind.; Mary Lee Jones, director Headstart program, York, Pa., Mary Frances Copeland, president, New Jersey Federation of Headstart Parents, Newark, N.J.; and Jean Dever, Headstart parent, Boston, Mass.

Breathitt, Edward T., president, American Child Centers, Ind., statement of.

Caldwell, Dr. Bettye, director, Center for Early Development and Education, Little Rock, Ark., essay entitled, "The Rationale for Early Intervention".

Carmichael, Mrs. Oliver C., Jr., chairman, Community Planning Division, United Community Services of St. Joseph County, prepared statement of.

Cooke, Dr. Robert E., Given Foundation, professor of pediatrics, Johns Hopkins University of Medicine, statement of.

Cooper, Miss Margaret L., University of Kansas, Lawrence, Kans.: Narrative account of the film "A Shoe Is To Tie", prepared statement of.

Dubnoff, Mrs. Belle, director, Dubnoff School for Educational Therapy, North Hollywood, Calif., statement by.

Egbert, Dr. Robert L., director, Follow Through Program, and Dr. Richard Snyder, chief, Planning, Research, and Evaluation Section, Follow Through Program, statement of.

English, W. E., manager, Equal Opportunity Planning Control Data Corp., statement of.

Feldman, Lawrence C., executive director, Day Care and Child Development Council of America, Inc., statement by.

Finley, Murray H., vice president and manager, Chicago Joint Board, Amalgamated Clothing Workers of America, AFL–CIO, prepared testimony of.

Fischer, George D., president, National Education Association, statement of.

Fishman, Dr. Jacob R., professor of psychiatry, Howard Universtity College of Medicine, president, National Institute for New Careers: Biography of. Statement of. Friedman, Richard E., executive director of the Better Government Association, prepared statement of.

Gallagher, Dr. James, Deputy Assistant Secretary/Commissioner for Planning, Research, and Evaluation, HEW, statement by.

Geer, William C., executive secretary, the Council for Exceptional Children, Arlington, Va., statement of.

Ginsberg, Mrs. Leon M., specialist in early childhood education:

"Some Unmet Needs Related to the Education and Care of Young Children," an article entitled.

Statement of.

"Why Day Care," an article entitled.

Goldberg, Ned, field consultant, National Federation of Settlements and Neighborhood Centers: Appendix A.—Task Force on Day Care. Appendix A–1.—New Programs of Day Care. Appendix B.—Resolution. Appendix C.—Current Membership. Appendix D.—Status of Reading Skills in the Philadelphia Schools.

Statement of.

Gordon, Ira J., director, Institute for Development of Human Resources, College of Education, University of Florida, statement of.

Gray, Susan W., director, DARCEE, letter to

Chairman Brademas, dated December 11, 1969.

Grosett, Mrs. Marjorie, director, New York Day Care Council: Biography of.

Statement of.

Hansen, Hon. Orval, a Representative in Congress from the State of Idaho, statement of.

Jacobs, Hon. Andrew, a Representative in Congress from the State of Indiana, "A Miracle Overlooked," transcript of film entitled.

Jones, Mrs. Cynthia C., first vice president, Parent Cooperative Preschools International, and president, Maryland Council of Parent Participation Nursery Schools, Inc., statement of.

Martin, John B., Commissioner, Administration on Aging, Social and Rehabilitation Service, HEW.

Megel, Carl J., director of legislation, American Federation of Teachers.

Messick, Samuel, Educational Testing Service, Princeton, N.J.

Mikva, Hon. Abner, a Representative in Congress from the State of Illinois.

Miller, Dr. James O., director, National Laboratory of Early Childhood Education, University of Illinois, Dr. Sue Gray, Miss Margaret Cooper, and Mrs. Roland Hurst.

Naisbitt, John, president, Urban Research Corp.

Neutra, Dr. R. J., Los Angeles, Calif.

Ney, Richard, vice president and member of the Management Committee of Universal Education Corp.

Nocella, Sam, international vice president, Amalgamated Clothing Workers of America, and manager of the Baltimore Regional Joint Board.

Panel on Various Structures of Early-Childhood Programs: Private enterprise contractor, Richard Ney, vice president, Universal Education Corp.; parent-run cooperative, Mrs. Dorothy Pittman, director, West 80th Street Cooperative Day Care Center; "Linked" programs with early elementary grades, Dr. Bettye Caldwell, Center for Early Development and Education, Little Rock, Ark.; Parent Vouchers, Dr. James Coleman, Johns Hopkins University; and "Mini" programs in children's homes, Sister Mary James, community teacher program, Rochester, N.Y.

Pittman, Mrs. Dorothy, director, West 80th Street Cooperative Day Care Center.

Rambusch, Nancy McCormick, founder of American Montessori Society.

Riessman, Frank, director, New Careers Development Center, New York University.

Robinson, Dr. Wade, director, Central Midwestern Regional Educational Laboratories, St. Ann, Mo., accompanied by Miss Lois Blackwell and Mrs. Barbara Tyler.

Ryan, Mrs. Edward, national PTA chairman for legislation, National Congress of Parents & Teachers.

Samuel, Howard, Amalgamated Clothing Workers of America, accompanied by panel.

Scott, Mrs. Pertina, a working mother.

Sealey, Leonard, Great Britain, well-known early childhood expert.

Shedd, Dr. Mark, and Milton Goldberg, Philadelphia public schools; Washington Butler and Ned Goldberg, a panel consisting of.

Sugarman, Jule, Acting Director, Office of Child Development and Children's Bureau, HEW, accompanied by Sam Granato.

Thomas, Edna, president, Newark Day Care Council.

Tuteur, Mrs. Muriel, director, Amalgamated Clothing Workers Day Care and Health Care Center.

Wagner, Marsden G., M.D., chairman, Committee on Early Child Care of the American Health Association.

Ward, Tony, former director, East Harlem block schools.

White, Sheldon, professor of educational psychology, Harvard University.

Winston, Sam, director, Hansel Center, South Bend, Ind.

Prepared statements, letters, supplemental material, etc.: Akers, Milton E., executive director, National Association for the Education of Young Children, biography of. Auerbach, Mrs. Stevanne, professional assistant to Dr. William Green, Special Assistant for Urban Education to the Assistant Secretary/Commissioner of Education, HEW: Recommendations. The need for day care for Federal employees in the Washington metropolitan area. Ballard, John H., executive director of Welfare Council of Metropolitan Chicago, prepared statement by.

Dubnoff, Mrs. Belle, director, Dubnoff School for Educational Therapy, North Hollywood, Calif.; and Gary Kornfein, project director, Project ME, Dubnoff School.

Dubrow, Evelyn, legislative representative, International Ladies' Garment Workers' Union.

Egbert, Robert L., director, Follow Through program, and Richard Snyder, Chief, Planning, Research, and Evaluation Section, Follow Through program.

English, William, Equal Opportunity Planning Control Data Corp.; Mrs. Kate Bulls Lafayette, director, KLH Day Care Center, Cambridge, Mass., and Mrs. Raymond Williams, mother, from the KLH Day Care Development Center, Cambridge, Mass.

Feldman, Larry, director, Day Care & Child Development Council of America.

Fishman, Jacob R., M.D., professor of psychiatry, Howard University College of Medicine, and president, National Institute for New Careers, University Research Corp., accompanied by Paula Parks.

Friedman, Richard E., executive director of the Better Government Association.

Gallagher, Dr. James, Deputy Assistant Secretary/Commissioner for Planning, Research, and Evaluation, Office of Education.

Geer, Dr. William C., executive secretary, the Council for Exceptional Children; Dr. Freeman McConnell, director of the Bill Wilkerson Hearing & Speech Center; and Frederick J. Weintraub, assistant executive secretary, Council for Exceptional Children.

Gibbons, Hon. Sam, a representative in Congress from the State of Florida.

Ginsberg, Mrs. Leon, president, National Committee for the Day Care of Children.

Gordon, Helen, child coordinator, Portland Metropolitan Steering Committee.

Gordon, Dr. Ira, Institute of Human Resources, University of Florida.

Grossett, Mrs. Marjorie, director, New York Day Care Council.

Hallsted, Harry, Baltimore, Md.; William Cohen, Wheaton, Md.; and Fred Kendall, Silver Spring, Md.

Jacobs, Hon. Andrew, a Representative in Congress from the State of Indiana.

James, Sister Mary, community teacher program, Rochester, N.Y.

Johnson, Dr. Amos, trustee of the Family Health Foundation of America and the University of North Carolina.

Johnson, C. Kenneth, day care specialist, Pennsylvania Department of Welfare.

Jones, Mrs. Roger H., vice president, Parent Cooperative Preschools International.

Keliher, Dr. Alice V., teacher, author, adviser to Head Start Parent-Child Centers and the Office of Education.

Kirk, Mrs. John G., president, Day Care Council of Westchester, Inc., accompanied by Dr. Raverra, dean, Manhattanville College, and Mrs. Singletary.

Koch, Hon. Edward, a Representative in Congress from the State of New York.

Koontz, Elizabeth Duncan, director, Women's Bureau, U.S. Department of Labor.

LaMendola, Clark, director, Community Planning Division, United Community Services.

Little, Mrs. Dorothy.

Lourie, Dr. Reginald, president, Joint Committee on Mental Health of Children.

Lumley, John M., assistant executive secretary, legislation and Federal relations, National Education Association (accompanied by: Mrs. Mary Condon Gereau, legislative consultant, National Education Association).

Martin, Edwin W., Jr., Acting Associate Commissioner, Bureau of Education for the Handicapped, Office of Education, Department of Health, Education, and Welfare accompanied by panel.

Johnson, Dr. Amos, trustee of the Family Health Foundation of America, and of the University of North Carolina: "Child Health Services Committee. Medical Assistance Advisory Council: Summary." an article entitled. Statement of.

Keliher, Dr. Alice V., biography of.

Kirk, Mrs. John G., president, Day Care Council of Westchester, Inc.: "Major Issues, Problems and Challenges Facing Preschool Education and Day Care," an article entitled. Statement of. Supplement to testimony.

Koch, Hon. Edward I., a Representative in Congress from the State of New York, statement of.

La Fayette, Mrs. Kate Bulls, executive director, KLH Child Development Center, Inc., statement by.

Lumley, John M., assistant executive secretary for legislation and Federal relations, National Education Association, letter to Congresswoman Mink, dated March 4, 1970, enclosing excerpt from the Federal Register.

Martin, Edward W., Jr., Acting Associate Commissioner. Bureau of Education for the Handicapped. Office of Education, HEW: "Selected Data From Project Proposals," a report entitled. Statement of.

Martin, John B., Commissioner, Administration on Aging, statement of.

Megel, Carl J., director of legislation, American Federation of Teachers, statement by.

Mikva, Hon. Abner J., a Representative in Congress from the State of Illinois, statement of.

Miller, Dr. James O., director, National Laboratory on Early Childhood Education, University of Illinois, statement of.

Mink, Hon. Patsy T., a Representative in Congress from the State of Hawaii, statement of.

Neutra, Dr. Richard and Dion, Los Angeles, Calif., prepared testimony of.

Naisbitt, John, president, Urban Research Corp., prepared statement of.

Piers, Dr. Maria, and Mrs. Loraine Walack, codirectors, Erickson Institute, prepared statement of.

Rambusch, Mrs. Nancy McCormack, founder, American Montessori Society, views on preschool education and day care.

Riessman, Dr. Frank, professor of educational sociology and director, New Careers Development Center, New York University, statement of.

Robinson, Dr. Wade, director, Central Midwestern Regional Educational Laboratory, Inc., St. Ann, Mo., prepared statement of.

Shedd, Mark R., superintendent of schools, School District of Philadelphia: Personal data. "Some Major Issues in Preschool Education and Day Care," an article entitled. Statement of.

Sugarman, Jule M., Acting Director, Office of Child Development: Statement of. Statistics of public kindergartens (table).

Ulrich, Dr. Roger E., research professor, Department of Psychology, Western Michigan University, and Marshall Wolfe, statement by.

Ward, Tony, former director, East Harlem block schools: Prepared testimony of. Résumé of.

White, Dr. Sheldon, professor of educational psychology, Harvard University, statement of, background of.

Williams, Mrs. Raymond, mother, KLH

Child Development Center, statement by. Abzug, Hon. Bella S., a Representative in Congress from the State of New York. Chisholm, Hon. Shirley, a Representative in Congress from the State of New York. Gear, William C., executive secretary, Council for Exceptional Children, accompanied by Frederick J. Weintraub, assistant executive secretary, Council for Exceptional Children. McNair, Hon. Robert E., former Governor of South Carolina. Moore, Hon. Arch E., Governor, State of West Virginia. O'Grady, Miss Jane, legislative reresentative, Amalgamated Clothing Workers of America; Mrs. Muriel Tuteur, director, Amalgamated Clothing Workers Day Care and Health Center, Chicago; Mel Bourne, administrator, Amalgamated Clothing Workers Day Care and Health Center, Baltimore Joint Board; and Lowan Daniels, director, Hyman Blumberg Child Day Care Center, Baltimore, Md. Rampton, Hon. Calvin, Governor of Utah.

Prepared Statements, letters, supplemental material, etc.: Bourne, Mel, administrator. Child Health Care Centers, Baltimore Regional Joint Board, statement of Chisholm, Hon. Shirley, a Representative in Congress from the State of New York: "Breakdown of Child Care Centers in New York," a survey entitled. Testimony of.

Finley, Murray H., vice president, and manager, Chicago Joint Board, Amalgamated Clothing Workers of America, AFL–CIO, statement of.

Geer, William C., executive president, Council for Exceptional Children: "Legal Opportunities and Consideration for Early Childhood Education," a magazine article entitled. "Preschool and Early Childhood Education," a publication article entitled. Statement of.

McNair, Hon. Robert E., former Governor of South Carolina, statement of.

O'Grady, Miss Jane, legislative representative, Amalgamated Clothing Workers of America, AFL–CIO, statement of.

Rampton, Hon. Calvin L., Governor, State of Utah, statement of.

Evaluation and technical assistance

Question. What are the provisions for evaluation?

Answer. Evaluation—The Secretary shall through the Office of Child Development, make an evaluation of Federal involvement in child development in specific areas. The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of the Act.

The Secretary may enter into contracts with public or profit agencies, organizations, or individuals to carry out provisions of this section.

The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

Such information as the Secretary may deem necessary for purposes by the annual evaluation shall be made available to him upon request, by the agencies of the executive branch.

Question. What are the provisions for Technical Assistance?

Answer. The Secretary shall, directly or through grant or contract, make technical assistance available to agencies and organizations participating or seeking to participate in programs under this Act on a continuing basis to assist them in developing and carrying out child development plans under Section 103.

Payments under this section may be made (after necessary adjustments in the case of grants on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

Section-by-section analysis

Comprehensive Child Development Act

Section 2—Statement of Findings and Purpose. States (a) the finding of Congress that (1) millions of children are suffering from lack of child development services; (2) comprehensive child development programs should be available to all children; (3) priority to preschool children with greatest economic and social needs; (4) no mother may be forced to work in order for children to receive services; (5) such programs must be undertaken by partnership of parents, community, local and State governments.

(b) The purpose of the act to establish and expand comprehensive child development programs, building on the Head Start experience, with emphasis on economically disadvantaged and including children of working mothers and single parents, involving parents and community groups in the decisionmaking process, and establishing the legislative framework for eventual universally available child development programs.

Title I—Comprehensive Child Development Programs

Section 101 authorizes the Secretary of Health, Education, and Welfare to direct programs.

Section 102—Child Development Programs. Lists activities for which funds can be provided, including: planning and development of programs; establishing, maintaining and operating comprehensive programs with a broad range of activities; design acquisition, construction, alteration, renovation or remodeling of facilities including mobile facilities; training programs for professionals, paraprofessionals, parents, older family members and prospective parents; public information activities; child advocate staff and administrative expenses.

Section 103—Prime Sponsors. Authorizes any State, city over 100,000, county over 100,000, combination of units of local government over 100,000, or Indian organizations to serve as prime sponsor. Secretary designates such prime sponsor upon receipt of application which (1) establishes a Child Development Council (CDC) to plan, conduct, coordinate, and monitor programs one-half of members to be elected representatives of Local Policy Councils, the balance appointed by chief executive to be broadly representative of the community; at least one-third of total membership must be parents of economically disadvantaged children; members select chairman; (2) establishes Local Policy Councils (LPC's) elected by parents of eligible children to serve appropriate subdivisions within the prime sponsorship area; determines needs and priorities within its area, encourages and approves project applicants and recommends them to the CDC; (3) delegates administrative responsibility to an appropriate local agency.

Authorizes a public or private nonprofit agency or organization to become a prime sponsor if the appropriate unit of local government has not submitted an application or is out of compliance; or such sponsorship is for year round migrant program; or if Secretary determines such prime sponsor is necessary to meet the needs of children in an area.

Authorizes the Secretary to fund anyone he deems necessary in order to serve the children in a particular area, including rural areas without regard to population.

Secretary to give application of cities of 100,000 or representatives of an Indian tribal organization who apply preference over the State application.

Provides opportunity for State to comment on all applications for designation; notice and hearing before Secretary makes adverse decision on designation, and judicial review or Secretary's final action.

Section 104—Comprehensive Child Development Plans. Requires submission by CDC and Secretary's approval of a Comprehensive Child Development plan before a governmental prime sponsor may receive financial assistance. Such plan (1) identifies needs and goals and describes purposes for which funds will be used; (2) meets the needs of children in the area including infant care and before and after school programs; (3) gives priority to economically disadvantaged children served under Head Start by reserving funds equal to funds expended in the prime sponsorship area under Head Start and title IV Social Security in fiscal year 1972 and then reserving 65 percent of the remainder of the prime sponsor's allotment for children whose families have an annual income below lower budget for a four person urban family established by the Department of Labor; (4) gives priority thereafter to children of single parents and working mothers; (5–6) provides free services for children referred to in (3) and fees on a sliding scale for others; (7) cooperative arrangements required of State and local agencies serving the handicapped; (8) provides jobs and training insofar as possible for residents of the community; (9) provides insofar as possible for socioeconomic mix in centers; (10–11) provides for special needs of minority, bilingual, migrant and Indian children in the area; (12) assures benefits for children in nonpublic preschool and school programs; (13) coordinates programs so family members relate to each other during the day; (14) provides for parental participation in plans and programs; (17) provides for employment to extent feasible of professional, paraprofessional and volunteers, including parents, senior citizens, students, other children, and those preparing for child development careers; (18) provides for dissemination of program information in language of parents; (19) eliminates barrier of State teacher certification standards; (20–23) assures coordination with schools and with other child development programs in the community; (24) assures payment of the non-Federal share; (25) provides for fiscal control and fund accounting procedures; (26) provides for continuing evaluation, analysis of needs and reports to the Secretary; (27) emphasis to on-going programs; (28) provides for voluntary participation; (29) provides for assurance of consideration and architecture and design and inclusion of works of art.

Gives opportunity for comment to Governor, major or community action agencies, Head Start agencies and educational agencies; provides for notice and hearing before adverse decision, or plan by Secretary.

Section 105—Project Applications. Authorizes funding by CDC of a qualified public or private agency which submits an application to run a child development program, which provides comprehensive services for children served, assures adequate personnel, and meets the appropriate provisions of the comprehensive child development plan. The CDC shall conduct public hearings on project applications.

Authorizes funding by Secretary of a nongovernment prime sponsor designated under section 103 which submits a project application.

Section 106—Additional Conditions for Programs Including Construction. Allows

construction only of facilities essential to provide child development services, where use of existing facilities is shown to be not practicable. Provides for 20-year use of facility for child development programs or return of proportionate value of facility to the Federal Government. Applies Davis-Bacon law. Authorizes Secretary to establish interest rates of construction loans, with a 3 percent minimum rate. Provides grants and loans for construction limited to 50 percent of total cost except for private nonprofit groups, limits construction to 15 percent of total allotment to prime sponsor and limits construction to 7½ percent of total.

Section 107—Payments. Provides 80 percent Federal share (with allowance for Secretary to pay up to 100 percent if necessary to provide services) of costs to prime sponsor of programs for economically disadvantaged children, 50 percent Federal share of cost to prime sponsor of programs for children not economically disadvantaged; 100 percent Federal share of migrant and Indian programs. Provides that non-Federal share may be in cash or kind including fees paid by parents.

Section 108—Authorization of Appropriations. Provides open-ended authorization with no funding levels established.

Section 109—Allotments. Reserves for Secretary funds for migrant and Indian programs at a ratio equal to the ratio of such children to total number of economically disadvantaged children in the Nation; at least 7 percent for the handicapped; 5 percent for Secretary's discretionary use, with the remainder apportioned among the States as follows: (1) 50 percent according to the ratio of economically disadvantaged children in the State, (2) 25 percent according to the ratio of children through age 5; (3) 25 percent according to the ratio of children of working mothers and single parents. Allots State's apportionment among prime sponsors according to the same formula.

Provides for reallotment of unused funds among prime sponsors and among States. Assures that no State or local government reduces its expenditures for child development or day care.

Provides that no State shall receive less than it received during fiscal year 1971.

Section 110 establishes Office of Child Development (OCD) to be principal agency in HEW to administer this act.

Section 111 provides for promulgation of Federal Standards of Child Development Services, applicable to all programs receiving assistance under this act.

Section 112 provides for promulgation of Minimum Uniform Code for Facilities, which replaces State and local standards for all facilities which receive assistance under this act or in which programs which receive assistance under this act are operated.

Section 113 provides for maximum utilization of existing Federal, State, and local public facilities, including school buildings, for child development programs.

Section 114 repeals, consolidates, and coordinates existing child development programs, effective July 1, 1973.

Title II—Facilities for child development programs

Authorizes a program of mortgage insurance for child development facilities, administered by the Secretary of HEW, to provide a source of funds in addition to the direct grants and loans authorized in title I for construction of such facilities.

Title III—Training of child development personnel

Section 301 authorizes $20 million each for programs to train professional child development personnel and for programs to train paraprofessional child development personnel under the Higher Education Act.

Section 302 authorizes NDEA loans and forgiveness for training of full-time teachers in child development programs.

Section 303 authorizes training grants to individuals and child development programs.

Section 304 authorizes $5 million annual appropriation for section 203.

Title IV—Federal Government Child Development Programs

Authorizes direct grants to establish and operate programs for children of Federal employees. Authorizes $5 million to operate program.

Title V—Evaluation and Technical Assistance

Authorizes OCD to evaluate Federal involvement in child development and to provide technical assistance to prime sponsors and project applicants. Authorizes such funds as necessary to carry out such activities.

Title VI—National Center for Child Development and Education

Establishes National Center within OCD to conduct, coordinate, and disseminate research on child development. Authorizes $20 million to operate the Center.

Title VII—General Provisions

Section 701 provides for advance appropriations and advance funding of programs.

Section 702 assures public information without charge.

Section 703 prohibits Federal control.

Section 704—No discrimination on the basis of sex.

Section 705 defines the terms used in the act to insure accurate interpretation of its intent.

EFFORTS OF HEW TO CLOSE DOWN DRUG ADDICTION TREATMENT FACILITY

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

Mr. ROGERS. Mr. Speaker, for more than a year now the Department of Health, Education, and Welfare has been trying to close down one of two drug addiction treatment facilities in the face of a crisis in drug addiction, and to close or transfer eight Public Health Service hospitals in the face of a medical crisis.

The House and the Senate have both passed resolutions stating that each wanted these hospitals kept open and operating under the management of PHS, and have passed appropriations to do this.

HEW has, however, proceeded to work against the expressed intent of the Congress and do away with those hospitals.

While HEW apparently pays little attention to congressional intent, it became obvious yesterday that HEW will tolerate no opposition within its ranks.

Dr. Willard Johnson, the director of the Seattle, Wash., hospital has been relieved of his post and recalled to Washington, D.C., for the simple reason that he vocally defended his position that the Seattle hospital should not be closed or transferred. For this, he will lose his job, although the Subcommittee on Public Health and Environment, in a meeting with the directors of these hospitals told them personally that it wanted all information and opinions without censure from the administration.

On the very day that the directors were called in to Washington, they were told not to volunteer information. At our meeting, we on the subcommittee made it clear that we wanted all information.

The heavy-handed attempt by HEW to muzzle opinion is the basest form of closed thinking.

To accomplish the goal of closing these hospitals, HEW has hurriedly sent instructions into the field that a plan for transferring the hospitals to other than PHS management be drawn up and submitted.

The planning groups were instructed not to consider the retention of the hospitals and improving them. Nor did they consider the cost of any proposed transfer of these hospitals. It is obvious that one can find some group in any city which would be willing to take over the hospitals if the government would pay all the bills.

The attempt to create one-sided evidence to back up the administration's plan to dispose of these hospitals was so obvious that many advisers openly stated that there was too much information missing to endorse the plans.

I do not think the Congress will stand for this charade. I do not feel the Congress will condone the fear politics which is so evident in the recall of Dr. Johnson.

The Public Health and Environment Subcommittee will closely follow these developments and will take appropriate action if necessary.

CONTINUE BUY AMERICAN POLICY

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

Mr. NIX. Mr. Speaker, I am introducing today legislation to amend the Buy American Act of 1933 to make it clear that the Congress did not intend this law to proscribe similar legislation enacted by the States and affecting their agencies and political subdivisions.

As you know a Federal court has recently invalidated the California law requiring that State's agencies and local governments to give preference to domestic goods over imported products. The court interpreted the Federal statute as having preempted the field in this area of legislation.

I am sure it was not the intention of the Congress to foreclose State action in this field. Rather the 1933 act sought to provide additional employment for American workmen and production facilities by requiring Federal agencies to give preference to domestic goods which were within 6 percent of the price of the competing foreign goods.

We are now in the most serious economic situation our country has faced since the 1930's. It is highly inappropriate for us to allow State incentives for domestic preference to be struck down, when we are being asked to pass major legislation to create new jobs through

investment tax credits and other tax relief.

The President in his request for reinstatement of the investment tax credit has asked that it be applicable only to purchases of U.S.-made machinery and equipment. At the same time he has imposed a 10-percent surcharge on the importation of foreign goods, including industrial equipment.

I think it is equally important that our State and local governments support domestic production and domestic jobs when the prices of U.S.-made goods are generally competitive with imports. We should allow our States to continue to give prefence to domestic goods when they are priced within a few percentage points of the foreign goods. The small extra costs in purchasing will more than be made up in the additional jobs and additional tax revenues generated by buying American.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. There are more than one and one-half times as many doctors per 100,000 population in the United States as in the Soviet Union.

PANAMA CANAL ZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, by the Hay-Bunau-Varilla Treaty of 1903, it was agreed by the Republic of Panama and the United States that the United States would be granted by the Republic of Panama full sovereign rights, power, and authority in perpetuity over the Canal Zone for the construction, maintenance, operation, sanitation, and protection of the Panama Canal. It was further agreed that these sovereign rights and power would be those of the United States exclusively.

During Johnson's administration, the United States conducted negotiations with Panama which resulted in the proposal of treaties by which the United States would have relinquished its control over the Canal Zone and the canal and would have given both to the Republic of Panama.

Because of its strategic location, the Panama Canal has become of supreme defensive importance to the United States, and cannot be allowed to fall into unfriendly hands. If this were allowed to happen, it could even lead to a situation similar to the Cuban missile crisis.

So, Mr. Speaker, it is easy to see that the most sure way of protecting American security is to see that U.S. power and sovereign rights in the Panama Canal Zone are in no way weakened or abrogated.

PAINT INDUSTRY OPPOSES GOVERNMENTAL ACTION TO PROTECT CHILDREN

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

Mr. RYAN. Mr. Speaker, I rise at this time to address a matter which has recently been put before every Member of this House. On September 20, the National Paint Trade Association began an assault on my efforts to ban lead-based paints from household uses as a hazardous substance. It is unfortunate that the paint industry—so anxious to protect its own interests at the expense of the public good—has embarked on such a course.

Under other circumstances I would not deign to respond to this attack. But since the real issue is such a grave one—the lives and health of hundreds of thousands of small children—I must respond, even at the risk of dignifying the biased statements of a vested interest group which is placing dollars above lives.

A letter, dated September 20, has been sent by the National Paint, Varnish, and Lacquer Association, Inc., 1500 Rhode Island Avenue, Washington, D.C., to every Member of the House. I quote the first nine lines:

> DEAR CONGRESSMAN ———: I believe you are most anxious to serve the public interest by solving the real problem regarding lead-based paints (removal of old paints applied to walls more than 30 years ago). Recent statements in the CONGRESSIONAL RECORD, especially those of Representative Ryan on September 14th (at p. 31823), do not achieve this end.
>
> I am especially concerned about the statement: "One percent lead is itself dangerous, and in light of recent New York findings, it is clear that industry self-regulation is inadequate." There is no universally accepted scientific data nor human experience to show that the low levels of lead (1% or less), as used in today's interior paints, has caused any actual harm to the consumer—today or in future generations. . . .

Thus, the national paint lobby accuses me of not serving the public interest, and it charges me with uttering falsehoods.

Let me make this clear. The public interest which I perceive is the safety of small children, not large paint companies. The statements I have made are correct; they are accurate; and the spurious rebuttal essayed by the National Paint, Varnish, and Lacquer Association is, to be blunt, pure bunk. I reject it out of hand.

What is more, I challenge this organization to put its money where its mouth is, and join with me in pressing the Food and Drug Administration to issue the proposed regulation for which I have petitioned and which would ban all lead-based paints from household uses. Under the administrative procedure, after issuance of this proposed regulation, critiques by all interested parties would then be in order before the final act of promulgation.

Let us get this issue fully before the public, and let the medical and scientific experts present their case. The result will be clear. The paint association's position will collapse.

First let me go through the scientific argument. I do not pretend to be a scientist, but in the course of my work over the last several years in pushing through to enactment the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, and then in working to obtain funding of the act—$7.5 million by virtue of Public Law 92-80—I think I have gained some acquaintance with the expertise in the field.

The National Paint, Varnish, and Lacquer Association in its letter, states:

> There is no universally accepted scientific data nor human experience to show that the low levels of lead (1% or less) as used in today's interior paints, have caused any actual harm to the consumer—today or in future generations.

I would venture to say that it would be somewhat difficult to have human experience of "actual harm" when we are speaking about children yet unborn. That is beside the point, however. The association's argument is one premised foursquare on ignorance. It might be phrased this way: "We know that a .45-caliber pistols kills at 100 feet. But we have a .22-caliber rifle, and there is no universally accepted scientific data nor human experience to show that it kills at 40 feet." Of course there is not, but any reputable scientist, any person with plain commonsense, could extrapolate from one set of known facts to the consequences which will arise under another set of like facts.

This spurious half-truth reasoning from ignorance which the paint lobby is attempting to foist upon the Members of Congress is, in fact, an insult to every Member. It implies that Congressmen are stupid, but the real result is revelation of the stupidity of the paint association.

But let me go into the scientific material itself. The point of the whole issue is this: Children develop lead poisoning as the result of ingesting, and retaining in their systems, lead. The lead is contained in lead-based paints. The issue is not how much lead the paint contains; the issue is how much the child ingests. And, no matter how much the paint industry would wish it otherwise, a paint chip of 10 layers of paint, each having 1 percent lead, constitutes a danger. It constitutes a danger because the child is ingesting 10 times what the industry itself claims as the maximum safe level—one part lead to 99 parts other material. The other parts will pass out of his system. At least a part of the lead will remain in it.

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10 percent. This has been established by Dr. Julian Chisolm, associate professor of pediatrics, Johns Hopkins University School of Medicine, and associate chief pediatrician, Balti-

more City Hospital. I might also add that Dr. Chisolm is one of the leading experts in the country on childhood lead poisoning.

Now, assuming the rate of absorption to be the same in children—and actually, on the basis of calcium absorption tests, it is more likely to assume that the rate of absorption in children is greater—a child ingesting 1 gram of lead-based paint at the 1 percent level will daily have an intake of 10,000 micrograms of lead, of which 1,000 micrograms will be absorbed. In addition, the child will be taking into his system another 14 to 269 micrograms of lead from other environmental sources—that is, air emissions from automobiles, lead deposited on the ground from these emissions, lead in the food he eats, and so forth. These figures are derived from the study conducted by Dr. Ronald E. Engel for the Environmental Protection Agency, and entitled "Health Hazards of Environmental Lead."

Now we introduce the studies of Dr. Kehoe, another leading expert in the field of childhood lead poisoning. In his study Dr. Kehoe found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after 4 months of 50 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a toxic level of 80 micrograms lead per 100 grams whole blood if feeding had continued for 4 additional months. As citation, I point to Dr. Kehoe's study, published in volume 24 of the Journal of the Royal Institute of Public Health Hygiene—1961.

As Dr. Engle has assumed, this would be 43 micrograms per kilogram body weight in a 70-kilogram man. If a child weighing 10 kilograms ingested lead to the same degree as Kehoe's subject, as Engle has suggested, then a proper assumption is that a daily supplement of 430 micrograms lead over that taken in from the air, food, and so forth, would produce toxicity within 8 months.

But—and here is a crucial fact—a child ingesting a 1-gram chip of 1-percent lead-based paint would have a daily intake of 24 times 24—the amount of Dr. Kehoe's subject. Obviously, this child would very quickly develop lead poisoning. I would note, moreover, that the Surgeon General, in his report issued in 1969, stated, as a national standard, that anything over 40 micrograms per 100 milliliters of blood represents undue absorption of lead. The level of 80—to which I earlier referred—is only that enormously high level when the child has reached the stage of being an immediate medical emergency.

I know this is complicated. Let me restate it this way. The Philadelphia Department of Health has run studies and established that the average weight of a 1-square-centimeter paint chip from an old house is 90 milligrams. This equals 90,000 micrograms. If we assume, as the national association would have us do, that 1-percent lead is safe, then, using this 90,000 figure, we would find that a 1-square-centimeter chip of 1-percent paint contains 900 micrograms. Now, a square centimeter is about the size of a dime. Dr. Chisolm has testified that ingestion of old paint in the amount of two or three adult thumbnail sized—for example, dime sized—pieces will produce lead poisoning within a few months. That is old paint. But, assuming all the layers of the chip were just 1 percent lead, this would still constitute ingestion by the child of some 2,700 micrograms daily—almost as much as the amount which would have resulted in the poisoning of the full-grown subject in the Kehoe study—with the retention of 270 micrograms in the system daily.

This situation is truly frightening in light of the new standard developed by an ad hoc committee of lead poison experts working with HEW who have just recently determined that a daily lead intake of 3,000 micrograms is the most that a child can ingest without harm. The child is already ingesting 1,000 micrograms in his daily diet, leaving only 2,000 micrograms to be brought in by other sources.

In sum, 1-percent lead-based paint is, as I have said, dangerous.

A recent article in the August 6, 1971, issue of Science magazine very clearly articulates all this. The article, entitled "Lead Poisoning: Risks for Pencil Chewers?" discusses the hazards of the paints with which pencils are coated. The author, Joe Pichirallo, quotes Barry King, science adviser to the Bureau of Community Environmental Management, a division of the Department of Health, Education, and Welfare:

> Although the percentage of lead in the latter brands was below the safety standard of 1 percent, the project directors contend the tested pencils are still dangerous. The important consideration, according to Barry King, science advisor to BCEM and one of the project directors, is that the actual amount of lead (weight) is sufficient to induce lead poisoning. "Percent lead content of the paint," states the report (by BCEM), "is not, per se, a satisfactory criteria; the health hazard for a child ingesting a paint chip is related to the amount, specifically the weight, of the lead he ingests." . . .

Mr. Pichirallo continues in the article—and this goes directly to the national association's false contention:

> Recently some experts on lead poisoning have begun to dispute the adequacy of the 1 percent lead safety standard. A lead content of 1 percent is recognized as safe by the American Standards Association and is specified in several municipal ordinances as the maximum amount of lead permissible in paints. However, the recent concern about the 1 per cent standard has prompted several cities seriously to consider ordinances banning all but a trace of lead in paints.
>
> Opponents of the 1 percent standard argue that the main criteria for determining hazardous lead conditions should be the weight of the lead in paint and the total number of lead sources available to a person. Their concern is with a person's total daily ingestion of lead rather than with the percentage of lead in particular items.

Still another relevant source is a not-yet officially published study, entitled "Airborne Lead in Perspective," and prepared by the Committee on Biologic Effects of Atmospheric Pollutants of the Division of Medical Sciences, National Research Council, National Academy of Sciences. At pages 111–112, the scientists report:

> In 1955, the American Standards Association developed a standard specifying that paints for toys, furniture, and the interior of dwellings should not contain "harmful quantities" of lead. The standard, now known as ANSI Z66.1, limits the lead content to less than 1% lead in the final dried solids of fresh paint. This excludes lead pigments . . . but it does not necessarily eliminate other lead additives in the total paint formulation. . . . Several prototype portable nondestructive detectors for *in situ* detection of lead in housing surfaces are now available. Their use can simplify and greatly speed detection. Because the detectors measure the amount of lead in 10 or more layers of paint, they provide a more useful value in terms of the dose of lead contained in multilayered flakes of paint of various thicknesses. For example, 10 layers of paint containing 1% lead would contain 10 times as much lead per unit area as one layer containing 1% lead, although both the 10-layer and the one-layer paint flake would give a concentration of 1% by traditional gravimetric analysis. One report showed four paint fragments with a surface of approximately five square centimeters weighing 2.68 g. and containing 9.5% lead, or 254 mg. of lead; had these fragments contained 0.95% lead, their removal would not have been required under the 1% gravimetric standard, although they would have contained 25 mg. of lead.

I have cited some experts—Dr. Kehoe, Dr. Chisolm, Dr. Engel, and Barry King. Let me cite some others. Dr. Marvin Cornblath, professor and head of the Department of Pediatrics at the University of Maryland School of Medicine, states, by letter of September 23, 1971, to me:

> In my professional opinion, I am certain that 1% lead in paint can be dangerous particularly when multiple layers accumulate and ingestion occurs over a period of months.
>
> Normal lead intake from normal food and drink in a young child never exceeds 200 micrograms a day. On the other hand, one chip of 1% lead paint weighing one-thirtieth of an ounce (1 gram) would contain 10 mg. or 50 times the amount normally ingested by a young child throughout the day.

By telegram of September 25, 1971, Michael Blumenfeld, deputy health services administrator, New York City, has informed me:

> In our opinion interior paint containing more than 1 percent lead is dangerous and that in light of recent New York City Department of Health findings it is clear that the paint industry's self regulation to prohibit the manufacture and distribution of paint with more than 1 percent lead has been inadequate.

Another leading expert in the field of childhood lead poisoning—Dr. Laurence Finberg, professor of pediatrics, Montefiore Hospital and Medical Center, New York—has written to me by letter of September 24:

> I understand that there have been some recent statements indicating that paint containing one per cent lead is not dangerous when applied to household surfaces. This is clearly not true. By the time that multiple

coats of paint have been applied to the same wall, the lead content of painted plaster can be easily toxic to a toddler.

So long as the index for safety is going to be expressed as a percentage concentration, the figure would have to be reduced to probably less than a tenth of one per cent in order to consider such substances suitable for painting interior walls.

I would also quote from the testimony of Michael R. Lemov, General Counsel of the National Commission on Product Safety when he testified before the Subcommittee on Housing of the House Banking and Currency Committee on July 23, 1970, regarding the original legislation which led to the Lead-Based Paint Poisoning Prevention Act, Public Law 91–685. Mr. Lemov stated, at pages 243–246 of the hearings:

I might point out, as the chairman of course is familiar, the voluntary American industry standard for lead for interior use in paint is 1 percent by weight. In England it is interesting to note that the standard for lead in paint for children's toys has been reduced by 0.5 percent or one-half of the American standard. . . .

The present voluntary industry standard of 1 percent, American National Standard Z66.1–1964, was formulated in 1955, when that was the practical limit in detecting lead content. But lower levels can now be detected by methods such as the atomic absorbence test and such lower levels of lead used for paint with no warning labels can also accumulate faster than can be excreted by children. The use of any lead at all (except for minute traces) can be controlled by the manufacturers within the existing state of the art. . . . The real solution to this problem is a mandatory Federal safety standard for paint which prohibits the use of lead, except for limited industrial uses where lead serves a significant purpose—such as rust inhibition, where the ingestion is likely.

Dr. Carlos B. Zilveti, director, maternal and child health, New Haven Department of Health, has also expressed his professional opinion concerning 1-percent lead-based paints. By letter of September 24, 1971, Dr. Zilveti has written to me:

I feel that the Secretary of Health, Education, and Welfare as provided in Section 2 (q) (1) (A) of the Federal Hazardous Substances Act (June 1967) should ban any lead-bearing paint on the basis of the overwhelming evidence that the presence or further introduction of such paint in households creates a potential health hazard which cannot be prevented by cautionary labelling alone. Therefore, the protection of the public health and safety can be adequately served only by keeping such substances out of the channels of interstate commerce (Sec. 2(q) (1) (B)).

Dr. Zilveti has also submitted a "Statement in Support of Congressman RYAN's Petition To Ban the Use of All Lead Paints From the Household," which I include at this time:

SEPTEMBER 23, 1971.

STATEMENT IN SUPPORT OF CONGRESSMAN RYAN'S PETITION TO BAN THE USE OF ALL LEAD PAINTS FROM THE HOUSEHOLD

This statement is presented in support of Congressman Ryan's efforts urging the Food and Drug Administration to ban *all* lead paints from the household as these are known to be hazardous products.

Lead-bearing paints, even in concentrations under one per cent (of the total weight of the contained solids) can and do produce severe lead poisoning if sufficient quantities are ingested. The attached photographs illustrate the massive ingestion of painted plaster by a New Haven child. Though the paint contained only 0.28 per cent of lead as Pb, his blood lead level rose to 0.10 mg. per cent which denotes biochemical evidence of universal lead intoxication.

Approximately one third of the childhood lead poisoning in New Haven, Connecticut has been traced to lead-bearing paint used on exterior surfaces, while the remainder originated from interior paint which many times contained only one per cent of lead or even less.

The gradual build up of lead in humans due to the cumulative properties of lead are well known and, therefore, constitute another strong reason to totally ban lead in paints.

Under the Federal Hazardous Substances Act (15 U.S.C.) and its amendment the "Child Protection and Toy Safety Act of 1969" (P.L. 91–113), toxic paints are considered unsuitable products for coating surfaces if a hazard to public health is imminent. According to the Code of Federal Regulations 191.1, any substance which causes death in laboratory animals within 14 days after ingestion of a dose of 50 mg. or less per kg. of body weight is considered *highly toxic*. The effects of environmental lead exposure in man are well known with smaller concentrations of lead and since human data takes precedence, within the meaning of the Federal Hazardous Substances Act and the existing epidemiologic knowledge of the public health hazards that any lead-bearing paint represents, we urge that all household paints containing *any* lead compounds be banned as containing hazardous substances.

Lead poisoning with its devastating effects upon the individual and the community can be prevented and eventually eliminated only through meaningful legislation and proper enforcement of existing legislation.

Respectfully submitted.

CARLOS B. ZILVETI, M.D., M.P.H.,
Director, Maternal and Child Health,
New Haven Department of Health.

In light of this medical and scientific support for the view expressed in the petition filed with the Food and Drug Administration that even 1 percent lead paint is dangerous; in light of the rather unique approach the paint industry has adopted to deal with the issue of children's health; and in light of the FDA's desire—I am sure—not to appear to be surrendering to certain industry interests, I am today calling upon the Commissioner of the Food and Drug Administration to issue the proposed regulation requested by the petition.

I have filed this petition along with Joseph A. Page, associate professor, Georgetown University Law Center; Edmund O. Rothschild, M.D., assistant attending physician, the Memorial Hospital for Cancer and Allied Diseases, New York City; Jack Newfield, assistant editor, the Village Voice; Mary Win O'Brien, student, Georgetown University Law Center, and Anthony Young, student, Georgetown University Law Center.

The issuance of the proposed regulation will give all interested parties full opportunity to produce scientific and medical evidence, rather than mere unsupported rhetoric.

In addition, in light of the Food and Drug Administration's failure thus far to take action on the petition, I am calling upon the National Paint, Varnish, and Lacquer Association, Inc., to join with me in calling for the proposed regulation's issuance. Certainly, if the paint industry is so satisfied with its position, it should welcome an opportunity to publicly lay its evidence before the public and the Federal Government, in order to assure whatever action is most appropriate to protect the health of innocent youngsters who look to government, and responsible industry, to safeguard their needs.

At this point, I include in the RECORD the letters which I have sent to Commissioner Edwards, of the Food and Drug Administration, and to Robert A. Roland, executive vice president of the National Paint, Varnish, and Lacquer Association, Inc., and signer of the letter which has been sent to my colleagues:

SEPTEMBER 27, 1971.

Hon. CHARLES EDWARDS,
Commissioner, Food and Drug Administration, Rockville, Md.

DEAR COMMISSIONER EDWARDS: As you know, I have joined in filing with the Food and Drug Administration a petition requesting issuance of a regulation banning all lead-based paints from household uses. Obviously, this petition has generated considerable interest on the part of the paint industry, inasmuch as the National Paint, Varnish, and Lacquer Association, Inc., has undertaken to send a letter to every Member of Congress criticizing my efforts in this regard.

I believe the petition stands on its own merits, and that quick affirmative action on the part of the Food and Drug Administration is necessary. In light of the paint industry's recent expressions of opposition, I believe that any lesser action on the Administration's part can be interpreted in no other way than a surrender to the industry's vested interests.

Thus far, I have received no response regarding the petition. For that reason, I am now writing requesting immediate issuance of the proposed regulation, so that the issue may be fully and accurately aired. Numerous experts—including federal employees—have stated clearly their professional opinions that even one percent leaded paint is dangerous. Delay on the Administration's part can only continue that danger.

Looking forward to your Administration's prompt action, I am,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

SEPTEMBER 27, 1971.

Mr. ROBERT A. ROLAND,
Executive Vice President, National Paint, Varnish, and Lacquer Association, Inc., Washington, D.C.

DEAR MR. ROLAND: It has been brought to my attention that your association has, by letter of September 20, over your signature, sent a letter to every Member of the House of Representatives criticizing my efforts to bring an end to the danger of lead-based paint poisoning. In your letter, you have stated your belief that "the public interest can best be served by compliance with voluntary labeling in keeping with the existing ANSI Standard Z66.1 and the recently passed Federal law (the Lead-based Paint Poisoning Prevention Act)."

Obviously, our perceptions of the public interest differ, in light of my having joined in filing a petition—of which you are aware—with the Food and Drug Administration to ban all lead-based paints from household

uses. I might add that my view of the dangers of even one percent leaded paint is shared by numerous medical experts, some of whom I quote in a speech which I will be delivering before the House either tomorrow or the next day.

I have no desire to engage in rebutting your contentions. I shall leave that to the experts. What I am interested in is your Association's willingness, in light of the approach you have taken to this issue, to publicly join with me and my co-petitioners in urging the Food and Drug Administration to issue the proposed regulation in question. Following such issuance, any experts the paint industry might wish to bring forward would of course be able to comment—in terms of scientific fact and opinion, rather than public criticism offered without any supportive evidence on the suitability of such a regulation.

In sum, I request the Association to join with me—in a joint letter to be sent by me and the Association—in urging affirmative action on the issuance of the regulation. I look forward to your response to my request.

With best regards,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

THE SOVIET UNION IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, some of the more dramatic political and strategic gains of the Soviet Union in the post-World War II period have been in the Middle East. In an area where Russia had few interests and certainly no real policy in 1945, she now has a deep involvement. In assessing the role of the Soviet Union in the Middle East, it is useful to see both how Russia's policies and involvement in the area evolved and what is the balance of opportunities and risks for the Soviet Union in the area today. Regardless of one's perspective on Soviet foreign policy, no one could, in the early 1950's, perceive what would happen in the Middle East.

The Soviet Union, in approaching the third world, has sought generally to be able to do precisely what the United States and other powers do. In each area, her first goals were to make a presence and then try to obtain equal status with other powers. Other goals, such as eliminating great power competitors, and dominating the region, come later, if at all. For the Russians do realize that exclusive client states can be both expensive and hard to control. The question remains as to why Russian policies have been so successful. The answer lies less in their vague goals and specific policies and more in taking advantage of circumstances. A review of her Middle East policies reveals that that strategem is just as incoherent and piecemeal as much of the U.S. global strategy.

RUSSIAN INVOLVEMENT UNTIL 1945

Until the mid-1950's, Russian efforts in the Middle East were concentrated on the northern tier—Turkey and Iran—and the Arab world was not very important. Traditional policy, inspired by an "Eastern Question" mentality, emphasized Russian interests in Istanbul and the Balkans. All other areas, that is, the Arab world and even the Mediterranean Sea, were secondary interests to an overriding czarist desire to control the Turkish Straits and thereby prevent foreign entry into the Black Sea.

The Soviet October Revolution increased policy emphasis on Iran and Turkey and a desire for good state-to-state relations in order to neutralize those states. Soviet interwar policy also tried to stimulate uprisings against the British and the French who had both substantial presence and interests in much of the Middle East. The ineptness of Soviet policy in this period resulted directly from her intention to pursue her policies through small minority-oriented Communist parties. In the final analysis, however, Soviet quiessence in the Arab world resulted from little interest in the area. Interests and opportunities are related, and the lack of the former narrows the range of the latter.

Despite recent attempts to the contrary, the Nazi-Soviet 1940 negotiations did not represent any change in Soviet policy. Those abortive negotiations do not support the notion of a concerted Soviet interest in reaching the Indian Ocean through the Arab world. Molotov's concerns were much nearer to home, especially the Turkish straits and Finland.

1945–55

The initial phases of the cold war completely isolated Turkey and Iran from any possible Soviet initiative and, in a sense, prompted Russia to go over the northern tier to the Arab world.

Oddly enough, in the first decade of the post-World War II period, Soviet initiatives in the Middle East were confined mainly to support of the 1947 partition plan for Palestine and helping the Zionists in Palestine to obtain Czechoslovakian arms. The Soviet Union's support of the Zionists in this period was not a ploy but a direct result of her main policy interest which concentrated on driving the British out of the Middle East. Palestinian Jews, rather than Arab nationalists, were, in the Soviet view, better able to deal with getting the British out. We see from this early period a very low enthusiasm for the Arab nationalist movement—an enthusiasm which remains low today. Soviet leaders have always been suspicious of nationalist liberation movements which get results without struggles.

FIRST PHASE OF INVOLVEMENT: MID-1950'S AND THE SEEDS OF CHANGE

Joseph Stalin's death and the 20th Party Congress in 1956 afforded the Soviet Union an opportunity to reorient her policies and initiate certain doctrinal changes. The dangers of foreclosing a chance to change policies at a time of leadership unpheaval in the Soviet Union induced some Russian leaders to initiate policy changes, especially toward developing countries.

In the Arab Middle East, the breakthrough was the arms deal with Egypt, called the Czech arms deal at the time so as to minimize direct Soviet involvement. This change was not a reconsideration of policy but a creative adaptation to the political situation in the area.

It was the threat of the U.S.-engineered Baghdad Pact, a multilateral, defensive alliance, that activated Soviet policy and set the stage for her policy of today. Russia loathed the Pact, particularly because it raised the possibility of having her southern flank ringed with nuclear bomb-carrying planes of the West. To President Nasser and the Egyptian Government, the pact had a polarizing effect on the Arab world and entrenched the West at a time when complete economic and political independence was the goal of an increasing number of Arabs. The momentary common objectives of Egypt and Russia—to undermine Iraq, the mainstay of the Baghdad Pact, and to remove the West from the area—joined these two states in 1955. The arms Nasser obtained helped him circumvent the West at a time when Egypt considered it in her vital interest to be able to counter Israeli attacks similar to the 1955 Gaza raid. For the Soviet Union, the arms deal was embarrassing and indeed she termed the pact a "strictly commercial arrangement" to end Egyptian exclusive support on the West for arms.

The underlying theme of Soviet policy in this period, then, was opposition to the Baghdad Pact. The Russians were seeking emulation of Egypt's defiance of the West and not of Egypt's type of regime. Capitalism was still the cornerstone of the Egyptian economy and her embryonic agrarian reform movement was hardly a full-scale socialist venture. Despite the Russian decision to build the Aswan Dam, Khrushchev did not, at this time, see Nasser as an ally. It is useful to remember that at the time of the Suez war of 1956, Russia did not have any military power in the area and the Soviet navy was only recently moving from a concern for a high sea military capability toward submarines. Military action in 1956 would not have produced any results for the Soviet Union.

SECOND PHASE: 1956–67

The 1956–58 period represents the start of a second phase of Soviet involvement in the Middle East, a phase dominated by the success of her initial objectives. The Suez war of 1956 effectively eliminated, for a while at least, France and England as Middle East powers, and the Iraqi Revolution of 1958 ruined the Baghdad Pact.

But the Suez war did more. It led the Soviets to perceive a pattern of recurrent traits about Arab-Israeli crises.

First, such crises tended to exasperate relations between the Arabs and the West.

Second, the Soviet Union could not control President Nasser. Indeed, Premier Bulganin heard about the nationalization of the Suez Canal on the radio. Although the Russians endorsed nationalization and egged the Egyptians on, they sat on the sidelines in October 1956

when the British, French, and Israelis attacked Egypt.

Third, the Suez crisis enhanced the position of the Soviet Union, and with the British eliminated from the area, Russia faced only the United States in the Middle East.

Finally, whereas the Russians had conceived of the Arab-Israeli issue as a nationalist struggle prior to Suez, the conflict was now considered a struggle of the Arabs against imperialism.

Another important key of this second phase of Soviet activity in the Middle East was a clear indication by the Russians in the late 1950's and early 1960's that they thought Egypt was the most important country in the area despite increased Soviet presence in Syria and Iraq. While the Soviet Union was dismayed about the imprisonment of Egyptian Communists in the late 1950's, she became much happier with internal events in Egypt after the 1961 nationalizations. In this period, we also see continued Russian dislike for Arab nationalism and unity: relations with Syria and Egypt were strained during the United Arab Republic 1958–61 era. It can be postulated that the greater the Arab cooperation and the greater the feeling for Arab unity, the less the ability of the Soviet Union to increase its prestige and influence in the Arab World: This same trait is descernible in 1971 as Egypt, Libya and Syria, and perhaps Sudan, move towards some federation.

Another important maxim of Arab politics to emerge during this period concerned the relative uselessness of local Communist parties to the Soviet Union in her quest for increased influence and prestige in the Arab World. The fragmented nature of the parties in Syria, Iraq and Egypt, Russia's three main clients at that time, and their inability to acquire a wide base of public support was a source of embarrassment to Russia. To support the parties openly was to alienate central governments and not to support them at all was anathema to any Communist. In short, although local Communist parties are becoming increasingly irrelevant to the Soviet Union's position in the Middle East, some support must be shown for local Communists as the recent events in the Sudan would suggest.

THIRD PHASE: 1967 TO 1970

Like the Suez war, the 6-day war of 1967 enhanced the Soviet position in the Middle East. But whereas in 1956, Bulganin and the Russians may have egged Nasser on, in 1967 the Soviet Union played a somewhat greater role in provoking war. It seems, in particular, that she accepted and encouraged Egyptian and Syrian moves in Sinai and the Golan Heights and did not correct some of the many pre-June Egyptian statements like "the Soviet Union will stand with us in battle." What remains unclear is when the Soviet Union lost control of events.

More significant than the Soviet Union's role in provoking war was its radical underestimation of the nature and volatility of Arab politics. Besides miscalculating the balance of power in the area, the Soviet Union did not realize how provocative Syrian and Egyptian moves in April and May of 1967 or the escalations that occurred were.

Perhaps the most encouraging reaction of the Soviet Union to the June 1967 war can be seen in the changes in diplomacy. Indeed, her first reaction to the start of the June war was to use the "hotline" to Washington in an effort to avoid any confrontation. The whole pattern of diplomacy after 1967 shows the differences with the period preceding 1967: U.N. debates for Resolution 242, Glassboro, 4-power talks, 2-power talks, have dominated the international scene.

POST-1967 ERA

While circumstances have led the Soviet Union to seek greater diplomacy with other big powers in the area after 1967, the situation was also used by Russia to try to enhance its position in the Middle East. Several points should be made:

First. The Russians decided immediately after the 1967 war to reconstruct and continue to supply her defeated Arab clients. This was done to keep her options open and to protect past investments.

Second. The Russians have enlarged the scope of this policy. South Yemen, Yemen, and Sudan now have extensive ties with the Soviet Union but none have a client relationship with Russia, similar to that of Syria, Iraq, and Egypt.

Third. The Soviet Union continues to lack a high degree of political control over Arab countries with which she has extensive ties. The recent events in the Sudan and Egypt are cases in point.

Fourth. There has been, since 1967, a growth of Soviet communications in the Middle East, particularly her air and maritime units.

Fifth. Russia has also entered the Arab oil world and now has oil interests in Syria and Iraq.

Sixth. The Soviet Union sends arms to more than 10 Arab countries and, more significant, at least six states are committed to the Soviet Union for spare parts.

Seventh. The Soviet moves to beef up its Mediterranean squadron is indicative of a desire to improve her overall military potential in the area. Interestingly enough, the initial impetus for this Soviet move came in 1964 when Russia saw the need to cover the U.S. forces in general and the Polaris submarine in particular. It should be noted that this Soviet build-up was defensive rather than offensive in nature and that it was an antiattack, antisubmarine phase.

Eighth. Increased assets in the area increased the need for greater presence. The military presence was important and significant in all three services, but it is significant that Soviet air presence in the immediate post-1967 war period was minimal. Indeed, Soviet air support in the Yemen civil war was pulled back immediately after the loss of a Soviet pilot. At that time, the Soviet Union was disinclined to have her men involved directly in combat despite TU–16 Soviet-piloted reconnaissance planes.

FOURTH PHASE: 1970 ON

The deep penetration raids by Israel into Egypt in late 1969 and early 1970 forced on the Soviet Union a big decision which seems to have been taken in January 1970 during President Nasser's secret Moscow trip. This decision led to the introduction of an integrated air defense system which Soviet leaders thought was needed to save their men in Cairo. SAM sites, missile units, networks of air bases, new Mig 23's and Foxbats, all with Soviet personnel, changed the character of Russia's presence in Egypt and her status in the Middle East. This increased military involvement gave Russia a new range of opportunities with many more varied instruments.

Another key to the post-1970 fourth phase of Soviet involvement in the Middle East has been the institutionalization of Soviet presence. In Egypt, this took the form of a treaty of friendship and cooperation signed in May 1971. For the Soviet Union, this new period witnesses the presence in the area of over 10,000 Russians, mostly military technicians. In terms of Kremlin politics, this presence means that there are bureaucracies in Russia with a stake in events and performances in the Middle East. As such, they represent a lobby in the Soviet Union for a certain position and involvement.

OPPORTUNITIES AND RISKS

In this fourth phase, the Soviet Union has a number of possible objectives and opportunities in the Middle East which she must balance with many risks existing in the area. Some of her objectives might be:

First. Reduce further or eliminate the U.S. position in the Arab world.

Second. Promote the demise of pro-West, moderate Arab governments in Jordan and Saudi Arabia, in particular.

Third. Obtain greater influence over Middle East oil so as to determine the terms on which Western Europe gets its oil rather than cut it off.

Fourth. Help speed the British withdrawal from the Persian Gulf and try to replace British in the gulf instead of permitting a U.S. presence.

Fifth. Use position in Middle East to try to neutralize further Western Europe and the northern tier of Turkey and Iran.

Sixth. With an open Suez Canal, try to extend influence eastward, particularly into the Indian Ocean.

Seventh. Use Middle East and North Africa as base for African operations in such countries as Tanzania, Somalia, and Zambia.

Eighth. Create in the Middle East a noncontiguous sphere of influence.

Despite these opportunities, the Soviet Union's position in the Middle East is fraught with many dangers. Some are:

The chronic instability of some of her client regimes and the prospect that client regimes may be overthrown.

The increased Soviet presence in the Middle East since 1967 has weakened some regimes. This increases the Soviet Union's stake without increasing her role as the final arbiter over acts of those client states.

If the military solution of the Arab-Israel conflict fails, social and political pressures may both bring down these regimes and demand new policies of which the Soviet Union may not approve.

Clients may betray the Soviet Union because they see the United States, other western powers, or even China, as the only way to solve the Arab-Israel problem. While recent moves of Egypt might suggest such a pattern, the apparent lack of progress of the U.S. current peace initiative would minimize the likelihood that other states will turn to the United States for support.

Any real settlement of the Arab-Israel conflict that reduces the need for a big military machine will lessen the Arab countries' interest in and need for Soviet materiel. This could reduce Soviet posture in the area.

On the other hand, a military confrontation contains many risks and dangers for Russia. If she participates directly in such a war, she risks a bigger war. If she does not enter the fray, she risks being thrown out of the area.

At some point, the costs of Soviet involvement in the Middle East will have to be explained to the people in the Soviet Union. So far, their economic and military involvement has produced little real socialism and even fewer tangible results.

These risks and opportunities aside, the Soviet Union would, it seems, prefer a political solution of the Arab-Israel conflict that would give the Soviet Union credit in the Arab world and give the United States nothing.

ASPECTS OF PRESENT SOVIET POLICY

The Soviet Union is pursuing—not a policy of military conquest—but a political strategy designed to weaken U.S. influence and establish the Soviet Union as the preeminent power in the Middle East. In pursuit of this strategy, the Soviet Union will use propaganda, diplomacy, economic and military aid and, to a lesser degree, local Marxists. At the same time, the Russians have shown reluctance to get into a situation which would pit Soviet forces against the United States.

Much of present Soviet policy in the Middle East is ambiguous and in flux, although the Russians do have some well-articulated positions. But what remains most difficult for the Soviet Union is to determine how peace in the Middle East can be achieved and her interests maintained at the same time.

The Soviet Union supports U.N. Resolution 242 and considers the resolution the basis for peace in the Middle East. But in her interpretation of Resolution 242, she emphasizes, along with the Arab States, the immediate need for Israeli withdrawal from occupied territories, including Jerusalem. Her continued call for a just and lasting peace in the Middle East is usually, however, coupled with a denunciation of the "dangerous" American-Israeli alliance which prevents peace.

While the Soviet Union did, in early 1970, become increasingly friendly toward the Palestine Liberation Movement, she was before 1970 and is now giving little active financial or military support to the movement although the Soviet Union does deem it necessary for any Middle East peace settlement to bring justice to the Palestinian people. Obviously, the Russians adopted a "wait-and-see" attitude toward the guerrilla movement and wanted to support the movement only if it succeeded.

The Soviet Union's relations with Israel have been both weak and strong, depending on many related factors. Although Russia gave Israel early recognition and support in 1948, relations have deteriorated since the late 1950's. In short, there is no greater anathema for the Communist movement in general and the Soviet Union in particular than pan-nationalisms, like pan-Turanism, pan-Islami or Zionism—all of which appeal to segments of the Soviet population. The Soviet Union finds it difficult to accommodate the goals of the Zionist movement and the greater the appeal of Zionism to Soviet Jewry, the greater the tensions in Soviet-Israeli relations.

In recent years the Soviet Union found it useful to have better relations with the Arab States and since 1967 she has had no relations with Israel. The lack of such ties, however, has limited the Soviet Union's ability to be an honest broker in peace negotiations—a role she played so skillfully in the mid-1960's in the Indian-Pakistan dispute. In the last couple of months, there has been many Israeli-Soviet contacts and increased Israeli-Soviet relations seem natural and imminent. Renewed relations might be a harbinger of a Soviet peace initiative in the Middle East.

While the Soviet Union was a firm supporter of Dr. Gunnar Jarring's peace mission, her enthusiasm for the U.S. peace initiative for an interim Egyptian-Israeli agreement has been minimal. Whereas the United States has maintained that final Egyptian-Israeli frontiers must be decided by the parties themselves, the Soviet Union demands that the Gaza strip, Sharm el-Shaykh, and all of Sinai be returned to Egypt. The Soviet Union continually chides the United States for calling for peace while simultaneously supporting Israel militarily.

The frustrations of all peace efforts since 1967 suggest that there will be no settlement until the United States and the Soviet Union recognize each other's legitimate interests in the Middle East and cooperate on the ground rules of peace negotiations. Such cooperation will not win the trust of the parties to the dispute unless both powers have good working relations with all parties to the dispute and each power is willing not to impose a peace nor to seek personal political gain from such a peace. But, while the United States has looked with favor on improved Israeli-Soviet relations, the Russians have publicly warned Arab regimes about contacts with the United States because only Russia, they say, will bring Arabs the peace they want.

Unfortunately, military buildups in the region and the lack of any arms control efforts have helped to hamper peace efforts much more than any rhetoric. While France and Israel might have been responsible for the initial phases of the arms race in the Middle East in the early 1950's, the Soviet Union supplied the Arab world with about $2 billion worth of military hardware up to 1967, and in the 2 years subsequent to the June 1967 war, the Soviet Union equalled that figure. Over that same period, 1954 to 1967, Russia extended about $2 billion worth of economic credits, only about half of which were claimed. This means that Soviet military aid has been about four times economic assistance. There have been indications recently that Lebanon might become the eleventh Arab country to seek Soviet military assistance. This assistance to the Arab world, combined with the Soviet Union's naval buildup in the Mediterranean in the last 3 years, raises justifiable questions as to what the Soviet Union wishes to accomplish in the area.

The Soviet Union's policy toward her various Arab friends, however, does not provide a useful index of her ultimate goals in the area. Her continued and continual delicate exchanges with and warnings to Arab leaders support the hypothesis that her position is fragile and changed circumstances tomorrow could eliminate many of her gains in the Arab world today. The Soviet Union emphasizes her support for Egypt, its new President Anwar al-Sadat, and Egypt's "positive role in the Arab world and in the international arena." Such words of praise are less forthcoming in Soviet commentaries on the more unstable regimes in Syria and Iraq, to say nothing of Soviet reluctance to become tied to the regimes in Yemen, South Yemen, Libya, and the Sudan—her other so-called Arab Socialist friends.

The May 1971 Soviet-Egyptian Treaty of Friendship and Cooperation reaffirms Soviet respect for Egypt as the leading Arab country but it is still too early to conclude whether the treaty served as a basis for more arms deliveries or increased Soviet presence in Egypt.

Russia's strong support for President al-Sadat and Egypt has not extended to the recent move toward a Federation of Arab Republics—which will include, at least initially, Egypt, Syria, and Libya. Ever since 1958, Russia has shown a degree of disdain for Arab nationalism. She did not like the 1958–61 union of Syria and Egypt because her relations with and control over these states suffered. Indeed, the handwriting on the wall suggests that the greater the inter-Arab State cooperation, the less the need for Soviet support. The converse is also true.

CONCLUSION

The greatest question marks concerning current Soviet policy in the Middle East are: First, does the Soviet Union want war, peace, or stalemate on the Arab-Israeli issue; second, how far will the Russians go to protect their conception of their interests in the area; and third, how is Middle East policy decided in the Soviet Union. The institu-

tionalization of Soviet presence has meant, as mentioned above, that bureaucracies in Russia have a stake in Soviet presence in the Arab world. But the coats of the hawks and doves in the Kremlin remain obscure as do any differences within Soviet leadership on Middle East policy. As Soviet military and economic investment in the area continues without tangible results, there will be a growing pressure in the Soviet Union to reevaluate the relative benefits of this heavy financial commitment.

The Soviet Union has accomplished a lot in the Middle East during a period of stalemate on the Arab-Israel issue: The Russians have an extensive military and economic presence and stake there; they are a Mediterranean power for the first time in their history; United States and Western influence has been diminished; and they have improving relations with two neighbors, Iran and Turkey, which were formerly enemies.

If the Soviet Union opts for continuing her present policies, it means that the Russians have fewer apprehensions about a stalemate in the Arab-Israel conflict than about war or peace. While the Soviet Union does want the Suez Canal open, it is opposed to an interim settlement that gives the United States credit. A final settlement poses greater potential problems. It would, in their eyes, remove the major incentives that attract the Arabs to the Soviet Union today—Arab quest for military supplies and political support in the Arab-Israel conflict. War also presents a grave alternative for Russia's position; war is costly; an Arab defeat is embarrassing; and a confrontation with the United States should be avoided at all costs.

A stalemate in the Middle East makes the Soviet Union less apprehensive only because it represents the status quo. From the Russian viewpoint, there is little need to rock the boat if they can persuade the Arabs not to pursue war and if they cannot project what their role would be in the Middle East in peacetime. It would seem, then, that the Russians, in reaching the tentative conclusion that there is no need to rush to a settlement, are operating against the better interests of their Arab clients and the United States. The latter delights the Soviet Union, but there is no assurance that the Arabs will continue to view the Middle East the Soviet way. The implications of a continued stalemate are many: the Soviet Union will continue to refuse to enter into any arms control agreement in the area; U.S. interests might be further diminished; and the Soviet Union will continue to have predominant influence in the Arab world. However, this situation which the Russians might covet so much at present depends on their precarious relations with their Arab clients, the Arab resolve to make peace and the success of negotiations for a settlement.

At present the interests of the Soviet Union and the United States in the Middle East are both similar and dissimilar. The Soviet Union's interests are much more strategic and military and less economic, hence her concern over her influence in the Middle East in peacetime. The U.S. interests are more economic and cultural and less strictly military. Both have highly political interests when the Middle East is seen in terms of global strategy and communications. And the symbols of influence and prestige in the area are many. While the Aswan Dam in Egypt and the Tabqa Dam under construction in Syria have won the Soviet Union many plaudits, the role of the American University of Beirut and several U.S. supported educational institutions in Israel and Egypt in building present and future elites cannot be underestimated.

At the present there are also differences in strategy: the Soviet Union has, to date, pursued her interests in the Middle East by supporting the Arabs while the United States has strived to maintain a balance between Israel and the Arab States. The greater successes of the Soviet Union recently might suggest that balanced policies do not bring success. However, recent realizations by the Soviet Union that it must improve its relations with Israel, if she is to be an honest broker or mediator in the Middle East conflict and play the mediating role Russia likes to play internationally, suggest only short-term gains can be made by choosing sides and long-term interests necessitate greater options and more balance.

Recent politics in Asia would indicate that another force must be entered into the big power equation in the Middle East. China, with interests in many Arab countries and a declared policy of support for Palestine resistance groups, might well challenge Russia in the one area of the third world where the Soviet Union has gained substantial access and influence. For the United States, such a situation can only increase her options in an area where they seem to be running out quickly. We have, moreover, already seen in the last couple of months the effect of President Nixon's proposed trip to Peking in the diplomatic map of Asia. And we may well see in the coming months a changed diplomatic map in the Middle East. In an area where politics have been dominated by the confrontation of two powers, the increased presence of a third power from Europe or Asia can only reduce tensions.

CHAIRMAN MILLS OUTLINES CONSTRUCTIVE PROGRAM OF FISCAL RELIEF FOR STATE AND LOCAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I commend to the attention of Members recent remarks on revenue-sharing by our colleague from Arkansas (Mr. MILLS), the distinguished Chairman of the Ways and Means Committee, before the Annual Conference of the League of California Cities on September 27, 1971 in San Francisco.

The chairman carefully reviews the defects in the administration's general revenue-sharing plan. He goes on to outline principles of an alternative plan of fiscal relief for State and local government, which I believe could command widespread support.

Among the principles the chairman emphasizes, and I heartily applaud them, are these: preservation of congressional prerogatives to control spending through a program of limited duration supported by specified sums rather than a certain percentage of the Federal income tax base; distribution among cities and local governments according to need; and encouragement of progressive State income taxes.

It is my hope that in coming weeks, the State and local governments will act on the constructive suggestion of the Chairman and work out the details of a program based on the principles he has outlined.

I include herewith the text of Mr. MILLS' remarks:

REMARKS OF HONORABLE WILBUR D. MILLS, BEFORE ANNUAL CONFERENCE OF LEAGUE OF CALIFORNIA CITIES, SEPTEMBER 27, 1971, SAN FRANCISCO, CALIF.

It is a pleasure to have the opportunity to speak to an audience consisting of representatives of the League of California Cities and their friends. Proposals for Federal aid to States and cities, including the Administration's general revenue sharing plan, have been debated at great length both throughout the country and also before the Committee on Ways and Means of the House. I would like to share some thoughts with you in regard to these proposals. You may not agree with some of the things I will have to say.

As I have said before, my colleagues and I on the Committee are keenly aware that if our Federal system of government is to continue, State and local governments must function on a sound financial basis. Those of us on the Committee have been taking a realistic and constructive look at what might reasonably and appropriately be done to achieve these ends. It is time for everyone to do this. And by the same token, it is time that we abandon proposals that merely lead up blind alleys and that merely perpetuate and even accentuate present problems despite large revenue costs.

The Ways and Means Committee has devoted considerable attention to this problem. In June, we held extensive public hearings on the Administration's general revenue sharing proposal. Over 100 public and private witnesses appeared and the record of their testimony covers over 1,500 pages and fills 8 volumes. The vast majority of the groups which testified—and we heard from all segments of the economy—were strongly opposed to the President's proposal. During most of July and early August, we considered in depth in executive session a very substantial volume of factual and analytical material made available on this and related proposals by the Administration, individual Members of Congress, representatives of State and local governments and various private experts. Our consideration of this subject is not yet complete.

We have deferred our deliberations on the fiscal problems of State and local governments because of two reasons: First, the need to give prompt consideration to the Administration's tax proposals in the new economic program; second, to comply with the President's own recommendation that any

revenue sharing proposal be deferred as to its date until next year.

However, careful study of the extensive evidence that has been presented to us has, if anything, reinforced the initial reaction on the part of a substantial majority of the Committee that the Administration's revenue sharing plan is not the answer to the financial problems of the State and local governments. As a result we must look elsewhere for a solution.

Revenue sharing has too many basic deficiencies, both as to principle and as to application. It makes no attempt to reach the financial root of the State and local government problems; it makes no attempt to apply Federal funds where they will do the most good. Instead it would pour money out indiscriminately to all State and local governments without regard to need and without making any attempt to encourage State governments to meet their own problems by improving their tax systems. As a result, it would be a wasteful and inefficient form of Federal aid.

In its study of the problem, the Committee has found that there is diversity in the financial position and problems of the various State and local governments.

The experts generally have concluded that the financial problems of State and local governments when they are looked at in total are quite manageable. It is only when individual local governments are examined do problems become apparent. These studies make it clear that the problems are not universal and therefore the benefits need not be universal.

Moreover, there are clearly very substantial variations in tax effort, especially among the various States in raising revenue. Actually, in 1969, if all States and their localities made the same tax effort that was made by the average of the ten States with the highest tax effort, State and local governments would have raised an additional $18.6 billion. This, of course, is close to four times the amount of aid that is proposed by the Administration under its revenue sharing proposal. Moreover, the fact remains that at the present time there are still eight States which do not impose income taxes and five more States which impose only very limited income taxes.

I am sure I need not point out that State and local governments are not unique in having financial problems. For the fiscal year 1971, the Federal deficit was $23 billion on a unified budget basis. And for the current fiscal year, 1972, the deficit is conservatively estimated at over $28 billion. In other words, in just two years, the Federal Government can be expected to pile up deficits even on a unified budget basis exceeding $50 billion.

In saying what I have I do not mean to take a negative attitude. But, in my opinion, with the limited resources available to the Federal Government, I believe this indicates we must be quite selective in whatever aid is provided and not just pass it out broadside as the Administration desires.

I would also like to remind you that the Federal Government is already giving substantial aid to State and local governments. Between fiscal 1959 and fiscal 1971, Federal grants-in-aid to State and local governments rose from $6.7 billion to an estimated $30.3 billion. Another form of assistance is the exemption of interest on State and local bonds, which alone cost the Federal Government about $2 billion in 1969.

The fact that State and local taxes may be deducted for Federal income tax purposes, in practice, also represents another form of financial assistance to the States and localities. It means, in effect, that the Federal Government is absorbing part of the burden of the State and local taxes.

In addition, although the Administration has recommended deferral of H.R. 1 until 1973, we should not forget that this legislation, which has already passed the House, would relieve State and local governments of an estimated $1.6 billion of annual public welfare costs in its early years of operation through the Federal assumption of the basic provision for needy families with children and for aged, blind, and disabled persons. This aid should be still more important in future years. Also, the Administration has a proposal before the Congress making provision for health care which could well save the States as much as 1.7 billion in Medicaid costs.

While I believe what I have said indicates that the Ways and Means Committee and the Federal Government have not been unresponsive to the needs of State and local governments, I should say that based on our study I am not adverse to giving further aid in cases of demonstrated need. However, I believe that any plan for Federal aid which aims at a satisfactory solution will necessarily have to recognize the fundamental differences in the needs of local governments on the one hand and State governments on the other hand. The local units often are not large enough in terms of financial resources to resolve their economic problems. The flight of middle-income and high-income people to the suburbs, in many cases, has left the core cities—and often poor suburbs and counties as well—with a severe fiscal burden of providing education, police and fire protection, and welfare and hospital services to large numbers of relatively low-income people. In addition, overlapping layers of local government have fragmented authority among different units, reducing their power to deal adequately with specific problems of local government.

For these reasons, I personally would not be opposed to providing Federal grants to local governments to aid those cities and counties which face truly acute immediate problems and which can prove their need. However, we must avoid the mistakes of the Administration's revenue sharing proposal.

Let me reiterate some of these problems. Essentially, the Administration's revenue sharing plan distributes funds among the cities and localities on the basis of their tax collections—in other words, local governments whould share in the funds regardless of their need. In fact, wealthy communities would receive a relatively larger share of the funds than poor communities because they would have a larger tax base and could collect relatively large amounts of taxes even if their tax effort were relatively small.

The basic concept underlying revenue sharing, namely, that the Federal Government should collect taxes and then hand them over to the State and local governments to spend without any strings is wrong. In effect, this procedure divorces completely the responsibility for raising revenue from the spending of revenue. As a consequence, there would be no balance of priorities between taxing and spending.

The Federal Government's fiscal problems would also be increased by the way in which the total amount of revenue sharing funds to be distributed would be determined. The proposal bases the amount of the Federal aid on a specified portion of the Federal income tax base. In my opinion, tying the amount of aid to Federal tax receipts would be a serious mistake. It would add to the so-called "uncontrollable" Federal expenditures. These already amount to a large portion of the Federal budget. To add to this a percentage of a Federal revenue source which can be expected to grow would deprive future Congresses of the freedom of choice in determining whether this growth element should be used for aid to the localities or whether some other expenditure category had become more important. As a matter of principle, it is essential that we keep our options open so that future Congresses can assign priorities to spending in the light of developments and changing conditions.

Finally, revenue sharing does nothing to encourage State and local governments which are in financial difficulties to help themselves. It merely grants them funds without encouraging them to take steps to improve their financial situation themselves, and so merely perpetuates the fundamental fiscal problems of these governmental units.

Because of these grave and inherent defects, the Administration's revenue sharing proposal is a wholly unsatisfactory and patently political solution to granting aid to State and local governments. If Federal aid is to be granted—and in view of limited Federal resources, this depends on the priorities assigned to the various competing demands for Federal funds—then we must develop a new and fundamentally different approach that avoids the basic defects of revenue sharing.

First, the grant should be only for a limited number of years. This will give Congress an opportunity to review the program after it has been in operation a few years to see whether it should be discontinued, modified, or continued as it is.

Second, the aid should be distributed in a way that varies the amount of the financial aid according to the need of the local government. One possible approach to this objective would be to vary the amount of the grant not only with the population of the local government but also with the number of its low-income families. This would avoid the defect of revenue sharing which spreads the available funds to all cities and local governments on the basis of the revenue raised from their own sources.

Third, the total amount to be distributed to the cities and other localities should be set at some specified sum rather than tied to a specified portion of the Federal income tax base along the lines of the President's revenue sharing proposal.

Fourth, the distribution to the cities and local governments should be made for the purpose of financing expenditures, which are recognized as fulfilling national high priority needs. These need categories for which the funds could be spent should, it seems to me, be sufficiently broad so that there would be flexibility to meet varying needs of the different communities.

But, with Federal revenue as severely limited as it is, it seems important to me that any funds the Federal Government raises be spent for what the Congress recognizes to be high priority purposes. This recognizes the important principle that the same level of government that raises the revenue should also have an important voice in deciding how that revenue is to be spent. This is essential if there is not to be a distortion of priorities between taxing and spending.

We will be receptive to a formal statement from the cities and the counties through your organizations by resolution or other formal means as to the high priority purposes which you would include in such a proposal.

Now, turning to the States, because of the difference in the needs of State and local governments, I do not believe that it would be appropriate for the Federal Government to provide direct grants to the States along the lines of those that I have just described as a possibility for the cities and local governments. As I have already suggested, the primary objective of any Federal assistance to States should be to encourage them to help themselves by increasing their tax effort. How best to do this poses a difficult question. I do not, at this time, have any final or conclusive answers. But there are different possible approaches which are worthy of serious consideration.

First, the Federal Government could aid the States by helping them to collect their

income taxes under so-called "piggyback" arrangements. This would provide substantial savings of administrative costs to the State governments by making available the Federal Government's relatively efficient income tax collection procedures. It would also decrease the opportunities for tax evasion because of the more comprehensive coverage of the Federal system. In addition, there is likely to be as much as $1 billion in first year tax savings to the States in a Federal withholding system.

There would also be a gain for the taxpayers because they, in effect, could file both tax returns at one time—based on Federal tax or taxable income.

A second possibility which deserves consideration would be to make a payment—some have suggested a credit against Federal income tax liability—for some specified portion of State income taxes collected. The purpose of these payments or credits would be to encourage the States to make greater use of income taxes to secure revenue to meet their essential needs. These payments would, of course, not be of immediate assistance to those States which do not now make use of income taxes or which make relatively little use of such taxes. For such States temporary assistance in the form of direct Federal payments for a limited period of time would permit them to receive help during the period they considered the adoption of income taxes.

I want to emphasize again that I merely offer these approaches as possibilities for future action. The Committee has as yet made no decisions on these matters. The Committee would be receptive to receiving formal advice from the States through their organizations as to whether they would desire this aid.

Finally, I want to emphasize that when the Ways and Means Committee adjourned for the summer recess, we planned to continue our consideration of Federal aid to State and local governments on September 8, making this the first order of business. However, the President's urgent request for us to consider tax changes to spur our lagging economy in a way which will not increase inflation has made it necessary for us to give this matter priority. This, too, is a problem in which States and local governments have a very real interest. In 1970, these governmental units suffered a loss of $3.5 billion in tax receipts because a depressed economy curtailed their tax base and their tax receipts. The restoration of our economy to a high growth rate will in itself help to improve the financial position of State and local governments.

After our consideration of the pending tax proposals, the Ways and Means Committee plans to consider proposals relating to national health insurance which, of course, are of vital concern to the Nation and this, too, is a matter of fiscal importance especially to State governments. As a result, there will be some time before the Committee can resume its consideration of proposals for Federal aid to State and local governments. I am hopeful, however, that the State and local governments will use this time to work out the details of the type of program I have tried to outline to you. In my opinion, there are few things which could be more helpful in arriving at a satisfactory solution to this problem than such a realistic and constructive approach by the State and local governments.

PRESIDENT NIXON'S FREEZE ON FEDERAL WAGES BEYOND FREEZE PERIOD UNFAIR TO FEDERAL WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, on Monday I introduced House Resolution 621, a resolution calling for the disapproval of the President's proposal to postpone the scheduled January 1, 1972, adjustment in pay for most Federal employees. I did this to indicate my strong support for House Resolution 596, an identical measure which was introduced by the distinguished gentleman from California (Mr. WALDIE) and a number of other Members and which was approved last week by the House Post Office and Civil Service Committee.

Mr. Speaker, I accept the proposition that Federal employees should be expected to make sacrifice comparable to employees in the private sector; but the President's proposed order would lock Federal workers into a much greater sacrifice.

The President has already announced that the outright freeze on increases in wages, prices, and rents would not be continued beyond November 15. Ironically, he has also announced that he expects Federal classified employees and members of the uniformed services to accept frozen wages 7½ months beyond November 15, 1971. Under his plan, there would be absolutely no raises for these Federal workers until July 1, 1972. The obvious inequity of placing Federal employees in such a disadvantageous position is totally unacceptable.

In a recent thoughtful editorial, the New York Times pointed out that—

> We have little sympathy with the notion that any group of public employees—state, local or federal—should be exempt from the general freeze. But neither do we see any justification for putting them under special handicaps of the type involved in the President's proposal that Federal workers be denied promised pay increases after the freeze.

When the general freeze is lifted in November, Mr. Speaker, a substantial number of price increases are inevitable. But the 4.8 million employees affected by the President's proposal, both civilian and military, will find their incomes frozen for more than a half year in the face of these rising prices.

This is simple injustice, Mr. Speaker, and my resolution will eliminate it. I urge my colleagues to review this issue objectively, and support the resolution when the vote is taken early in October.

TELEPHONE EXCISE TAX REPEAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, today I am introducing a bill which would repeal the 10-percent telephone excise tax.

This tax was imposed on local telephone service in 1941 as a "temporary" wartime measure which would provide a means of raising revenue to carry out our war effort. Back in 1941 the tax was imposed for the additional purpose of discouraging the use of our overburdened telephone system and of easing the demand for new equipment which was quite scarce at the time.

Many years have passed since this "temporary" tax was imposed on this Nation's telephone users. Our telephone system is the most advanced in the world. Equipment shortages are now a thing of the past. Our President tells us that he is winding down our war effort in Vietnam. In short, even the Vietnam war no longer provides an excuse for continuing this "temporary" tax.

Another reason originally given for the imposition of this tax was that telephones were considered to be a luxury in the early 1940's. Here again, we have a reason for the tax which no longer exists. Today the telephone is a vital necessity to our entire Nation. Our business community would grind to a halt if telephone service were to be interrupted for an extended period of time. The need for the telephone in the home is equally important, especially in emergency situations. In spite of this fact, we continue to be taxed on a vital necessity.

The history of this tax is replete with broken promises to the American taxpayer. The Revenue Act of 1943 increased the 1941 tax and specifically provided that these increases would expire 6 months after the end of World War II. The Excise Tax Act of 1947 extended the rates indefinitely. The American taxpayer received some relief in 1954 when the tax was reduced. Minor reductions were made in the Excise Tax Technical Changes Act of 1958. In 1959, Congress again provided for a termination of the tax in the Tax Rate Extension Act of 1959. However, in keeping with past practice, the tax was continued through a series of yearly extensions until 1965. Once again Congress started to reduce the tax on a gradual basis through the Excise Tax Reduction Act passed in June of 1965. However, past practice soon prevailed and the Tax Adjustment Act of 1966 restored the tax at its 10-percent rate. At that point the tax was scheduled to be repealed in 1969. As in the past, the tax was not repealed. Extensions were made in the Revenue and Expenditure Control Act of 1968, the Tax Reform Act of 1969, and most recently in the Excise, Estate and Gift Tax Adjustment Act of 1970.

At present, the 10-percent rate will be in effect until January of 1973. A gradual reduction is then scheduled to take place until the tax will supposedly be terminated in 1982. At that point we will have had a "temporary" tax which will have lasted over 40 years.

Mr. Speaker, I think it is time we repealed this "temporary" tax. The taxpayers of America are sick and tired of being taxed at a rate of 10 percent on the use of their telephones. The Vietnam conflict can no longer be used as a pretext for this "temporary" wartime tax. President Nixon has finally realized that this Nation's economy is in serious trouble. The root of some of those troubles is our antiquated and outdated patchwork of taxation measures. The bill I am introducing today would be an ideal first step toward a complete overhaul of our entire tax system.

EULOGY ON JUSTICE HUGO L. BLACK OF THE U.S. SUPREME COURT

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, I would like at this time to praise the name and the memory of that great American, Justice Hugo L. Black of the U.S. Supreme Court, on the occasion of his passing.

The country has known few such men of conscience and of law, and his outstanding record as a Justice on the Bench of our highest Court renders him one of the great men of our time.

When the country was torn by the Great Depression of 1929–1933, Hugo Black was a Member of the U.S. Senate, from the State of Alabama. As such, he led the battle in the Senate for passage of the New Deal legislation that restored the National economy to an even keel. In 1937, he was appointed an Associate Justice of the Supreme Court, and his remarkable judicial career was underway.

For 34 years, the simple devotion of Hugo Black to the Constitution served as an instrument in the interest of the oppressed. The Supreme Court and all our courts were required by constitutional decree, he fervidly maintained, to fight all kinds of tyranny and to protect the interests of the individual.

Although he frequently dissented in major Supreme Court decisions, he also spoke for the entire Court in some of its more significant pronouncements of recent times.

He was the author of the 1947 ruling permitting the use of public funds to transport children to parochial schools; the 1952 decision outlawing seizure of the steel mills, by Executive Order; the 1962 ruling against prayers in public school classrooms; the 1963 decision guaranteeing legal counsel to all criminal suspects charged with serious crimes; the 1963 ruling upholding the constitutional rights of citizens to retain their citizenship until they choose on their own to renounce it; and the 1970 decision upholding the right to vote, in all Federal elections, of citizens who are 18 years of age or older. In every case, Justice Black spoke in the interest of the private conscience, and the right of conscience to protection from governmental supervision.

For many years he found himself in a small minority on the Supreme Court, on issues of free speech and the scope of the Bill of Rights. In time, however, the Court came over to adopt his point of view on many major matters, and there are those who attribute the controversial, liberal, reformist nature of the so-called Warren Court to the influence of Justice Black more than to any other source.

Justice Black was one of the outstanding judges of American history. He had the essential quality of a judge, the inner strength permitting independence. He devoted his life to the Supreme Court of the United States, and did not care what Presidents, politicians, or newspaper editors thought of him. He was his own man, motivated by the word and spirit of the Bill of Rights.

He was a great man in a world so needful of great men, now as never before.

To his wife, Elizabeth, and his son, Hugo, Jr., and Sterling Foster and to his daughter, Martha Josephine of Hackensack, N.J., I extend my deepest sympathy and most heartfelt condolences.

EULOGY ON HON. JOHN C. WATTS OF THE KENTUCKY SIXTH DISTRICT

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HELSTOSKI. Mr. Speaker, with great regret, I note the sudden demise of the Honorable John C. Watts of the Kentucky Sixth District, a man of many talents, and the good friend of many in this Chamber.

For 20 years, John Watts represented the people of the Lexington area, in central Kentucky, in a manner that rendered him a leader in Democratic Party circles and a leader in the House. As second-ranking member of the Ways and Means Committee, and the close friend and confidant of Chairman WILBUR MILLS, he rendered countless important contributions to landmark legislative achievements in the areas of taxation, trade, social security and welfare legislation.

Preceding his entrance in politics, John Watts was a lawyer, a farmer, a banker, and a police judge. In politics, he served initially as a county attorney before winning election to the Kentucky House of Representatives, where he rose to the position of majority leader. At one time, he held the post of county chairman of the Democratic Party, and was briefly commissioner of motor transportation for the Commonwealth of Kentucky.

Sent to Congress in a special election, in 1951, he brought to Washington a talent for quiet, effective legislative operations, looking to the best interests of his district and the country. He was one of those quiet men who shun the limelight and get things done, with great effectiveness.

As a member of the Joint Committee on Internal Revenue Taxation, John Watts established himself as an expert, and was called upon constantly for advice in matters touching on taxation of every kind. He also became thoroughly familiar with tariff problems and attracted some attention in 1965, as a leader in the successful battle to amend tariff legislation, reducing the amount of duty-free liquor permitted entrance to the country on the person of tourists returning from abroad.

In all his operations, political and personal, John Watts had a way of winning friends and molding the popular opinion. He was a potent force in all his undertakings and a man of the greatest honor and integrity.

His loss to Congress and the country is great indeed.

PCB'S: THE FDA'S RESPONSE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Food and Drug Administration Commissioner Charles Edwards today held a press conference to help establish perspective on the problem of the contamination of our environment and our food supply by a persistent, highly toxic, industrial chemical—polychlorinated biphenyls—PCB's.

Indeed, there is considerable public confusion and misunderstanding as to the extent and severity of the hazards posed by PCB's. But this confusion is not as Dr. Edwards suggests the result of "a few alarmists seeking headlines." Quite the contrary, it is the direct result of the Food and Drug Administration's unconscionable failure to deal candidly with the public in regard to this matter.

For the past 2 years, I have been attempting to get the appropriate Federal agencies to take the necessary preventive actions that would have insured that this chemical would not contaminate our environment and our health. But in an almost unprecedent display of disregard for the welfare of our citizens, that administrative action was not forthcoming.

The results of this failure have been tragically apparent in the repeated massive contamination of our food supply by PCB's—contamination that has infected milk, turkeys, chickens, shell eggs, catfish, broken egg products, and a wide variety of packaged foods.

FDA's response to these incidents—incidents which it could have prevented—was to attempt to hide them from the public. When these occurrences finally were brought to public attention, what was FDA's response? Did it alert the public that it had established guideline levels because PCB's, while not presenting an immediate danger of acute toxicity, were extremely pervasive, persistent poisons which accumulate in body tissues and, at threshold concentrations at present unknown, constitute a severe threat to health? Did it tell the public that, almost by definition, any ingestion of these poisons would contribute to that accumulation, and that the guidelines were established for just that reason? Did it inform the public, when FDA knew that contaminated products had reached the market, that it should be on the lookout for these products and avoid them?

The answer is no. Rather, FDA officials have repeatedly attempted to lull the public into a false sense of security.

The fact of the matter is that, despite the recurring incidents of PCB-contamination, the Food and Drug Administration has made no effort to make full disclosure to the public, nor has it undertaken those actions necessary to insure that such occurrences will not be repeated.

Despite Commissioner Edwards' assurances at today's press conference that the FDA is taking "specific, adequate and positive steps" to safeguard the public from the dangers of PCB-contamination, neither he nor his staff could elaborate upon what these steps are further than that they are identical to the practices undertaken voluntarily by industry months ago—practices which led to, rather than prevented, the massive con-

tamination of food in a 12-State area in the Southeast United States.

What these steps amount to is a continued reliance on industry to police itself and the voluntary restriction of PCB production to closed system uses. Unfortunately, there are no true closed systems, and that is all too well documented by the PCB leakage from a closed system application in Wilmington, N.C. In his statement this afternoon, Dr. Edwards rejected outright the need and "in fact the feasibility" for a ban on this chemical. Although conceding PCB's require control—control FDA is unwilling to exercise—Commissioner Edwards went on to say that such a ban "would not be in the best interest of the consumer."

Quite the contrary is the case. The only thing that will insure that future contamination from PCB's does not occur is to eliminate them totally—as proposed in my legislation H.R. 10085. Certainly this is not very complex given the fact that there is one sole domestic manufacturer of polychlorinated biphenyls: Monsanto Co. Perhaps such a ban would not be in the best interests of Monsanto, but it would be the best way to protect the interests of the consumer. And in my book the consumer comes first.

Commissioner Edwards ended his statement by rejecting the idea that crisis headlines are justified to meet the situation as we know it today. I agree that scare headlines are not the answer—what is needed is preventive action by the responsible Federal agencies and full and timely disclosure of any and all food adulteration and contamination to the American public.

And for some reason, those two items were overlooked by Commissioner Edwards today.

SENATOR BAYH SPEAKS ON AMERICAN SOCIETY

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I am including in the RECORD an address delivered by the junior Senator from Indiana, BIRCH BAYH, on September 13, 1971, on the occasion of freshman orientation at George Washington University:

AN ADDRESS BY SENATOR BAYH

It seems to me that young people are asking basic questions that concern the values and direction of American Society: For example:

What kind of Society do we have that:

Forgets its old; neglects its poor; sentences its "criminals" to jails that offer more punishment than rehabilitation; and lets 20 to 30 million of its own citizens live lives of quiet desperation in hunger, alienation, and poverty.

What kind of society do we have that:

Places a social, economic and political chastity belt around many of its women; plays politics with its Blacks; ignores its blue-collar workers; avoids its Chicanos and keeps its first real Americans living in P.O.W. camps, seventy-five years after the last battle.

What kind of society do we have that:

Confuses quantity with quality and bigness with goodness; equates a high Gross National Product with the good life; refuses to tune in its economic system with its ecological system.

What kind of society do we have that:

Taxes its poor and middle class more than the rich; often protects Big Business at the expense of the consumer; gives away thousands of dollars to rich corporate farmers for not growing crops; spends almost 50¢ out of every tax dollar for the military; subsidizes and saves corporations like Lockheed but ignores the 11,000 small businesses that close every year; adheres to a rather dubious philosophy of "socialism for the rich, free enterprise for the poor."

What kind of society do we have that:

Hunts down political scapegoats but cuddles the large corporations that engage in graft, price fixing and pollution; that talks constantly about law and order but fails to enforce certain laws relating to civil rights; that totally ignores the rights of those students who lost their lives at Jackson and Kent States.

What kind of society do we have where:

The Justice Department is more interested in domestic politics than in equal justice under law and tries to make us believe that the only way we can make our streets safe and our homes secure is by depriving citizens of a trial by jury, jailing peaceful demonstrators, tapping our telephones or spying on our public officials.

What kind of society do we have:

That continues to waste lives in a futile and insane war in Vietnam, and where, if you want the real truth from your government about that war, you have to steal it.

What kind of society do we have:

That pays private corporations millions in cost overruns for weapons systems that are usually obsolete and defective by the time they are finished; spend billions for an ABM system that probably won't work to protect decaying cities that, for the most part, aren't fit for human habitation; that hoards, in the form of nuclear stockpiles, the explosive power of eight tons of TNT for every man, woman and child in the entire world, annually spends $410.00 per capita for every American for the military, and still has the audacity to ask for more.

What kind of President do we have:

Who would rather spend his time talking about a few welfare cheaters instead of our vast inequality of income of our 5.5 million unemployed; would rather discuss dissent and dissenters than the many problems and issues that creates the dissent and engulf this country; would rather *not* talk about the crisis in our classroom, the crisis in our courts, the crisis in our cities, the crisis in our Congress, and most importantly, the crisis of our conscience.

What kind of President do we have:

Who talks about bringing us together but sends Spiro Agnew across the land to articulate suspicion, create division and magnify distrust; who seems more concerned with the politics of the next election instead of the problems of the next generation.

What kind of society do we have?

Some of you might insist that it is a totalitarian society, which it is not. Others would rather cop out and believe that it is an incurable society, not worthy of saving. But, more of you, I think, would say that it is a sick or insane society, which in part it is. But regardless of how you describe it these faults are Our problems, this land is Our land and this Society, this Society that we have just described, is Our Society.

For we should remember that just as we are a country with distorted values and insane priorities, we are a country capable of change. Indeed, the greatness of America lies not only in what we are, but in what we can become.

But some of you may not see it this way. Some of you have been fooling yourselves into believing that change is not possible, that nothing can be done. Such thinking is not only false and dangerous; it is a cop out. For it is always easier to hate and despair than to love and build. We must remember that cynicism, apathy and withdrawal are diseases to be avoided, for there is no alternative to hope.

History will judge us not by what we oppose, but rather by what we propose. To accentuate the positive, however, is not an easy role. It requires the courage to champion difficult causes. It demands the vision to see and to occupy new frontiers. It asks its leaders to place people and purpose above politics and profit and to bridge the gap between promise and performance.

One begins where one is. Social problems—war, hunger, racism, alienation—these are not indigenous to the United States alone, but to the world. There is alienation in the Soviet Union and in Brazil; racism in Nigeria, India and Poland. Hunger and hatred, unfortunately, permeate the globe.

I'm not excusing our record, I've spent a great deal of my time in the Senate trying to change the direction of this country. I've made some mistakes, but I've tried. I strongly believe that a man's reach would exceed his grasp, that one can be a critic without being a cynic and that a person should be a doer and not just a talker. (I also feel that I would change places with no man, society or time.)

We have made some progress:

We stopped the SST, that flying monument to ignorance, from being built.

We defeated the President twice when he tried to put two unqualified jurists, including a racist, on the Supreme Court.

We finally made democracy a little more possible for 11½ million young Americans by granting them the right to vote.

We helped educate ⅔ of our population who now realize with us that we should get out of Vietnam by the end of this year.

And so finally, I would suggest to you young people today that our objective is clear, we must all work together to change a system and a people that have to change if we are going to survive. For *I believe* with William Faulkner that the basest of all things is to be afraid. *I believe* with Justice Brandeis that the greatest menace to freedom is an inert people; *I believe* with Allison Krause that "flowers are better than bullets," and I join, hopefully with you, in believing that we must all work together, everyone in this room, to build a society where love, compassion and reconciliation are more possible.

BLACK LUNG BENEFITS BILL

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, H.R. 9212, the black lung benefits bill to be taken up by the House on Monday under suspension of the rules, is an attempt to make adjustments to the Federal Coal Mine Health and Safety Act that have been indicated as necessary during the first 18 months of the act's administration.

This legislation has the support of both management and labor in the coal mining industry.

I ask leave to have printed in the RECORD a letter I have received from Mr. Joseph Moody, president of the Bituminous Coal Operators' Association, an organization representing producers of by far the greater part of the Nation's bituminous coal.

BITUMINOUS COAL
OPERATORS' ASSOCIATION, INC.,
Washington, D.C., September 21, 1971.

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

MY DEAR REPRESENTATIVE PERKINS: The House of Representatives is scheduled to take up on Monday, September 27, under suspension of rules, H.R. 9212, a bill proposing four changes in Title IV of the Federal Coal Mine Health and Safety Act of 1969, which provides for benefits to miners suffering from coal miners' pneumoconiosis.

The Bituminous Coal Operators' Association, Inc., representing coal companies producing about 70 percent of the Nation's bituminous coal, and which serves as bargaining agent for the industry in labor-management relations, urges the passage of this legislation. The bill would remedy several inequities in the present Act, and would make for a more orderly transition from Federal to State administration of the black lung benefit program.

Briefly stated, the bill as reported by the House Committee on Education and Labor would:

(1) Extend benefits to "double orphans," that is, children of deceased parents who had been drawing compensation.

(2) Clarify language of the present law relating to Social Security disability benefits so that there can be no reduction in total disability benefits which a miner might be drawing when he qualified for black lung compensation.

(3) Extend for two years the timetable for transferring from the Federal government to the States the responsibility for providing black lung benefits to beneficiaries. This additional time is urgently needed to enable the States to pass necessary legislation and establish administrative machinery to take on this new and complex task.

(4) Authorize the use of diagnostic techniques in addition to X-ray in determining eligibility for benefits.

This proposed legislation would bring greater equity and stability to the black lung program, and we hope that you can see your way clear to vote for it.

Sincerely,

JOSEPH E. MOODY,
President.

BLACK LUNG BENEFITS BILL

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, if my information is correct, suspension day has been rescheduled for Monday, October 4. That means the House will have an opportunity to speed the passage of H.R. 9212, amending the black lung benefits section of the Federal Coal Mine Health and Safety Act.

My purpose in addressing the House today is to deal with only one of the four major purposes of the bill. That purpose is to insure that a coal miner's claim for benefits may not be denied solely on the basis of a chest X-ray.

Testimony before the General Subcommittee on Labor, portions of which are quoted in House Report No. 92–460, clearly established that X-ray alone cannot always establish the existence of pneumoconiosis, or black lung. Frequently miners who have shown no X-ray evidence of the disease are found, in an autopsy, to have contracted the disease.

With this point in mind, I ask leave to have printed in the RECORD a letter I have received from Dr. Gordon Harper, M.D., who is associated with the Children's Hospital Medical Center in Boston, Mass., and an article by Dr. Harper entitled "Coal Worker's Lung Disease." I also ask leave to include a statement by a number of physicians who participated in a seminar on pneumoconiosis held earlier this month in Beckley, W. Va.:

THE CHILDREN'S HOSPITAL
MEDICAL CENTER,
Boston, Mass., September 24, 1971.

Representative CARL D. PERKINS,
House Office Building,
Washington, D.C.

DEAR SIR: I have recently seen a copy of HR 9212 and of Report #92–460 concerning proposed amendments to the Federal Coal Mine Health and Safety Act of 1969.

The extension of benefits to "double orphans" of fathers who died with pneumoconiosis can only be applauded. The extension of the period during which federal benefits will be given also deserves support.

I write with particular reference to the medical criteria for determining the presence of pneumoconiosis. As the enclosed article indicates, this issue has been of some concern to me and to a number of other doctors.

As testimony lead your committee to conclude, the use of rigid X-ray criteria to determine pulmonary disability in coal miners cannot be supported medically, and has prevented large numbers of disabled miners from receiving benefits to which Congress felt they were entitled by virtue of decades of hard work in the mines.

Accordingly, Section 4 of HR 9212, barring the denial of benefits solely on the basis of a chest roentgenogram, deserves full support, and the Committee deserves credit for bringing this important reform before the whole Congress.

There is a further problem with the administration of the 1969 law, however, which HR 9212, as reported out by the Committee, will not rectify.

Many miners and former miners have disabling pulmonary impairment which cannot properly be called "coal-dust pneumoconiosis." They are presently being denied benefits under the same thrifty but narrow interpretation of the law which gave rise to the X-ray requirement. These hundreds and thousands of men are too short of breath to get about, let alone work, but they will still be turned down for federal benefits, even if HR 9212 is enacted, unless Congress spells out that it intends this legislation to benefit *all* miners with work-related pulmonary impairment, not just those with the more spectacular "black-lung" pneumoconiosis. This is not just a medical word game, nor is it as complicated as it seems at first.

Many physicians who have cared for and studied coal miners have found them susceptible to a *variety* of lung conditions which a single term like "pneumoconiosis" does not encompass. Some of these have been recognized for decades, like silicosis; others, like difficulty in moving oxygen from the lungs to the bloodstream, have only been described more recently. They are not so uniquely related to coal-mining as is the characteristic "black-lung," proverbially (and often literally) full of coal dust, but they occur in coal miners in proportion to the years they spend underground, and so are a work-related condition. Their causes, too, involve other factors besides coal dust, like silica dust from sand, and harmful gases from cable and motor fires; these affect the miners' lungs in ways still to be precisely defined. Medical science still has many unanswered questions in this area.

One former miner, who grew short of breath just standing and talking and who has been denied black lung benefits, expressed his own bewilderment in terms many doctors would agree with, when he told me, "I don't know where it came from, but I know what I've got."

The point is simply that many such breathless men are presently incapacitated by pulmonary insufficiency which is just as disabling and just as related to their exposure underground as is the specific entity coal-dust pneumoconiosis, but they will still be excluded from benefits under HR9212 unless Congress instructs those administering the law to include them.

I prepared the enclosed review of this topic as background for a group of doctors who traveled to Beckley, West Virginia, two weeks ago to examine such men. The group released the enclosed statement. The names of the members of the group are attached. Rather than try to establish a list of specific diseases for which miners should be compensated the group avoided that morass and concluded that benefits should reflect how much a man is impaired, not what diagnosis we can fit him into. Otherwise, he (and his family) would be paying for the incompleteness of our knowledge. What we *do* know now without further study, is that many men are too short of breath to work after decades in the mines; medical advice hardly seems necessary to decide that they deserve benefits.

The Black Lung program, we feel, will remain both medically unjustified and cruel and arbitrary to the nation's miners until it makes benefits go to men according to how limited their lungs are, and not according to the presence of that one of the several kinds of pulmonary impairment which miners acquire underground which we decide is the "right" one.

Your truly,

GORDON HARPER, M.D.

COAL WORKER'S LUNG DISEASE

(By Gordon Harper, M.D.)

In 1969 Congress, responding to public awareness of "black lung" among coal miners, and recognizing that the condition crossed the lines of states whose individual workmen's compensation programs might in any case be inadequate, included in the Federal Coal Mine Health and Safety Act of that year a program of "black lung" benefits to be administered by the Department of Health, Education and Welfare. Medical advice was sought in drawing up both the legislation and the regulations subsequently published by the Secretary of the Department of Health, Education and Welfare.

Such advice was given, although many questions about the etiology, pathogenesis and diagnosis of coal worker's pneumoconiosis remain unsettled. They have been reviewed most recently by Bouhys and Peters (1970). Unfortunately, however, the medical definition of black lung which was codified in 1969/1970, vaguely in the statute and more precisely in the subsequent regulations, took the narrow rather than the broad path through this medical uncertainty, with the result that the law today both distorts what we know medically about the lung diseases which coal miners acquired and also fails to achieve Congress intention—to get assistance to disabled miners.

The problem arose from the assumption that coal miners acquire only one kind of respiratory disease, namely, coal dust pneumoconiosis, characterized pathologically by coal dust accumulation, fibrosis and focal emphysema, functionally by obstructive insufficiency and radiologically by discrete or conglomerate densities. "Pneumoconiosis", in fact, combines the Greek roots for lung and dust, reflecting the assumption that coal dust is what is harming the lung. From this assumption, a corollary seemed to follow—namely, that all miners with pulmonary disease acquired in the mines could be identified

by a chest film, and the extent of their disability determined by spirometry.

Following this assumption, the Act speaks of only one kind of respiratory disease among miners, "pneumoconiosis," which it defines as a "chronic dust disease of the lung arising out of employment in an underground coal mine." The law directs the Secretary of the Department of Health, Educatiton and Welfare to prescribe standards for determining whether disability is due to pneumoconiosis but does not establish any criteria for establishing whether pneumoconiosis exists.[1] In the regulations, this loose statutory definition of "pneumoconiosis" was pegged to specific radiologic criteria: "A finding of the existence of pneumoconiosis may not be made in the absence of . . . a chest roentgenogram (showing the defined densities), an autopsy, or a biopsy." Ventilatory studies are used to establish disability, once radiological pneumoconiosis is found. Other criteria were appended to the regulations, again to be used once the radiologic pneumoconiosis was demonstrated, but in practice these play little role.

A miner today, therefore, must have pneumoconiosis by chest xray to be considered for federal benefits and a given FEV_1 or MVV to qualify as totally disabled and actually receive the benefits. There are no "black lung" benefits for miners with less than total disability. Do these requirements fairly reflect what we know about the respiratory diseases which coal miners acquire? The literature suggests not.

While a unitary notion of coal workers' lung disease was established in the 40's and 50's by English workers, studies in this country have increasingly found several syndromes of pulmonary disability in miners, which correlate poorly with each other and with both tissue and xray evidence of pulmonary coal dust. They have concluded that miners suffer from more than a single pathologic process due to dust. It is worth looking at their findings in detail.

Stoeckel, Hardy et al (1962) studied intensively thirty former miners who had sought medical help for pulmonary symptoms. They found "patterns not of pneumoconiosis alone but syndromes which include bronchitis, radiologic pneumoconiosis, and varying degrees of respiratory insufficiency as measured by lung function study." Concluding that "more than one insult has been at work in producing the illness of these thirty men," they chose "the broad title of respiratory disease of miners rather than pneumoconiosis to describe the disabling disease of these U.S. soft-coal miners." They emphasized other etiologic factors besides coal dust, including irritant gases, silica and cigarette smoking. Of particular relevance here, they found men with impaired ventilation and diffusion, without radiologic signs of pneumoconiosis. And their patients with bronchitis showed loss of function "irrespective of xray or pathologic evidence of pneumoconiosis." Conversely, four patients with pneumoconiosis had normal pulmonary function for age.

These findings were extended epidemiologically by Hyatt et al (1964). They studied a carefully selected sample of several hundred present and former miners in Raleigh County, West Virginia, and obtained numbers large enough to evaluate the relative contribution to pulmonary disability made by several factors: years underground, years at various jobs, and smoking. They concluded. "Even though smoking definitely impairs pulmonary function, the impairment of pulmonary function by years worked underground is clear and separate from the effect of smoking." Moreover, they isolated the effect of coal dust, measured in radiologically diagnosed pneumoconiosis, and found that pulmonary functions were increasingly impaired the longer the men had worked underground, regardless of the presence or absence of radiologic pneumoconiosis. Even when chest films were normal, this trend held true. They concluded, "Since progressive impairment of pulmonary function occurs in relation to years of underground mining even in the absence of pneumoconiosis, it may be that harmful underground agents other than dust are responsible or that dust affects the lungs in ways other than by producing pneumoconiosis."

This clinical and epidemiological evidence that coal miners acquire forms of pulmonary disability quite apart from radiologic pneumoconiosis was supported by pathologic studies done by Naeye and Dellinger (1970). They reviewed autopsies on former miners and calculated indices of change due to coal dust and of that due to other factors and showed that the coal dust macule and its complications were only a part of the pathology present. Specifically, chronic cor pulmonale and focal emphysema correlated with dyspnea (by history), whereas coal dust accumulation did not. "It is not surprising," they concluded, "that pulmonary insufficiency can often be found in men with only minimal roentgenographic evidence of pneumoconiosis. Roentgenograms primarily detect the lesions associated with the dust macule and its complications; disability as manifested by dyspnea seems mainly related to bronchitis, superimposed bronchiolar and alveolar wall destruction, and chronic cor pulmonale."

Further clinical and laboratory confirmation has come with Rasmussen's demonstration of impaired oxygen transfer, unrelated to radiologically demonstrable pneumoconiosis, in his large series of coal miners (1971, Amer Rev Resp Ds). Also, by showing impaired oxygen transfer in miners who have never smoked cigarettes, he has laid to rest the old argument that cigarette smoking is to blame for most such disability, which Hyatt et al challenged back in 1962 (1971, J Occup Med).

If pulmonary disability, reflected in clinical symptoms, impaired ventilatory studies, and increased alveolar-arterial oxygen gradients, occur in coal miners in proportion to the years they have worked underground, irrespective of xray changes of pneumoconiosis, it seems medically unjustified to restrict disability benefits to these coal miners who happen to have acquired a certain kind of abnormal chest film (and obstructive insufficiency) along with whatever other pulmonary disease they have.

A practice unsupported by the medical literature appears not only unscientific but also cruel toward the men the law was meant to benefit. In one coal "camp" after another, one can see men with thick chests and deep coughs. They have worked in the mines, as one observer said, "till their bodies quit." Their lungs, as essential to living as the heart itself, have been scarred, thickened or overexpanded in ways that they can never recover from. Nor can our medical science do much more than make a diagnosis. One former miner said, speaking of the "sweetheart" mine where he worked (on a piecework basis) after he was too short-winded to work in a union mine, "there were nights I went down there when I coudln't hardly get a breath, but I knew I had to load a cart or a cart and a half, or I wouldn't have anything to take home."

Solely on the basis of a chest film—without even a history being taken or a physical examination performed—such men are currently being denied, by the hundreds and thousands, the black lung benefits which Congress voted for them.[2] Such practice should offend us all as doctors; the denial of benefits to men too short of breath to walk half a flight of strairs should offend us all as citizens.

There are still questions to be answered in this field, we readily admit. Effects of varying dust concentrations, of various jobs, of differing grades of coal, of variations in silica content, and of the various gases present underground—the influence of all these factors has yet to be sorted out, and the consequent pathological processes better understood. We have yet to understand, too, whether the various clinical syndromes described reflect the same set of agents, in varying combinations, or whether discrete disease entities, yet to be identified, are responsible. The role of genetic or immunologic factors in the host is also still to be defined.

But those whose lungs have already been damaged should not have to wait for relief while we define every detail of the pathophysiology which has done them in; research on such a disease takes on a macabre cast if we cannot guarantee while it is being done that its victims enjoy the full benefits of our present knowledge.

There will be medical controversy, as there has been in the past, about all aspects of this problem. There will be cries to do more research now, before changing the law. But the existing literature already establishes a scientific basis for rejecting the present narrow criteria. We know enough now, without further reseach, to state that coal miners acquire, from their work underground, a variety of forms of pulmonary disability broader than those recognized by chest film and FEV1. Nor does the literature support the old dodge of blaming the victim's smoking habits; granted that miners smoke an unhealthy number of cigarettes, there is still, as Hyatt et al and Rasmussen have shown, a separate and identifiable effect of mining work per se on the miners' lungs.

Coal miners' lung disease is just that: damage to the lungs acquired during and attributable to work in underground coal mines. It should be compensable as such.

We urge Congress and the Social Security Administration to take appropriate action to widen the criteria for pulmonary disability among coal miners. The law should be flexible enough to permit the addition of new criteria as these become medically acceptable; it should be firm enough so that overly strict regulations do not once again subvert the legislative intent.

Unfortunately, we cannot promise that bringing the law and regulations into line with what we know medically about respiratory disease in coal miners will make the administration of that law—the determination of eligibility—any easier for the Social Security Administration. On the contrary, fair determination of disability will surely be a harder and more expensive task than taking a chest film. But this will not be the first time hard work has been required in the coal country.

In closing, we note that the present benefits program compensates only for total disability. Even administered generously, such a graveyard program offers help only when all

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[1] Opacities on a chest film greater than one centimeter in diameter, or "massive lesions" on autopsy or biopsy (singularly impractical alternatives for living men with pulmonary impairment) are presumed to be evidence of total disability due to pneumoconiosis in those suffering from a chronic dust disease of the lung, but they are not *necessary* criteria.

[2] Conversely, because chest films and pulmonary disability correlate poorly, there are other men with minimal dyspnea but advanced radiologic changes now receiving benefits. While fairness demands attention to this abuse of the system as well, we are more concerned with those who are in need and receive no help than with those who receive unwarranted help.

of a man's working ability has been drained from him. It is no substitute for a program which would protect the health of miners, a program which would not reward but *prevent* the destruction of a man's lungs: by enforcing standards,[3] by looking for early pulmonary disease, by getting such men out of the mines and into other work while they can still breathe, and by making the coal industry liable, as other industries are liable, for work-related disability. None of this is now done.

Preventive medicine has yet to reach the coal country; as a society, we have yet to stop burning miners along with the coal.

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DOCTORS' STATEMENT CONCERNING LUNG DISEASE OF COAL MINERS, BECKLEY, W. VA., SEPTEMBER 1971

1. Consideration of existing criteria for compensable respiratory disease of coal miners forces us to conclude that:

(a) There is a diversity of pulmonary diseases and conditions associated with coal mining for which the rigid definition of "pneumoconiosis" (possessing as its *sine qua non* a radiologic lesion) is not tenable.

(b) That disability resulting from work-associated respiratory disease, after appropriate review, be compensated.

(c) That criteria for eligibility for all work-associated pulmonary disease be based upon *functional impairment* rather than solely upon anatomic or radiologic criteria.

(d) That eligibility be based upon either total or partial disability and compensation graduated accordingly.

(e) In assessing disability consideration must be given to the nature of the coal-workers' experience in which mining is often the only work for which these men are prepared.

2. We believe that the present regulations and administrative policies are unduly and unnecessarily restrictive:

(a) In limiting the initial qualifying diagnostic criteria to X-ray, biopsy and autopsy evidence.

(b) In denying consideration of the data concerning the applicant's respiratory functional status including history, physical examination and laboratory findings.

(c) By recognizing primarily spirometry as a measure of disability while excluding equally valid functional measures of disability.

(d) By failing to provide a comprehensive medical evaluation as part of the reconsideration and appellate process.

Dr. Bertram Carnow, Professor of Preventive Medicine and Chief of the Division of Environmental Health, Abraham Lincoln School of Medicine, University of Illinois; Medical Director of the Tuberculosis Institute of Chicago and Cook County; Chest Consultant and Director of the Respiratory Clinic, Union Health Service, Chicago.

Dr. John Rankin, Professor of Medicine and Chairman of the Department of Preventive Medicine, University of Wisconsin.

Dr. Harry Lipscomb, Professor of Physiology and Director of the Xerox Center for Health Care Research, Baylor College of Medicine, Houston.

Dr. Robert L. Nolan, Professor of Medicine and Chairman of the Division of Public Health and Preventive Medicine, West Virginia School of Medicine.

Dr. Harold Levine, Director of Chest Service, Cook County Hospital; Associate Professor of Medicine, Abraham Lincoln School of Medicine, University of Illinois.

Dr. Milton Levine, Associate Professor of Medicine and Preventive Medicine at Rush Medical School of Presbyterian-St. Luke's Medical Center.

Dr. Walter Morgan, Associate Professor of Public Health and Preventive Medicine, West Virginia University School of Medicine.

Dr. William C. Sugg, Jr., Co-director of Pulmonary Clinic at Charlotte (North Carolina) Memorial Hospital.

Dr. Edward Landis, Jr., Co-director of Pulmonary Clinic at Charlotte Memorial Hospital.

Dr. Carl Lyle, Former Executive Secretary of the Health Care Committee of the Appalachian Regional Commission.

Dr. William Porter, internist.

Dr. Gordon Harper, pediatrician.

[3] A study last year in Kentucky found the *mean* coal dust concentration in 108 mines doing continuous mining to be more than four times the federal standard.

CHRONICLE OF RETREAT: NIXON LOSING BUDGET BATTLE

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, the public memory is short. But it may not if President Nixon seems to believe in making his various pronouncements on the economy. Fortunately, the public memory is sharpened from time to time by a visit to a grocery store, a look at one's bank balance or, in more precise terms, a column such as the one by Robert S. Boyd, chief of the Washington bureau of the Knight newspapers.

The Boyd column of September 24, 1971, detailing the gaps, then the abyss, between the President's promise and performance, is set forth below.

[From the Detroit Free Press, Sept. 24, 1971]

NIXON LOSING BUDGET BATTLE

(By Robert S. Boyd)

WASHINGTON.—Like King Canute of old, President Nixon has been fighting a losing battle to hold back a sea of red ink.

The President took office pledging to balance the federal budget. Since then, he has been forced into a step-by-step retreat into greater and greater deficits.

First he gave up on balancing the budget in the old-fashioned traditional way—where the government spent no more money then it took in.

Then he adopted the so-called "full employment" budget, which allows the government to spend as much as it would have collected if business was booming—even though spending exceeds actual revenues.

And now, finally, he has been driven to abandon even the "full employment" concept and accept massive federal deficits unequalled since the height of World War II.

This year and next, our Republican President will preside, reluctantly, over a $50 billion jump in the national debt.

Even at that, Mr. Nixon has had to resist pleas from agency officials who wanted to spend even more, and some Democrats who urged even greater deficits to stimulate the economy.

Here is the chronology of the President's fiscal retreat:

Feb. 2, 1970—Mr. Nixon's first budget of his own making, for the fiscal year 1971 (beginning July 1) goes to Congress. It projects a surplus of $1.3 billion.

"I have pledged to the American people that I would submit a balanced budget for 1971," Mr. Nixon says. "The budget I send you today—the first for which I bear full responsibility as president—fulfills that pledge."

May 19, 1970—even before fiscal 1971 began, Mr. Nixon has to give up his dream of a balanced budget. Rising spending and shrinking revenues change his forecast from a surplus to a $1.3 billion deficit.

July 18, 1970—only 18 days into the fiscal year, Mr. Nixon sends a special message to Congress saying that big spending bills and sagging tax collections were rapidly swelling the deficit. Prophetically, he warns that the present trend would produce "a massive deficit" for 1972.

In this message Mr. Nixon first publicly proclaims his conversion to the "full employment" budget.

"I am not suggesting that the federal government should necessarily adhere to a strict pattern of a balanced budget every year," he says. "At times the economic situation permits—even calls for—a budget deficit.

But then the President goes on to draw a firm line against excessive deficits.

"There is one basic guideline for the budget," he says, "which we should never violate: Except in emergency conditions, expenditures must never be allowed to outrun the revenues that the tax system would produce at reasonably full employment (later defined at 4 percent unemployment)."

Jan. 29, 1971, Mr. Nixon now estimates the 1971 deficit at $18.6 billion.

For fiscal 1972, he submits a budget with a deficit, in traditional terms, of $11.6 billion. He justifies this, however, by arguing that it would have been balanced at full employment. In fact, he estimates a razor-thin "full employment" surplus of $100 million.

July 28, 1971—the White House reports that the 1971 deficit finally wound up at $23.2 billion. Unofficially, administration officials say the 1972 red-ink figure will be almost as bad.

Aug. 6, 1971—A congressional committee estimates the 1972 deficit at $22.4 billion—almost double the January estimate.

Sept. 8, 1971—Treasury Secretary John Connally says the 1972 deficit would be between $27 and $28 billion.

He blames it mainly on falling tax collections, due largely to lower corporate profits, and to a lesser extent on higher spending.

This red-ink figure tops the post-war record of $25.1 billion set under President Johnson in 1968.

Sept. 9, 1971—Budget Director George Shultz, confirming Connally's deflict estimate, admits this would mean that the budget would be unbalanced—even under the full-employment concept—by at least $8 billion. Shultz calls this a "potent danger signal."

The President's last line of fiscal defense—the supposedly inviolate full-employment barrier—had been breached.

"THE NEWS TWISTERS" TELLS THE STORY OF TV BIAS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, charges of political bias have been hurled against the TV networks on virtually every con-

troversial issue that has arisen during the past two decades or more. The blasts by Vice President AGNEW are unique only because of their success in stinging the network executives to reply, albeit inadequately.

A forthcoming book, "The News Twisters," by Edith Efron, can mark a turning point in the fairness of TV political coverage. It provides devastating factual documentation and analysis of network bias which TV critics, both left and right, can use for a long time to come. Not just another book, this study should have a momentous effect upon the TV reporting of future election campaigns.

Allen Drury, the Pulitzer Prize-winning political novelist, characterized the Efron work as—

A vitally important book about one of the most deadly serious problems confronting America. The author does not present arguments—she presents facts, damning and conclusive. Every citizen should read this book. Nothing more important has been written on why the country is the way it is, in a long, long time.

Sidney Hook, the noted civil libertarian professor at New York University, said:

Granted that the public media should be free and uncontrolled, we have a right to require that they be fair and responsible. If they are unfair and irresponsible, it makes it difficult to preserve their freedom. Miss Efron's study, based on very impressive documentation, raises this question in an acute and challenging way. It deserves wide and careful attention by all who are interested in public affairs.

Since 1949, the Federal Communications Commission has required that broadcasters comply with the "Fairness Doctrine," but no objective standards have been provided to measure the neutrality or nonpartisan nature of the radio or TV output. Miss Efron's content analysis, which took 3 years of work, is a major step in that direction.

The 1968 presidential election campaign was the focus of the Efron study. From September 16 to November 4, all weekday news programs from 7 to 7:30 p.m. of the three major television networks were tape-recorded and then transcribed. The record consisted of over 100,000 words each for ABC, CBS, and NBC. Using this mass of raw data, Miss Efron selected 13 issues and classified every story about each as "pro" or "anti," compiled the material in research volumes, and then counted the pro and anti words for each issue. The issues—and the resulting 26 volumes of news and opinions—were: pro-HUMPHREY, anti-HUMPHREY, pro-Nixon, anti-Nixon, pro-Wallace, anti-Wallace, pro-U.S. policy on the Vietnam war, anti-U.S. policy on the Vietnam war, pro-U.S. policy on bombing halt, pro-Vietcong, anti-Vietcong, pro-black militants, anti-black militants, pro-white middle class majority, anti-white middle class majority, proliberal, antiliberal, proconservative, anticonservative, proleft, antileft, prodemonstrators, antidemonstrators, proviolent radicals, and antiviolent radicals.

The results show that the 1968 network news coverage was:

Overwhelmingly slanted against Nixon;

Strongly slanted against the Johnson policies regarding the Vietnam war and the bombing halt;

Consistently used to attack the white middle class as racist, ignorant, and authoritarian;

Systematically used to rationalize political violence by black militants and new left radicals.

President Nixon, addressing the National Association of Broadcasters after the election, wryly remarked:

Certainly, I am the world's living expert on what television can do for a candidate, and what it can do to a candidate as well.

Query? Since this powerful medium was so decisively slanted against Nixon, how come he won the election?

This is a good question, one reminiscent of the four Franklin D. Roosevelt elections when F.D.R. was overwhelmingly opposed by the press of the Nation. Of course, neither the press nor TV operate in a vacuum; other factors are important. In the case of the press of the Roosevelt era, there was a sharp distinction between the editorial stance of the large newspapers and their news columns which tended to present straight news reporting. Reader surveys showed that there was much less interest in the editorials than in the news.

Two factors help explain the election of Nixon despite the TV slanting against him. One is that the slanting in favor of HUMPHREY was not as great and it varied among the networks. In fact, taking the total number of words of all three networks about HUMPHREY, about half were for him and half against him. This is a far different proportion than the roughly 9 percent for Nixon as compared with 91 percent against him. NBC, for example, had more bad than good to say about HUMPHREY. Ergo, the networks were overwhelmingly against Nixon but only half and half for HUMPHREY.

The second factor is that there is a reservoir of listener resentment about TV and a tendency to disbelief. One indication of this was the widespread immediate and favorable response to Vice President AGNEW's criticisms of television's coverage of political and public affairs.

Miss Efron's results will be less than comforting to the vast majority of black Americans. The 1968 network evening news programs stereotyped blacks as thug-revolutionaries, violent criminals upon whom network reporters lavished sympathy and used to threaten whites, at the same time being indifferent to black victims of black crime. Blacks of intellectual and moral distinction and great achievement were largely kept off the air. The black community was presented as monolithically racist, proseparatist, and proviolence. Evidence was also presented by Miss Efron that network reporters equated the concept of law and order with racism—thus reinforcing the racist view that all blacks are lawless.

Network coverage of the new left was ambivalent. This expressed itself in the form of support for black militancy and antiwar protests, at the same time suppressing new left thought. When not submerged or hidden in a sentimental white stereotype of restless adolescence, New Left ideology was expressed by slogans, shouts, and mob scenes, not in the reasoned form of ideas, theories, and goals. These were ruthlessly excluded from the airways, at least during the 7 to 7:30 p.m. news programs. On the whole, the new left fared very well in view of its small numbers.

The author shows that the protests of middle-class whites, blacks, and revolutionaries against the networks are not mutually contradictory and that they do not cancel out to constitute fairness, as the network executives would like to claim. As John Chamberlain remarked—

Miss Efron shows that TV reporting and editorializing have been incapable of departing from the crudest and laziest sort of stereotypes.

Miss Efron illustrates with specific examples 33 techniques by which network newsmen slant stories. Here are a couple of examples picked at random: CBS on September 17 attacked Nixon for being unyoung, unhandsome, and unsexy, although neither of the other middle-aged candidates was criticized by this or any other network on such grounds. Miss Efron refers to this as the double-standard attack.

Another example: on October 1, an NBC reporter mocked a congressional hearing about alleged Yippie violence and joked about the events at the hearing, communicating his view that such an investigation is laughable. Miss Efron labels this slanting by, "humor, sarcasm, satire, and irony."

Other forms of slanting documented by Miss Efron included covert editorializing by attributing a reporter's own ideas to an external source. This can take the form of "mindreading" so that the reporter pretends to be reporting the views and feelings of individuals, small groups, crowds, entire socio-economic classes, inhabitants of large geographical areas, and whole races. The odd thing is that this preposterous mindreading invariably results in opinions that support democratic, liberal, or leftist causes. Frequently anonymous sources are quoted, that is experts believe, observers point out, and so forth. Equally odd is the fact that these anonymous sources also echo the network reporters' liberal-leftist bias.

The way the networks keep opinions they do not like off the air is simply to omit, evade, or suppress them. On October 24, for example, ABC reported on a riot at Berkeley. As Miss Efron found—

All language, all emotions, all attitudes, all values, all purposes reported on, were those of the rioters. The sole perspective transmitted was theirs. One would not have known that anyone else existed, either at the university, in the city, in the State or in the country, who had a different perspective on the situation.

The book contains many other examples and devices for slanting.

"Do the Networks Know What They Are Doing?" is the title of one penetrating chapter. Miss Efron answers by citing statements from network newscasters and executives—most of them made before Mr. AGNEW's famous speech in 1969.

Miss Efron shows that, despite a great deal of confusion, the broadcasting leaders know that news is slanted. Everyone knows that selectivity is necessary since broadcast news time is limited. Many realize, further, that when choices as to what to include and what to exclude are based upon only one general point of view, biased news is an inevitable result.

As David Brinkley said in 1954—

News is what I say it is. It is something worth knowing by my standards.

Viable solutions to the problems raised by Miss Efron are not easy either for the networks or civil libertarians to accept. Her suggestions are bound to be controversial but they are worthy of serious consideration.

Endorsements for the book have come from spokesmen of the political left and political right. Dr. George Weinberg, a radical writer for the underground press, called the News Twisters—

A fantastic, shocking book. It proves beyond any doubt that the networks are politically biased—and that they are lying about it. Even when the slanting is for causes I favor, I find the degree and nature of the bias horrifying.

William F. Buckley, Jr., editor of the right-wing National Review, declared—

Miss Efron's extraordinary finds are the basis for a new ethic in broadcast news. Surely this volume will be the lodestar of reform. Miss Efron is the Ralph Nader of broadcasting, which will never be the same again, and should not.

Mr. Speaker, at this point I insert in the RECORD two articles by well-known columnists of opposite persuasion which indicate the interest that has been expressed in this new book.

A FAIRNESS DOCTRINE IS NEEDED

(By John Roche)

Well, Dr. Frank Stanton of CBS has been spared a trial for contempt of Congress and—unless some security risk at the network leaks the "CBS Papers"—we shall never know exactly how the "Selling of the Pentagon" was put together. As has been suggested here before, this is just as well—there is enough snooping in our society already. And besides CBS has changed its rules in effect proclaiming that while it is not guilty it won't again play games with interviews.

Yet conceding that Harley Staggers' subcommittee went off the reservation in this particular instance the fact is that the investigators were trying to put a handle on a notably slippery billiard ball: bias and distortion in the presentation of news. And when the networks claim that they are just like newspapers and have the same constitutional protection they have gone well beyond the First Amendment as it is generally interpreted. Indeed, the Supreme Court has sustained the right of Congress to require "fairness" from both radio and TV stations.

This is a crucial distinction. Newspapers are private property and have the right to be as biased as they choose. If you don't like one paper's position you can always buy another. Radio and TV stations on the other hand are utilizing public property—the air waves and channels—and if all you get is the same pitch from all the networks, you can either believe it or turn it off. To prevent any one viewpoint from dominating these publicly owned media Congress passed and the Federal Communications Commission is supposed to enforce the "fairness doctrine" which requires that all sides of controversial questions be presented. And presented fairly.

The legitimate and constitutional concern of Congress then is not with such esoteric questions as were raised in the "Selling of the Pentagon," nor should it be with the paranoidal issue of the political viewpoints of the TV editors or commentators.

It is simply this: Is the news presented fairly? No more, no less. The trouble with this standard is the absence of accepted criteria of fairness and the lack of objective techniques of measurement.

However a land-mine is shortly going to explode. Miss Edith Efron of "TV Guide" decided back in 1968 that there must be some, way of empirically evaluating "fairness" in TV network news. So she got three tape-recorders and had transcribed all the daily prime-time news features on the three networks from Sept. 16 to election eve Nov. 4, 1968. As issues she chose the presidential race and ten associated matters including Vietnam policy, black militants, demonstrators and the white middle class. She then took this mass of material—over 100,000 words per network—and broke it down in terms of "for" and "against" e.g., Hubert Humphrey, Richard Nixon, George Wallace or black militants or the war.

Without going into details here the result is a volume, "The News Twister" (to be published in September by Nash) that should make quite a stir. It is a devastating indictment of unfairness of treatment by all three networks. Without an independent investigation of her data and methods, it is impossible to issue a final verdict on her charges. But the point is that she has put a handle on that billiard ball, has provided a prima facie case of private news-management.

In other words, what Miss Efron's charges merit is thorough sophisticated and nonpartisan investigation by Congress of the extent to which its stewardship as set forth in the "fairness doctrine" has been evaded. It might be added that this is not a matter of grinding any special axe—she suggests that the New Left was treated as unfairly as the war in Vietnam!

THESE DAYS: THE 1972 TV CAMPAIGN REPORTING WILL BE DIFFERENT

(By John Chamberlain)

Vice President Spiro Agnew has hurt the credibility of the big TV networks with his what-for lectures, but everything he has said will pale into relative insignificance next week when a block-buster book, "The News Twisters" (published by Nash of Los Angeles), hits the stands. Written by Edith Efron of TV Guide, whose interview with commentator Howard K. Smith surely tipped Agnew off to the vulenerability of the networks' news coverage, the book presents evidence that the TV reporting of the 1968 campaign was just about as onesided as a match between Muhammad Ali and my 7-year-old granddaughter. I am not indulging in hyperbole when I say this; I am merely recognizing the irrefutable nature of Miss Efron's arraingment.

The girl has left nothing to chance. What she did was to set three tape recorders to work for seven weeks during the autumn of 1968, transcribing all the 7–7:30 p.m. prime time ABC, CBS and NBC network shows. The big issue of the day was, of course, the Nixon-Humphrey Presidential race. But there were various subissues, such as the Vietnamese War, the "kids," racism, the black militants, and the WASPS (or white Anglo-Saxon Protestant middle class). Taking some 100,000 words per network, including what the reporters, the politicians and a gaggle of public personalities had to say, Miss Efron started counting, breaking everything down into "for" and "against."

The tabulations leave a telltale smear of egg over the faces of practically everyone connected with TV news policy. Nor will anyone from CBS's Frank Stanton on down to his office boy be able to issue credible denials. The reason is that Miss Efron has included her taped stuff in her book as appendix matter. The reader, if he so chooses, can do his own counting. It's all out in the open.

In a short column I can only summarize what Miss Efron proves. President Nixon, of course, had his own share of the prime time, and so did the Republican-Conservative politicians. But the point is that the network reporters and editorialists were virtually unanimous in assaulting the mind, and morality and the character of Richard Nixon. As Miss Efron shows, the network reporters in alliance with the Democratic-Liberal politicians portrayed Hubert Humphrey "as a talkative Democratic Saint studded over with every virtue known to man." Nixon, on the other hand, was pictured not as a human being but as "a demon out of the liberal id." This is Miss Efron's qualitative evaluation, and her picturesque words may seem loaded, but they take off from that murderous quantitative count of the appendix material.

The count on the 1968 subissues is equally devastating. Liberals emerge from the tabulations of the TV reporting and editorializing as good people without race prejudice. Conservatives, on the other hand, are bad, and crawl with anti-Negro phobias. America is a bad country that oppresses blacks. The blacks who react violently are justified in attacking whites. Leftists are funny people and harmless. The "kids" on the campuses have "noble motivations and moral goals" even when they are burning graduate school dissertations and throwing the deans downstairs.

Again, there is much, much more to this arraignment than Miss Efron's own say-so. It is the quantitative tabulation of the appendix stuff that uncovers the network "party line."

I have only scratched the surface in this effort to present what John F. Kennedy would have called "the thrust" of Miss Efron's book. Incidentally, her count on the taped reporting shows that it is not only the conservatives and the middle-class whites who got a raw deal on the 7–7:30 p.m. shows of September–October, 1968. Negroes who disassociated themselves from the Black Panthers were left out in the cold. So, for that matter, were those members of the New Left who had philosophical reasons for following such prophets as Herbert Marcuse and Paul Goodman. Counting from those tapes, Miss Efron shows that TV reporting and editorializing have been incapable of departing from the crudest and laziest sort of stereotypes.

The interesting thing is that Miss Efron comes from within the "Establishment." She has been, at various times, a staff writer on the New York Times Sunday Magazine, managing editor of the Special Editorial Departments of Look Magazine, and Central American correspondent for Time and Life magazines. In pre-"Papa Doc" Duvalier times she organized the first journalism school at the University of Haiti. True, she once studied in a course I gave at the Columbia University School of Journalism in the early Forties. But I was a liberal then, albeit an evolving character, so I can't be accused of making her a conservative. As a matter of fact, her book is not ideological at all; it is simply honest reporting of what can be done within the present "liberal" ethos to evade the FCC "fairness doctrine" while giving lip service to it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ROY (at the request of Mr. BOGGS), for today, on account of a death in family.

Mrs. ABZUG (at the request of Mr. BOGGS), for today, on account of religious holiday.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER of West Virginia, for 60 minutes, on Tuesday, October 5, 1971; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. FORSYTHE) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to address the House and to revise and extend their remarks and include extraneous matter:

Mr. RYAN, for 15 minutes, today.

Mr. HAMILTON, for 30 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. MATSUNAGA, for 5 minutes, today.

Mr. RUNNELS, for 5 minutes, today.

Mr. SIKES, for 30 minutes, on October 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. QUIE and to include extraneous matter in remarks made during general debate today.

(The following Members (at the request of Mr. FORSYTHE) and to include extraneous matter:)

Mr. BELL.

Mr. MCCLOSKEY.

Mr. MCCLORY in two instances.

Mr. DUNCAN in two instances.

Mr. CARTER in two instances.

Mr. QUIE.

Mr. RAILSBACK.

Mrs. HECKLER of Massachusetts.

Mr. COLLINS of Texas in three instances.

Mr. VEYSEY in two instances.

Mr. SCHMITZ in two instances.

Mr. CONTE in two instances.

Mr. STEIGER of Arizona.

Mr. POFF.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. DIGGS in three instances.

Mr. JACOBS in two instances.

Mr. RYAN in three instances.

Mr. BEGICH in five instances.

Mr. CARNEY in three instances.

Mr. ROSENTHAL in five instances.

Mr. TEAGUE of Texas in eight instances.

Mr. ASHLEY.

Mr. CELLER.

Mr. ANDERSON of California in five instances.

Mr. COLMER in two instances.

Mr. BEVILL.

Mr. DENT in two instances.

Mr. O'HARA in two instances.

Mr. DRINAN.

Mr. EDWARDS of California.

Mr. LONG of Maryland in three instances.

Mr. BURKE of Massachusetts in three instances.

Mr. VANIK in two instances.

Mr. FULTON of Tennessee in two instances.

Mr. NIX.

Mr. PICKLE in two instances.

Mr. GRAY.

Mr. SYMINGTON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes; to the Committee on Government Operations.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1253. An act to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, September 30, 1971, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. Conference report on H.R. 8866; with an amendment (Rept. No. 92–527). Ordered to be printed.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 1763. A bill to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home (Rept. No. 92–528). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 2082. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; with an amendment (Rept. No. 92–529). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 8653. A bill to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota (Rept. No. 92–530). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 9346. A bill to convey certain federally owned land to the Twentynine Palms Park and Recreation District; with an amendment (Rept. No. 92–531). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 607. Resolution to provide additional funds to the Committee on Education and Labor to study welfare and pension plan programs (Rept. No. 92–532). Referred to the House Calendar.

Mr. MILLS or Arkansas: Committee on Ways and Means. H.R. 10947. A bill to provide a job development investment credit, to reduce individual income taxes, to reduce certain excises taxes, and for other purposes (Rept. No. 92–533). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SEIBERLING: Committee on the Judiciary. H.R. 5586. A bill for the relief of Vito Serra; with amendments (Rept. No. 92–525). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 6342. A bill for the relief of Carmen Maria Pena-Garcano; with an amendment (Rept. No. 92–526). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS of Arkansas (for himself and Mr. BYRNES of Wisconsin):

H.R. 10947. A bill to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 10948. A bill to make permanent the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, and to reflect in such provision the social security benefit increases enacted in March 1971; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama:

H.R. 10949. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. ASPINALL (for himself, Mr. EDMONDSON, Mr. SAYLOR, Mrs. HANSEN of Washington, Mr. MCCLURE, Mr. DENT, Mr. MCDADE, Mr. WYATT, Mr. HOLIFIELD, and Mr. PRICE of Illinois):

H.R. 10950. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BLATNIK:

H.R. 10951. A bill to declare that the United States holds certain lands in trust for

the Minnesota Chippewa Tribe, Minnesota; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS (for himself and Mr. REID of New York):

H.R. 10952. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. CARNEY:

H.R. 10953. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 10954. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 10955. A bill relating to education in the District of Columbia; to the Committee on the District of Columbia.

H.R. 10956. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, in order to promote increased traffic safety, and for other purposes; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mr. BEGICH, Mr. BURTON, Mr. CORMAN, Mr. GUDE, Mr. HALPERN, Mr. MIKVA, and Mr. RYAN):

H.R. 10957. A bill to establish and equal employment opportunity program for the protection of employees of the Library of Congress; to the Committee on House Administration.

By Mr. GARMATZ:

H.R. 10958. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 10959. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 10960. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 10961. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to encourage investment, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 10962. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

By Mr. HULL:

H.R. 10963. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 10964. A bill to require the Corps of Engineers to replace or repair certain sewage systems or facilities damaged in the course of the work of the Corps of Engineers; to the Committee on Public Works.

By Mr. MORSE:

H.R. 10965. A bill to amend the Internal Revenue Code of 1954 to provide that the cost of maintaining a retarded child in a professionally qualified custodial institution shall be deductible as a medical expense; to the Committee on Ways and Means.

H.R. 10966. A bill to amend the Internal Revenue Code of 1954 to provide for additional personal exemptions for disabled dependents; to the Committee on Ways and Means.

H.R. 10967. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses paid for the care of a disabled dependent, including a mentally retarded dependent, without regard to the 3-percent floor; to the Committee on Ways and Means.

H.R. 10968. A bill to amend the Internal Revenue Code of 1954 to provide that the cost of maintaining a retarded child in a professionally qualified custodial institution shall be deductible (without regard to the 3-percent floor) as a medical expense; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 10969. A bill to amend the Buy American Act in order to make clear the right of any State to give preference to domestically produced goods in purchasing for public use; to the Committee on the Judiciary.

By Mr. OBEY (for himself and Mr. CULVER):

H.R. 10970. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 10971. A bill to amend the National Flood Insurance Act of 1968 to postpone (until December 31, 1977) the date by which an area must adopt adequate land use and control measures to qualify for flood insurance coverage (and to give it until the end of 1974 to show that it will do so), to amend the Small Business Act to reduce to 3½ percent the maximum permissible net interest rate on SBA disaster loans to homeowners, to provide that a person's lack of flood insurance coverage will not prevent him from receiving disaster assistance, to require that State and local officials keep their citizens informed on the flood insurance program, and to provide for Federal cooperation with states and localities in the prevention of flood problems; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 10972. A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE (for himself and Mr. VIGORITO, Mr. DOW, Mr. BURLISON of Missouri, Mr. MATHIAS of California and Mr. ZWACH):

H.R. 10973. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. QUIE:

H.R. 10974. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ROUSH:

H.R. 10975. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 10976. A bill to amend the Internal Revenue Code of 1954 to repeal the communications tax, effective January 1, 1972; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 10977. A bill to amend the Communications Act of 1934 to prohibit intrastate harassing or obscene telephone calls; to the Committee on Interstate and Foreign Commerce.

H.R. 10978. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions after 1973 by an amount based on annual variations in the Consumer Price Index; to the Committee on Ways and Means.

H.R. 10979. A bill to repeal the manufacturers excise tax on farm trucks; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 10980. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. YATRON:

H.R. 10981. A bill to provide for improving the economy and living conditions in rural America; to the Committee on Agriculture.

By Mr. BYRNE of Pennsylvania:

H.J. Res. 895. A joint resolution to authorize the President to proclaim October 9, 1971, as "Gen. Casimir Pulaski Day"; to the Committee on the Judiciary.

By Mr. FRASER:

H.J. Res. 896. A joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. HAMMERSCHMIDT:

H.J. Res. 897. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on Judiciary.

By Mr. MIZELL (for himself, Mr. ANDREWS of Alabama, Mr. CAMP, Mr. COLLIER, Mr. DICKINSON, Mr. FISHER, Mr. FOUNTAIN, Mr. HAMMERSCHMIDT, and Mr. HILLIS):

H.J. Res. 898. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. ANDERSON of Tennessee:

H. Res. 627. Resolution to express the sense of the House of Representatives in the case of Truong Dinh Dzu, of the Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. BLACKBURN:

H. Res. 628. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY of Texas:

H.R. 10982. A bill for the relief of Yu Ching Wei Cheng; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 10983. A bill for the relief of Marilyn Fitzsimmons; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 10984. A bill for the relief of Shui Chong Kwan; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 10985. A bill for the relief of Milton E. Nix; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 10986. A bill for the relief of Luigi and Maria Carmen Maiorino; to the Committee on the Judiciary.