

In the last few years we are seeing real evidence that the legislative efforts of the Congress in motor vehicle and highway safety and the work of the National Highway Traffic Safety Administration are beginning to bear fruit. It is clear that safety standards have saved lives and that the overall rate of death and serious injury is declining. Preliminary statistics of 1972, however, indicate that the number of motor vehicle fatalities is on the rise. If statistical projections can be trusted, we will set an annual record in 1972 for highway deaths. Quite obviously we must increase our efforts to reverse this trend.

Let me say a brief word to explain why the committee recommends only a 1-year authorization in this legislation. In March of this year the Department of Transportation submitted proposed legislation which included an amendment to the National Traffic and Motor Vehicle Safety Act to allow an open-ended authorization for "such amounts as are necessary" to carry out the purposes of the act. It has been the consistent position of the Committee on Interstate and Foreign Commerce that our legislative oversight responsibilities preclude the giving of blanket authorizations. Accordingly, we asked the Department to submit cost estimates for the next 3 fiscal years. On June 5, 1972, the Department informed the committee that its requirements for fiscal years 1974 and 1975 have not yet been determined and only fiscal year 1973 data were available. Recognizing that the existing authorizing authority under the act would terminate on June 30, I introduced the bill, H.R. 15375, to extend the authorization for 1 additional year.

Hearings on the proposed 1-year extension were held and—after a minor amendment to take into account a pay act adjustment—the bill was reported unanimously by both the subcommittee and the full committee.

I am well aware that the administration and many Members have proposed important substantive amendments to the National Traffic and Motor Vehicle Safety Act. The committee has every intention to conduct thorough hearings on these proposals at the earliest possible date. At that time we are hopeful that the Department will be able to provide estimates of their budget requirements for fiscal years 1974 and 1975 so that we may extend the authorization to cover those years.

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

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

Mr. ROUSH. Mr. Chairman, I thank the chairman for yielding. I would like to make some comments regarding the bill before us today authorizing appropriations for fiscal 1973 to carry out functions and responsibilities under the National Traffic and Motor Vehicle Safety Act.

I intend to support this bill.

But I have also this day introduced a bill that would amend the bill before us to open the national driver register for certain special purposes. I am not offering this proposal as an amendment to the

bill before us today because I realize that hearings have not been held on this proposal as yet. But the chairman of the House Interstate and Foreign Affairs Committee has introduced this same proposal and it has the endorsement of the Department of Transportation. Let me now explain the objective sought.

The national driver registration compilation maintained by the Department of Transportation contains the names of individuals whose driver's licenses have been terminated, or temporarily withdrawn. The names are supplied to the registry from the States. This is a list, then, of drivers guilty of serious violations of the law.

Under present law the release of register information is permitted only to a State, one of its political subdivisions or a Federal agency and only for the purpose of issuing a motor vehicle operator's license or permit. The bill I have introduced today would change the law in two respects.

First it would allow the State to enter the Register on request of an employer, like a moving company, which was considering hiring a driver. In this instance it is important to know if the prospective employee has a history of license suspensions or revocations based on a record of hazardous, unsafe, drunken driving and any convictions for these. Presently such information is not available from the National Registry. The employer could ask each State in which the job applicant is registered as a driver for such information, but that is time consuming and inadequate. There is no way the employer can know which States the applicant was registered in, unless that information is given by the prospective employee.

Second, in section 2(a) (3) of the bill I introduced today, information would become available from the Register to judges prior to their imposition of sentences on individuals convicted of offenses arising out of the unsafe operation of motor vehicles. Certainly judges should be allowed access to information available in the Register in order to be able to justly and properly sentence a violator. As a former county prosecuting attorney I found that previous license revocations, suspensions or driving conditions imposed on Indiana drivers when brought into court acted as a definite influence on judges in succeeding driving offenses. If the driver happened to be from Indiana his record was available, but if from another State, or if his or her license from another State had been revoked we had no ready access to this information. Again, as with employers, we could ask the States in question, if we knew about them.

I believe opening the National Driver Register in these two ways extremely important. This bill also recognizes the importance of privacy and thus requires the State to furnish at no cost to the individual involved, copies of any information furnished any potential employer.

My interest in this legislative proposal is that the goal of highway safety be better served in view of the fact that last year approximately 55,000 Americans

lost their lives on our Nation's streets and highways as a result of motor vehicle accidents.

My special interest in this legislative proposal is that I believe it is one way to help drive the drunken driver from the streets. Research findings indicate that half of those 55,000 dead are the victims not of the automobile, but of alcohol. This means that 2,250 persons a month, 75 a day, one person every 20 minutes dies in motor accidents influenced by alcohol. The National Highway Traffic Safety Administration considers reducing this problem of the highest priority. So do I.

We have begun an important campaign in this country to make the automobiles we drive safer, less vulnerable on impact. We will finally reach a limit, technologically, in what we can do to make cars safe. The National Highway Traffic Safety Administration is also trying to educate the public on safety standards for drivers for this is equally important.

I also believe that we must make some legislative adjustments and that is why I have introduced this bill today. In the House Report accompanying H.R. 15375, which authorizes appropriations under the National Traffic and Motor Vehicle Safety Act, the committee noted that several important bills have been introduced which propose substantive amendments to the National Traffic and Motor Vehicle Safety Act and that the committee intends to conduct thorough hearings on these proposals "at the earliest possible date." I hope that the proposal I have discussed today will be among these.

(Mr. ROUSH asked and was given permission to revise and extend his remarks.)

Mr. STAGGERS. Mr. Chairman, I might say to the gentleman this could be taken under consideration next year. It is not in this bill in any way. We have to have another authorization next year, and at that time we will consider the amendments.

Mr. ROUSH. If the gentleman will yield further, I understand it will not pertain to this bill and I can understand the reasons why. I merely ask the question in order to express an opinion, I guess, to the effect that I think these are substantive matters and should be brought to the attention of the committee. More than 55,000 people died on the U.S. highways last year. In approximately half of those instances drinking drivers were involved.

Mr. STAGGERS. I realize that.

Mr. ROUSH. I hope some way or other this Congress might direct its attention to this highway safety problem which confronts us.

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

Mr. STAGGERS. I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Interstate and Foreign Commerce yielding to me.

Mr. Chairman, I have read the report thoroughly. As one who does his homework and I hope is erroneously accused of being quick to criticize oftentimes, I want

to compliment the committee thoroughly on the report, to say nothing of its decisions and actions. This is an unusually good report which demonstrates the concern for reducing the numbers of injuries and the numbers of accidents.

One has to drive only halfway across the Nation to understand why that is happening; namely, car production and probably unlicensed and incapable drivers who are driving longer cars faster than we can build the roads to accommodate them.

I am not sure we can legislate that out of existence, but I am very appreciative of the action and the function of the committee, and I certainly want to compliment the committee for continuing their effort, all of which has been funded for the amount appropriated and authorized in recent years with the exception of a very few tens of thousands of dollars, in the research and development necessary. Still they have not gone for the open-ended funding and runaway inflation characteristic of so many of the ideologists and "bleeding hearts." This is the epitome of responsible oversight and surveillance on the part of a standing committee of the legislative branch of our Government.

I believe the committee has quite properly taken a firm stance, and again I compliment the committee on its action. I intend to vote for this bill.

Mr. STAGGERS. I appreciate the words of the gentleman from Missouri.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the chairman of the full committee has given a very good explanation as to what this bill will do. It is a simple extension of this much needed program.

Also, as the gentleman explained, the bill as introduced was open-ended. DOT wanted an open-ended authorization, but the committee provided a 1-year extension with specific figures.

I might add that the budget requests are exactly the same as the amounts authorized in this legislation.

In partial answer to the question of the gentleman from Indiana, we had a very short discussion in the committee of all the amendments which were pending before the subcommittee at the time. There were a number of amendments pending. I should be delighted to go over these with the gentleman, if he would like to have me do so.

The amendment the gentleman was interested in was one of them. Of course, I do not know whether either of us will be back in the Congress next year, but if I am a member of this committee I can assure the gentleman from Indiana we will give very serious attention to the amendment he has proposed as well as to the amendments that have been proposed by the Secretary of Transportation.

It was felt by the subcommittee that in order to get this legislation through and to get some appropriations which are needed we should give a simple extension and not go into all these amendments at this particular time.

I might add that the appropriations for this program have not been considered yet and will possibly come up in an appropriation bill at a later date.

Mr. BURKE of Florida. Mr. Chairman, I rise in support of H.R. 15375, which, if enacted, will amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973 in the amount of \$37,461,000.

When the Congress in 1966 passed the National Traffic and Motor Vehicle Safety Act, it committed all of us in the United States to a program of reducing the annual toll of motor vehicle deaths and injuries on our highways, and although some progress has been made, yet the increasing number of automobiles and automobile users, makes it imperative for us to intensify our efforts to implement the work of the National Highway Traffic Safety Administration.

Although the rate of deaths and serious injury is declining, yet the absolute number of motor vehicle fatalities is rising. Motor vehicle fatalities present to us some gruesome figures. Through March 1972 they totaled 11,800 compared to 11,130 for the same period in 1971. Based on the past experience, the Department of Transportation projects a 1972 fatality total of 57,500 compared to 55,000 in 1971, an increase of 4.5 percent.

If these projected figures prove accurate, more Americans, young and old, will be killed in 1972 on the U.S. highways than have been killed in Vietnam during the entire war. To look at it in another way, Hollywood, Fla., the second largest city in my congressional district, has approximately 110,000 people. The projected number of traffic deaths on U.S. highways then will be more than one-half the population of the city of Hollywood, Fla. This slaughter is everyone's problem and this slaughter must be stopped.

Mr. Chairman, the authorization provided by this legislation represents an increase of approximately 20 percent over the 1972 expenditures for the auto safety program. Even though I advocate that Government expenditures be held at a minimum, if we are to fight inflation, yet to me our highway fatalities are a national disgrace.

One hears a lot of talk about reordering priorities and here is a perfect case in point. Last week Congress finished work on the Labor-HEW appropriation for fiscal year 1973 providing billions of dollars in Federal money on health programs. If we are, however, interested in saving lives through Federal programs, then this is the program because the yield from improved highway safety would go further dollar for dollar than that spent in the various health programs. Do not misunderstand me, because most health programs are good and necessary, but what I am trying to say is that more lives can be spared with improved automobile and highway safety programs than through any individual health program that has been proposed. If we had 57,500 people dying from a single disease in any one year the demand of the public to find a cure would be enormous. Yet people in our country accept highway deaths more complacently than death from any disease although death rides in the front seat with all of us when we take the wheel of our cars or when we sit as a passenger therein.

For this reason I support the passage of H.R. 15357 and ask my colleagues to vote in its favor.

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

Mr. BROYHILL of North Carolina. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:*

"Sec. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed \$37,000,000 for the fiscal year 1973."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

#### COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 8, strike out "\$37,000,000" and insert in lieu thereof "\$37,461,000".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BINGHAM, 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. 15375) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973, pursuant to House Resolution 1084, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the committee amendment.

The committee amendment was agreed to.

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

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

#### PROVIDING FOR CONSIDERATION OF S. 3824, PUBLIC BROADCASTING CORPORATION AUTHORIZATION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1086 and ask for its immediate consideration.

The Clerk read the resolution as follows:

#### H. Res. 1086

*Resolved, That upon the adoption of this resolution it shall be in order to move that*

the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities. After general debate, which shall be confined to the bill and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1086 provides for consideration of the bill, S. 3824, which would authorize fiscal year 1973 appropriations for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities. The resolution provides an open rule with 1 hour of general debate, the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce.

After general debate, the bill shall be reported for amendment under the 5-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce, now printed in S. 3824, as an original bill.

At the conclusion of consideration of S. 3824 under the 5-minute rule, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute.

Mr. Speaker, the Corporation for Public Broadcasting, a private, independent, nonprofit enterprise established under the Public Broadcasting Act of 1967, has effectively carried out its congressional mandate. Under the stewardship of a bipartisan board of 15 members, the Corporation has: First, helped to develop high quality programs for presentation over public television and radio stations, second, helped to establish and develop interconnection for such stations, third, helped to establish and develop systems

of public broadcasting stations, and fourth, helped to assure the maximum freedom of noncommercial educational broadcasting systems and stations from interference with or control of program content or other activities.

S. 3824, as reported, would authorize the appropriation of \$40 million for the Corporation's operational expenses for fiscal year 1973.

In addition, the bill authorizes an appropriation for payment to the corporation a further sum, not to exceed \$5 million, to match dollar for dollar, contributions from non-Federal sources to the Corporation.

Mr. Speaker, S. 3824 would also authorize \$25 million for the educational broadcasting facilities grant program. However, because prior legislation has already authorized \$15 million for that program for fiscal year 1973, this particular provision of the pending bill would actually increase the grant program amount by only \$10 million.

Mr. Speaker, I urge the adoption of House Resolution 1086 in order that S. 3824 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, first I agree with the remarks made by the gentleman from Hawaii (Mr. MATSUNAGA) and associate myself with them in explanation of House Resolution 1086.

Mr. Speaker, I think this is a rather unique situation and a rather interesting situation because to some extent I believe we are legislating after the fact. You will remember, Mr. Speaker, we had the original bill here some time ago to extend for 2 years the Public Broadcasting Corporation, and I believe it had some \$65 million in it rather than the \$45 million.

The administration objected to the 2 years, and to the amount.

We had quite a bit of discussion about Sander Vanocur, and about some other individual, and it was quite an interesting operation. In any event, the President vetoed that bill on June 30, 1972.

I do not believe there was any effort to override the veto, and the Senate prepared this bill clearly in accordance with the request of the President of \$45 million and for the 1-year extension.

I voted against the original bill, although I support the Public Broadcasting System. Then last week, Mr. Speaker, we had an appropriation conference report that had the \$45 million in it. So we have already appropriated the \$45 million.

So what we are going to do today is to make legal what we did last week in appropriating the money. I voted against the conference report on the appropriation because I thought it was against the rules. I did it technically, but on the bill here today, to make everything legal, I am going to vote for it, Mr. Speaker. I urge the adoption of the resolution and the bill so we can get the train back on the track legally and in accordance with the rules.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

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

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

There was no objection.

#### PUBLIC BROADCASTING CORPORATION AUTHORIZATION

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

The motion was agreed to.

The SPEAKER. The Chair appoints the gentleman from Connecticut (Mr. GIAMMO) to preside over the Committee of the Whole and asks the gentleman from New York (Mr. BINGHAM) to take the Chair temporarily.

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 on the bill (S. 3824), with Mr. BINGHAM (Chairman pro tempore) 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 pro tempore. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Florida (Mr. FREY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

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

Mr. Chairman, the bill before the House does two things. It authorizes the appropriation of \$45 million for the Corporation for Public Broadcasting for fiscal year 1973 and increases the authorization for grants for noncommercial educational broadcasting facilities for fiscal year 1973 from \$15 million to \$25 million. Although the committee has amended the Senate bill, the amendment is entirely technical in nature and the substance of the House committee amendment is the same as the bill passed by the Senate.

As Members of the House will recall, Mr. Chairman, on April 11 of this year the House by a vote of 256 to 69 passed H.R. 13918 which among other things—

Authorized the Corporation for Public

Broadcasting to promote the utilization and development of telecommunications facilities for the production and distribution of educational radio and television programs.

Required that at least 30 percent of the funds appropriated to CPB in each fiscal year be distributed to noncommercial educational broadcasting stations for use—in their discretion—in activities related to their local broadcast operation.

Authorized an appropriation to CPB of not to exceed \$65 million for fiscal year 1973 and not to exceed \$90 million for fiscal year 1974.

Provided for inclusion of the 15 member board of directors of CPB of five members who are chief executive staff officers of noncommercial educational broadcasting stations. All members of the board of directors are, and would continue to have been, appointed by the President, by and with the advice and consent of the Senate.

Increased from \$15 million to \$25 million the authorization for fiscal year 1973 for grants for acquisition and installation of noncommercial educational broadcasting facilities.

The Senate passed the House bill without amendment by a vote of 82 to 1 on June 22. On the last day before the Fourth of July recess began the President vetoed H.R. 13918.

Frankly, Mr. Chairman, I was shocked and terribly disappointed by the President's veto. There is no better investment in the future of this great Nation than education and H.R. 13918 would have provided education, information, and enlightenment not only for the young people in our schools but for everyone who has access to a television set which today, Mr. Chairman, includes just about every man, woman, and child in the United States.

Since H.R. 13918 was last acted upon in the House—June 1—several other events of great consequence to public broadcasting have taken place, Mr. Chairman.

Five members have been appointed to the board of directors of CPB. When they are joined by our former colleague here in the House, Thomas Curtis, as I think they soon will be, there will be a Republican majority on the CPB's board of directors for the first time since the corporation was organized.

The chairman of the board of CPB, Frank Pace, its president, John Macy, and Ralph Nicholson, the corporation's vice president, have all announced their resignations. Without digressing too far, Mr. Chairman, I would like to take this opportunity to commend these gentlemen for the job they have done. It has been superb. My hope is that their successors will do as well.

Last week the House in acting on the Labor-HEW appropriation bill (H.R. 15417) provided for the appropriation of \$45 million for the CPB and \$15 million for grants for noncommercial educational broadcasting facilities for fiscal year 1973.

Mr. Chairman, the bill before the House was introduced in the other body and passed by it on the fifth day after

our return from the Fourth of July recess—July 21. As I have already said, it does nothing more than authorize \$45 million for the CPB, and \$25 million for grants for noncommercial educational broadcasting facilities, for fiscal year 1973. I have every confidence that the bill will be signed by the President.

Mr. Chairman, several amendments relating to the Corporation for Public Broadcasting were offered and two were adopted while H.R. 13918 was under consideration here in the House. It is my hope that S. 3824 will be passed by the House without amendment.

The Corporation will soon be operating under new leadership. I think its new leaders should be given at least a year to show what they can do without imposing restrictive amendments on the corporation.

Mr. Chairman, I urge Members of the House to pass S. 3824, as reported by the Interstate and Foreign Commerce Committee.

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

Mr. STAGGERS. I am very happy to yield to the gentleman from Iowa.

Mr. GROSS. Would the defeat of this authorizing legislation invalidate the appropriation, as approved by the House only a few days ago?

Mr. STAGGERS. I believe since the House has passed the appropriation, defeat of this bill would not invalidate the appropriation.

Mr. GROSS. Someone said here this afternoon that this legislation is merely to validate what the Appropriations Committee approved a few days ago but the gentleman does not think that defeat of this bill would invalidate the appropriation already made?

Mr. STAGGERS. We had this bill on the suspension calendar before the appropriation came up. The Appropriations Committee had the figures that we have in this bill for the CPB.

Then when we found we could not get to it under suspension, we had to get a rule and it was scheduled for today. As the gentleman from Iowa observes the appropriation bill was passed last week.

But, as I say, that is a debatable question.

I do urge the adoption of the bill, Mr. Chairman.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts (Mr. MACDONALD), chairman of the subcommittee.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise in support of this substitute bill rather reluctantly. But knowing that public broadcasting is needed in the country, I, of course, was in favor of the bill which came out of our committee. But, in the absence of any desire to override the President on this particular thing, which now is in the hands of the President and the Board which he has appointed, I ask all Members to support the bill as I intend to do.

Mr. Chairman, I rise in support of S. 3824, a bill to fund the Corporation for Public Broadcasting for fiscal year 1973 at a level of \$45 million and to authorize up to \$25 million for badly needed tech-

nical broadcasting facilities at the local TV and radio stations which broadcast noncommercial, educational programs.

For those of my colleagues who may not have followed the tortuous legislative history of the Public Broadcasting Act of 1972, it will suffice to refer them back to the President's veto of our original bipartisan bill which provided for a substantially higher level of funding, over a 2-year period instead of 1.

That veto did more than kill the bill. It triggered the resignation of John Macy, the president of the Corporation for Public Broadcasting. John Macy is a distinguished public servant who gave without reservation his skill, his talent, his patience, and his health to the proposition that it would be truly in the public interest of all the citizens of the United States if that incredible communications medium, television, offered a choice of program fare for our 50 million television homes. Mr. Macy did an outstanding job, and he will be missed.

Aside from paying tribute to the achievements of John Macy in building the structure that enabled public broadcasting to go in 3 short years for 165 national TV stations, each going its own way on 165 shoestrings, to more than 200 interconnected stations with a number of first rate, professionally produced, national programs to lure viewers to their sometimes-hard-to-get channels, the business before the House is to maintain at least this minimal support for public broadcasting now, this year, this week.

I am certainly not happy with the options open to us, but those are the options—either pass this bill, or stop public broadcasting dead in its tracks.

I earnestly urge the House to pass S. 3824 without further delay, and without amendments that would nitpick and quibble and serve only to make the public broadcasting people more insecure and frightened of vague and formless threats to their existence.

Those threats have come, quite candidly, from the Office of Telecommunications Policy in the White House. That office has grown like Topsy, and as it has grown, so has its interpretation of its mandate. The policy that they have been setting is much more than policy dealing with the efficient use of the spectrum allocated to Government agencies, much more than dealing with foreign governments, much more than formulating proposals for the orderly development of such futuristic communications techniques as cable TV and satellites.

The policy that OTP has arrogated unto itself is a partisan policy. OTP decided, in all its cloistered wisdom, that public broadcasting might turn out to be something they tried to scare us by calling a "fourth network." Well, what is wrong with a fourth network, or a fifth, or a sixth? Networks are, after all, only a collection of stations who have learned the hard way that they should be interconnected so that important events can be covered on a real-time, simultaneous basis, or that programs distributed from a central source to all affiliated stations at the same time present clear advantages to their viewers and to themselves. Should not the noncommercial broad-

casters have access to the same truth? Does it take a genius to perceive that more people will be educated—and absorbed—by watching "Sesame Street" or "Wives of Henry the Eighth" than by watching locally produced finger painting? Should not the hearings of the Senate Foreign Relations Committee be made available in prime time to all public broadcasting stations at once as was done by PBC when the commercial networks could not?

What can be wrong with offering the American people an alternative? The only thing that I can think of would be if that alternative should be Government-controlled, Government-approved, Government-dominated. But turn the coin over—if Government can scare public television away from presenting the important issues that concern the thinking citizen, at a time when he is able to watch that presentation on his TV set the Government's meddling will be directly responsible.

We must put a stop to this Government meddling. The Congress established the Corporation for Public Broadcasting. The administration has tightened the reins on them, but at least public broadcasting can still have some room to run if we pass this bill today. Next year they will be back with their track record, and I hope just as fervently as you that it is a good record.

One more thing: The track record for fiscal 1973 will be the administration's track record. There have been 11 appointments to the CPB board made by President Nixon; the new chairman will be from his party; the new chairman's first job will be to pick a new president to replace John Macy, and his first job will be to pick a new vice president to replace the man who resigned just a month ago. That is a lot of tough assignments, and having completed them, the administration's choices will be called upon to perform. The Congress will be watching that performance with great interest, I am sure. From this side of the aisle we may even feel constrained to question the judgment of some CPB decision, just as our distinguished colleagues on the other side of the aisle have charged that crimes may have been committed by the choice of commentators or the presentation of programs by this theoretically independent corporation.

The point of the argument here is that Corporation for Public Broadcasting should be independent. It should be insulated from political pressure. It should be free to experiment and make occasional mistakes and bring television into a real golden age, an age where pandering to the lowest common denominator need not rule, where selling deodorants need not be the only criterion for putting on TV programs, where the Congress can look back on its wisdom in creating public broadcasting and say, "That was a good thing."

(Mr. MACDONALD of Massachusetts asked and was given permission to revise and extend his remarks.)

(Mr. FREY asked and was given permission to revise and extend his remarks.)

Mr. FREY. Mr. Chairman, when this

bill came before the House a few weeks ago, there was considerable disagreement about the main provisions of the bill, especially the question of the 1- or 2-year authorization. Amendments were offered in various ways to limit the authorization and were defeated by very narrow margins. Many of the misgivings and dissatisfactions voiced here were also noted by the administration and its suggestion for a 1-year authorization allowing an increase of \$10 million over 1972 levels, many people felt that this was a 30-percent increase, a very generous increase.

Of course feeling on the opposite side was evidenced by the vote.

Based upon the actions taken here during consideration of the original bill, it became obvious that there were considerably less than two-thirds needed to override a veto for the 2-year funding. Therefore, it is not surprising that when the President did veto it that there has been no attempt to override it.

I think it is important that we understand at this point also that the situation is a little bit different than it was before. I think at this point we had the resignations of the chairman of the board, the president and vice president of the corporation, and we will have new appointments to this. I believe also there are appointments to the number of 15 made to the board of directors. It also will have a different caste to it. I think it is only fair that we allow these people to look at the job they have to do and then to see what they accomplish.

I think to go ahead and change right now would not be fair to them, and certainly it would not be fair to public broadcasting. I also believe that in some way, as the gentleman from California (Mr. SMITH) said, we are beating a dead horse. The Committee on Appropriations has always acted on this. If we are to act today, if we are going to act today on the Senate bill which is basically like this, except for a few technical amendments, we are going to draw this business out until way after the recess, and I think for the good of public broadcasting, even if some in public broadcasting do not like this, they at least ought to know where they stand and what they are going to get.

I personally was hoping the 30 percent pass through provision that we had would be legislation, but the Public Broadcasting Corporation indicated this would be a policy.

I am glad to see that more money is going into facilities because we need them.

To summarize, it seems to me any act right now other than what is proposed would be to go back to the President and with the overwhelming vote in the Senate and the compromise in the House, I am in support of what we are doing. The only thing to do is to vote "yes" on this bill and take a hard look at it in our further deliberations next year.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

(Mr. WAGGONNER asked and was given permission to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Chairman and

members of the committee, several weeks ago when we considered this proposal which the President later vetoed, the controversy which surrounded that bill had to do with the actions of the people in public broadcasting. A number of us, myself included, felt that some of the salaries being paid were excessive. We offered an amendment which had the effect of controlling the salary, of course, of only one individual. We made an effort to limit the salaries of some of the people whose participation in the program production which is done for PBS under this. That particular amendment failed.

Another amendment was offered which had to do with prohibiting the participants in public broadcasting from doing and publishing political polls. I think by now that some of these people have begun to get the word that the Congress is not going to sit idly by or stand idly by and let public broadcasters be fully competitive with the private broadcasters, the networks. This is what I intended then, and this is what I intend now.

The chairman of the committee (Mr. STAGGERS) tells me that he has made it perfectly clear to these people that their days of political polling are over; that they had better put their house in order. This would be my recommendation with the understanding that we have—the original bill having been vetoed, that we pass this authorization for 1 year, that we get on with it. We have got next year, a new Congress, the 93d Congress, to write a new bill.

It could be a multiyear program, and if their performance is not such and the direction they take in the interim is wrong, then we are going to have to finish the job we started on the bill which was vetoed. I think we ought to pass this bill today.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I intend to support the bill as it came from the committee. I think this is a good solution to a controversial and complicated matter. It is a 1-year extension. On the assurances that the gentleman from Louisiana has had, it seems to me that in the interval of 1 year we can adequately monitor the performance of the organization and its personnel. If they disappoint us, then the House as well as the other body will have an opportunity to work their will in the next Congress.

It seems to me this is a good compromise. I hope we do not change the bill. I hope that it is acceptable to the White House, and I understand it is. I think under the circumstances the best course of action is to pass this bill in its present form.

Mr. WAGGONNER. I agree with the gentleman from Michigan, the distinguished minority leader, and I urge that we pass the bill.

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

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

Mr. CABELL. Mr. Chairman, I am very happy to associate myself with the remarks of the gentleman with reference to this bill. I subscribe to his thinking completely. I have never opposed the principle of public broadcasting. I think there is a place for it in the educational system, but I have been very critical of some of the programming that has been done. I have been critical of some of the boards of directors of the individual stations for abrogating their authority to the Washington setup, or wherever the headquarters might be, and for their negligence in not screening some of the activities of the respective stations.

I certainly hope that the fine remarks of the gentleman in the well will be heeded as well as the feeling of the House as I get it, and that in the coming year some of those difficulties can be eliminated.

Again I commend the gentleman in the well for his remarks.

Mr. WAGGONNER. I thank the gentleman from Texas.

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

Mr. FREY. Mr. Chairman, I yield the gentleman from Louisiana 1 additional minute.

Mr. Chairman, will the gentleman yield?

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

Mr. FREY. Mr. Chairman, I think the gentleman's statements about public broadcasting getting the message is extremely good. From the time of the last debate to the present the General Accounting Office has started an audit, as was discussed the last time. This is a significant step. It goes along with the remarks of the gentleman that we must be sure to get our money's worth. I think from the discussions in the committee as well as the debate today we can be assured this will be looked into in the future.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from California, a member of the committee, such time as he may consume.

Mr. VAN DEERLIN. I thank the gentleman.

Mr. Chairman, I think some of the things that have been said illustrate the necessity of getting public broadcasting out from under the thumbs of politicians. This must become a truly independent arm of broadcasting to which the Government contributes, or it is nothing.

We have heard talk about "the message getting through" to public broadcasting licensees, and how we in Congress will be "keeping an eye" on the way those broadcasters behave between now and the time of our next authorizing legislation.

I find such talk both sinister and chilling. I do hope the administration, as it has been promising for 3 years, will come up with plans for the kind of ongoing funding that will assure the independence necessary for a truly useful educational and public broadcasting arm.

(Mr. VAN DEERLIN asked and was

given permission to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Chairman, I do not know who wrote the President's veto message, and I am inclined to wonder if Mr. Nixon even read it. I cannot believe he read both his veto message and the bill it purports to criticize.

Because in all the rhetoric over public broadcasting, Mr. Chairman, the administration has fussed over the issue of "localism." Thus far, they seem to be getting away with it.

Listing to young Dr. Whitehead and his allies, one would think that Congress and the Corporation for Public Broadcasting are bent on building an all-powerful "network" at the expense, financial and programmatic, of local stations.

The facts are otherwise. In view of the misleading statements, I think the record should be very precise on this point.

H.R. 13918, the bill vetoed by the President, was actually far more generous to public broadcasting stations than either the administration's first proposals, or S. 3824, the stripped-down version we are passing this afternoon.

The legislation which Mr. Nixon vetoed would have authorized a total of \$65 million the first year and \$90 million the second. Of critical importance was the stipulation that at least 30 percent of the funds which went to CPB had to be passed along to public radio and TV stations for their own local purposes. This would have meant a minimum of \$19.5 million the first year, \$27 million in the following year, for use as local managers saw fit. And CPB gave assurances, in writing, that actual total outlays to stations would be higher than the minimums required by the proposed law.

By comparison, the administration seems tight-fisted, indeed, when we consider who is doing what for—or to—the local public broadcasting outlets. In its budget for the current fiscal year, the administration sought \$45 million for CPB, of which \$15 million would have been earmarked for local stations. At best, then, the administration would have provided at least \$4.5 million less in operating funds for the local stations on which it lavishes such extravagant expressions of concern.

In the bricks-and-mortar department, the performance of this administration is just as sorry. Although \$15 million had been initially authorized for the construction of public broadcast facilities, the administration this year asked only \$13 million. Congress again tried to come to the rescue of financially strapped stations, by providing \$25 million in H.R. 13918 for facilities. The bill before us today also would authorize \$25 million for this purpose—further evidence of the concern of Congress.

H.R. 13918 originally proposed 5 years of funding for the stations and CPB. It was put forward because the administration had promised long range financing for public broadcasting year after year after year. But none came. So H.R. 13918 was offered and considered in open hearings by the Communications and Power Subcommittee. Then—and only then—did the administration come forward

with a finance plan for public broadcasting and it consisted of a 1-year authorization for CPB at \$45 million, with a rigid grant formula to stations which would have provided less funding to the stations than H.R. 13918 but would have been much more difficult to administer. The administration bill made no provision at all for vitally needed local broadcast facilities.

Would the administration come forward with even that bill had hearings not been scheduled for H.R. 13918? Probably not. If the administration had had its way, the program would have been allowed to go ahead in fiscal 1973 without a penny of increase. But the House subcommittee set the pace—and thus made possible a significant increase in CPB funds.

S. 3824 contains now new provisos for public broadcasting. It continues the enterprise basically as before. H.R. 13918 would have made some changes. As it came from the subcommittee, the bill would have given more control of public broadcasting to the local licensees. As I mentioned earlier, at least 30 percent of the funds would have been required to go to them, and five station managers would be on the CPB board. The law has always permitted these matters. But, as a result of the House subcommittee hearings and debate, and even before any bill had passed, the board of directors of the Corporation accepted the principle of more influence by the stations, and has already begun to consult with station managers on budgets and planning.

S. 3824 does include \$25 million for station facilities grants. In the hearings called by the subcommittee to consider H.R. 13918, the stations made a persuasive case, and our subcommittee increased that \$15 million to the \$25 million in H.R. 13918. So S. 3824 fully follows the subcommittee recommendation in that regard, and even the administration is restrained in its opposition to this addition for local public broadcast station support.

I can only conclude, Mr. Chairman, that had the subcommittee not initiated action in its own bill, the situation for public broadcasting would have been far worse. S. 3824 represents some progress—not as much as many of us would like—but at least some progress.

The real question now lies ahead. The administration has promised to develop a long-range finance plan for presentation to the Congress. Inasmuch as they presented only a 1-year bill, Congress must assume that the administration's long-range plan is going to be presented for action by the next Congress in time to take effect for funding the stations and CPB in fiscal 1974—less than a year away. The next Congress certainly will want to consider these plans at length, as soon after the first of next year as possible. This would imply that such plans are even now under development. Will the administration share them with the subcommittee?

Funds for CPB for 1974 must also be in somebody's budget in the administration. What is planned? Should not the

House subcommittee have some understanding of this at this time?

One thing is certain. There is nothing so far in the RECORD to indicate this administration is doing anything at all to enable public broadcasting to improve its stepchild status. Our per capita expenditures are \$13.96 for commercial TV but still only 74 cents for public TV. Putting it another way, we spend 19 times as much for the commercial stuff. For the sake of comparison, the per capita outlay for noncommercial TV is \$3.29 in Britain and \$2.90 in Japan—despite the generally higher costs prevailing in the United States.

The Federal contribution to CPB for its first 4 years has totaled \$78 million—well under the \$100 million which the Carnegie Commission on Public Broadcasting had estimated was needed annually if CPB were to be fully viable.

All across the Nation the community and State public groups and agencies which are the licensees for the more than 700 public radio and TV stations have watched the Washington battle over Federal assistance for them. They learned the names of the agencies and Congressmen and where they stood on support for public broadcasting. Their voices were heard. Then when the President vetoed the Congress bill to help these local licensees and their national support agencies—and CPB—they and their local newspapers wanted to know why—and why their President had so little faith in them. They still do not know. And they must now go through the coming year far less well equipped to do the job than need be. But now they have learned who their friends are—and are not—and they will be looking forward to next year. So will the Congress.

Mr. STAGGERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to explain in connection with what the gentleman from Florida said, that on June 5 I wrote to the Comptroller General to ask him to audit the financial transactions of the Corporation for Public Broadcasting for fiscal year 1972. It has been started. We will have the results before the Congress before the next bill comes up. The letter to the Comptroller General reads as follows:

JUNE 5, 1972.

HON. ELMER B. STAATS,  
Comptroller General of the United States,  
General Accounting Office, Washington,  
D.C.

DEAR MR. STAATS: On Thursday of last week (June 1) the House of Representatives considered and passed H.R. 13918, a bill which, among other things, authorizes the appropriation of funds for fiscal years 1973 and 1974 for the Corporation for Public Broadcasting.

The Corporation is a private, non-profit corporation established pursuant to the Public Broadcasting Act of 1967 (Public Law 90-129). During its existence the Corporation has been principally funded with monies appropriated by the Federal Government. Section 396(1) of the Act (47 U.S.C. 396(1)) provides that the accounts of the Corporation must be audited annually by independent accountants having certain prescribed qualifications. That section also authorizes an audit of the financial transactions of the Corporation by the General Accounting Office for any fiscal year during

which Federal funds are available to finance any portion of the Corporation's activities.

During House consideration of H.R. 13918, I was informed that no audit of the Corporation has even been conducted by the General Accounting Office. In view of the substantial amounts of Federal funds being appropriated to the Corporation, I believe that an audit of the Corporation's financial transactions by the General Accounting Office is desirable. Accordingly, I request that the General Accounting Office conduct an audit of the financial transactions of the Corporation for Public Broadcasting for fiscal year 1972.

Sincerely yours,

HARLEY O. STAGGERS,  
Member of Congress,  
Chairman.

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

Mr. FREY. Mr. Chairman, when the public broadcasting bill was here before the House a few weeks ago there was considerable disagreement about the wisdom of providing more than 1 year of authorization under all of the circumstances surrounding the operation of the corporation and its offshoots. Amendments offered in various ways to so limit the authorizations were defeated by very narrow margins. Many of the misgivings and dissatisfactions voiced here had also been noted by the administration and its suggestion was a 1-year authorization allowing an increase of \$10 million over the 1972 levels. All things considered, this seemed not only adequate but generous.

Based upon the actions taken here during consideration of the original bill it is obvious that considerably less than two-thirds of the Members felt that 2-year funding was justified. It is therefore not surprising that the President saw fit to veto that measure and ask again that Congress come forth with a 1-year bill. The other body promptly took up and passed a very simple measure to extend the Public Broadcasting Corporation authorization for 1 year only and in the amounts suggested. Meanwhile the Appropriations Committees indicated that these same figures would be honored.

In going along with the action by the other body we do eliminate some changes in the operation of the corporation which the committee felt were desirable. The most important one had to do with the funneling of money through to the local stations for their use. The bill required that 30 percent of appropriated funds be passed through to the stations. Meanwhile the board of directors of the corporation has decided as a matter of policy to do so and has definitely announced its intention to follow through. For the time being at least there seems to be no great need for a legislative mandate on this subject. By next year a look at the experience of the stations with the new corporation policy may lead the committee to recommend a different requirement. With a 1-year authorization you will be certain to have a crack at it here also.

There are differences between the bill now before you and that passed by the Senate but they are technical and our bill reflects exactly what the other body intended to do. We are assured that they will be accepted and the bill can become

law very soon, thereby providing authorizations for actions already decided upon by the Appropriations Committees.

I recommend that the House suspend the rules and pass this bill.

Mr. FRASER. Mr. Chairman, as Congress moves to consider appropriations for public broadcasting I think it is worth a look at the origin of our broadcasting system.

Public broadcasting began in the 1920's with high aspirations. The then Secretary of Commerce Herbert Hoover told Congress in 1924:

Great as the development of radio distribution has been, we are probably only on the threshold of the development of one of the most important of human discoveries bearing on education, amusement, culture and business communication.

The need for broadcasters to serve the public was repeatedly emphasized. The Federal Radio Commission, established in 1929, made clear that the public interest required diversity of programs. It stated:

The tastes, needs and desires of all substantial groups among the listening public should be met in some fair proportion, by a well-rounded program, in which entertainment, consisting of music of both classical and lighter grades, religion, education and instruction, important public events, discussions of public questions, weather, market reports, and news, and matters of interest to all members of the family find a place.

The promise of those days has not been fulfilled. While commercial television has made some excellent contributions, television today is far from what it could be. Increasingly, the networks have been victimized by the "numbers game" where the ratings become more important than the quality of the programming.

The extent of this victimization of the networks and the public is shown by the excessive amount of violence on the air. This phenomenon was criticized by the President's Commission on the Causes and Prevention of Violence. It was also the subject of a study by the Surgeon General's Advisory Committee on Television and Social Behavior. That committee, after sponsoring numerous research studies on the subject, presented its findings to the public in a six-volume report.

The Surgeon General stated to Congress:

While the committee report is carefully phrased and qualified in language acceptable to social scientists, it is clear to me that the casual relationship between televised violence and antisocial behavior is sufficient to warrant appropriate and immediate remedial action. . . . (T)here comes a time when the data are sufficient to justify action. That time has come.

Another area of commercial broadcasting where a sense of responsibility has eroded is advertising. I am thinking in particular of the constant barrage of food advertisements which nutritionists say are contributing to the bad eating habits of our children. Over 60 percent of the advertising on children's television is food advertising and as a result the typical child is exposed to 8,000 food commercials a year. This is not advertising of solid nutritional food such as

meat, potatoes, and vegetables. Rather the advertising is primarily of candy, sugary drinks, and other sweet foods of limited nutritional value.

Studies have shown the impact of such advertising on children and the persuasive power of children on family shopping habits. Nutritionists have called to the attention of Congress and the public the imbalance in the kinds of foods that are advertised on children's shows, saying that it "makes it impossible for a child not to go wrong." Yet this practice continues.

By the time the average child reaches 18, he will have spent more time watching television than attending school. If this amount of television is being watched by our children, let us at least see to it that some of the programs are worthwhile.

The Corporation for Public Broadcasting deserves a reasonable level of funding. On a very limited budget, it has produced such excellent shows for children as "Sesame Street" and "Misterogers Neighborhood." It can do much more.

Recent programing for our children is just one reason to support the Public Broadcasting Corporation. There are many others, including the need for more informational and cultural programs. But I think the need for better television for our children is compelling.

Unfortunately, President Nixon vetoed the bill Congress passed on June 22, providing a 2-year authorization of \$165 million for the Public Broadcasting Corporation. I supported that bill. I believe the present bill before us, S. 3824, is by no means adequate. But in light of the President's veto, we must move to provide at least minimal financing for the Corporation. Congress must pass this bill with the commitment to give the Public Broadcasting Corporation in the future the funding it needs to help provide this country the kind of television it deserves.

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

The CHAIRMAN pro tempore. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 398(k)(1) of the Communications Act of 1934 is amended to read as follows:*

"(k)(1) There is authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1973, the sum of \$40,000,000."

(b) Section 396(k)(2) of such Act is amended by striking out "1972" and inserting in lieu thereof "1973".

Sec. 2. Section 391 of the Communications Act of 1934 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1973, such sums, not to exceed \$25,000,000, as may be necessary to carry out the purposes of section 390. Sums appropriated under this section shall remain available for payment of grants for projects for which applications, approved under section 392, have been sub-

mitted under such section prior to July 1, 1974."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to be proposed to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BINGHAM, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities, pursuant to House Resolution 1086, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 377, nays 8, not voting 47, as follows:

[Roll No. 327]

YEAS—377

- |                  |           |                |                 |                |
|------------------|-----------|----------------|-----------------|----------------|
| Abbutt           | Badillo   | Bow            | Hanna           | O'Byrne        |
| Adams            | Baring    | Brademas       | Hansen, Idaho   | O'Hara         |
| Addabbo          | Barrett   | Brasco         | Hansen, Wash.   | O'Konski       |
| Alexander        | Begich    | Bray           | Harrington      | O'Neill        |
| Anderson, Calif. | Belcher   | Brinkley       | Harsha          | Patman         |
| Anderson, Ill.   | Bell      | Brooks         | Harvey          | Patten         |
| Andrews, Ala.    | Bennett   | Broomfield     | Hastings        | Pepper         |
| Andrews, N. Dak. | Bergland  | Brotzman       | Hathaway        | Perkins        |
| Annunzio         | Berwick   | Brown, Mich.   | Hawkins         | Pettis         |
| Archer           | Biaggi    | Brown, Ohio    | Hays            | Peyster        |
| Arends           | Biester   | Broyhill, N.C. | Hechler, W. Va. | Pickle         |
| Ashbrook         | Bingham   | Broyhill, Va.  | Heinz           | Pike           |
| Ashley           | Blackburn | Buchanan       | Helstoski       | Pirnie         |
| Aspin            | Blackburn | Burke, Fla.    | Henderson       | Poage          |
| Aspinall         | Blatnik   | Burke, Mass.   | Hicks, Mass.    | Podell         |
|                  | Boggs     | Burleson, Tex. | Hillis          | Poff           |
|                  | Boiland   | Burlison, Mo.  | Hogan           | Powell         |
|                  | Boiling   |                | Holifield       | Preyer, N.C.   |
|                  |           |                | Horton          | Price, Ill.    |
|                  |           |                | Hosmer          | Price, Tex.    |
|                  |           |                | Howard          | Pryor, Ark.    |
|                  |           |                | Hungate         | Pucinski       |
|                  |           |                | Hunt            | Purcell        |
|                  |           |                | Hutchinson      | Quie           |
|                  |           |                | Ichord          | Quillen        |
|                  |           |                | Jacobs          | Rallsback      |
|                  |           |                | Jarman          | Randall        |
|                  |           |                | Johnson, Calif. | Rangel         |
|                  |           |                | Johnson, Pa.    | Rees           |
|                  |           |                | Jonas           | Reid           |
|                  |           |                | Jones, Ala.     | Reuss          |
|                  |           |                | Jones, N.C.     | Riegle         |
|                  |           |                | Jones, Tenn.    | Roberts        |
|                  |           |                | Karsh           | Robinson, Va.  |
|                  |           |                | Kastenmeter     | Robison, N.Y.  |
|                  |           |                | Kazen           | Rodino         |
|                  |           |                | Keating         | Roe            |
|                  |           |                | Kee             | Rogers         |
|                  |           |                | Kemp            | Roncalio       |
|                  |           |                | King            | Rooney, Pa.    |
|                  |           |                | Kluczynski      | Rosenthal      |
|                  |           |                | Koch            | Rostenkowski   |
|                  |           |                | Kuykendall      | Roush          |
|                  |           |                | Kyros           | Rousselot      |
|                  |           |                | Landgrebe       | Roy            |
|                  |           |                | Latta           | Roybal         |
|                  |           |                | Link            | Runnels        |
|                  |           |                | Lloyd           | Ruppe          |
|                  |           |                | Long, Md.       | Ruth           |
|                  |           |                | Lujan           | St Germain     |
|                  |           |                | McClary         | Sandman        |
|                  |           |                | McClure         | Sarbanes       |
|                  |           |                | McCollister     | Saylor         |
|                  |           |                | McCormack       | Scherle        |
|                  |           |                | McCulloch       | Scheuer        |
|                  |           |                | McDade          | Schneebell     |
|                  |           |                | McEwen          | Schwengel      |
|                  |           |                | McFall          | Scott          |
|                  |           |                | McKay           | Sebelius       |
|                  |           |                | McKevitt        | Seiberling     |
|                  |           |                | McKinney        | Shibley        |
|                  |           |                | Macdonald,      | Shoup          |
|                  |           |                | Mass.           | Shriver        |
|                  |           |                | Madden          | Sikes          |
|                  |           |                | Mahon           | Sisk           |
|                  |           |                | Malliard        | Skubitz        |
|                  |           |                | Mallory         | Slack          |
|                  |           |                | Mann            | Smith, Calif.  |
|                  |           |                | Martin          | Smith, Ia.     |
|                  |           |                | Mathias, Calif. | Smith, N.Y.    |
|                  |           |                | Mathis, Ga.     | Snyder         |
|                  |           |                | Matsunaga       | Spence         |
|                  |           |                | Mayne           | Springer       |
|                  |           |                | Mazzoli         | Staggers       |
|                  |           |                | Meeds           | Stanton,       |
|                  |           |                | Melcher         | J. William     |
|                  |           |                | Metcalfe        | Stanton,       |
|                  |           |                | Mikva           | James V.       |
|                  |           |                | Miller, Calif.  | Steed          |
|                  |           |                | Miller, Ohio    | Steele         |
|                  |           |                | Mills, Ark.     | Steiger, Ariz. |
|                  |           |                | Mills, Md.      | Steiger, Wis.  |
|                  |           |                | Minish          | Stephens       |
|                  |           |                | Mink            | Stokes         |
|                  |           |                | Minshall        | Stratton       |
|                  |           |                | Mitchell        | Stubblefield   |
|                  |           |                | Mizell          | Stuckey        |
|                  |           |                | Mollohan        | Sullivan       |
|                  |           |                | Monagan         | Symington      |
|                  |           |                | Montgomery      | Talcott        |
|                  |           |                | Moorhead        | Taylor         |
|                  |           |                | Morgan          | Teague, Calif. |
|                  |           |                | Mosher          | Thompson, Ga.  |
|                  |           |                | Moss            | Thompson, N.J. |
|                  |           |                | Murphy, Ill.    | Thompson, Wis. |
|                  |           |                | Murphy, N.Y.    | Thone          |
|                  |           |                | Myers           | Udall          |
|                  |           |                | Natcher         | Ullman         |
|                  |           |                | Nedzi           | Van Deerlin    |
|                  |           |                | Nelsen          | Vander Jagt    |
|                  |           |                | Nichols         | Vanik          |
|                  |           |                | Nix             | Vigorito       |
|                  |           |                |                 | Waggonner      |

Wilson, Bob	Wyman
Wilson,	Yates
Charles H.	Yatron
Winn	Young, Fla.
Wolf	Young, Tex.
Wright	Zablocki
Wyatt	Zion
Wydler	Zwack
Wyllie	

**NAYS—8**

Flynt	Tiernan
Gross	Wiggins
Terry	

**NOT VOTING—47**

Dwyer	McCloskey
Edmondson	McDonald,
Edwards, Ala.	Mich.
Frelinghuysen	McMillan
Gallagher	Michel
Hagan	Passman
Hébert	Pelly
Heckler, Mass.	Rarick
Hull	Rhodes
Keith	Rooney, N.Y.
Kyl	Ryan
Landrum	Satterfield
Leggett	Schmitz
Lennon	Teague, Tex.
Lent	Veysey
Long, La.	Waldie

So the bill was passed.  
The Clerk announced the following

- Hébert with Mr. Rhodes.
- Mr. Rooney of New York with Mr. Lent.
- Mr. Blanton with Mr. Baker.
- Mr. Waldie with Mr. Conte.
- Mr. Ryan with Mr. McDonald of Michigan.
- Mrs. Abzug with Mr. Abourezk.
- Mr. Landrum with Mr. Keith.
- Mr. Passman with Mr. Michel.
- Mr. Edmondson with Mrs. Heckler of Massachusetts.
- Mr. Leggett with Mr. McCloskey.
- Mr. Lennon with Mr. Kyl.
- Mr. Hagan with Mr. Betts.
- Mr. McMillan with Mr. Byrnes of Wisconsin.
- Mr. Rarick with Mr. Edwards of Alabama.
- Mr. Long of Louisiana with Mr. Davis of Wisconsin.
- Mr. Gallagher with Mr. Clancy.
- Mr. Abernethy with Mr. Carter.
- Mr. Carney with Mrs. Dwyer.
- Mr. Teague of Texas with Mr. Frelinghuysen.
- Mr. Hull with Mr. Pelly.
- Mr. Danielson with Mr. Schmitz.
- Mr. Dingell with Mr. Dow.
- Anderson of Tennessee with Mr. Satterfield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills just passed, H.R. 15375 and S. 3824.

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

There was no objection.

**CORRECTION OF VOTE**

Mr. FASCELL. Mr. Speaker, on roll-call No. 326 I am not recorded. I was present and voted "yea." I ask unanimous consent that the RECORD of today be corrected accordingly.

The SPEAKER. Is there objection to

the request of the gentleman from Florida?

There was no objection.

**CORRECTION OF VOTE**

Mr. MURPHY of New York. Mr. Speaker, on roll-call No. 316 I am recorded as voting "nay." I was present and voted "yea." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

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

There was no objection.

**CORRECTION OF VOTE**

Mr. DONOHUE. Mr. Speaker, on roll-call No. 321, dealing with the SBA disaster loans, I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

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

There was no objection.

**COMMUNICATION FROM THE CLERK OF THE HOUSE**

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,  
Washington, D.C., August 15, 1972.

The Honorable the SPEAKER,  
House of Representatives.

DEAR SIR: On this date, I have been served, as Clerk of the U.S. House of Representatives, with a subpoena duces tecum that was issued by the United States District Court for the Western District of Pennsylvania. This subpoena appears to be in connection with the case of the United States of America v. Grand Jury Investigation.

This subpoena commands the Clerk of the House to appear in said United States District Court for the Western District of Pennsylvania at 10 A.M. on August 22, 1972, and requests certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House first being obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards, I am  
Sincerely,  
W. PAT JENNINGS,  
Clerk, U.S. House of Representatives.

The SPEAKER. The Clerk will read the subpoena.

[In the U.S. District Court for the Western District of Pennsylvania]

SUBPENA TO PRODUCE DOCUMENT OR OBJECT (United States of America v. Grand Jury Investigation)

To W. Pat Jennings, Clerk of the House, Longworth House Office Building, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Western District of Pennsylvania at 708 U.S. Post Office & Ctise. at 7th Ave. and Grant Street in the city of Pittsburgh on the 22nd day of August 1972 at 10:00 o'clock A.M. to testify in the case of United States Grand Jury Investigation.

This subpoena is issued upon application of the United States of America.

August 9, 1972. Blair A. Griffith, First Assistant U.S. Attorney.

BERNARD SHAFFT, Clerk.

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 1091) and ask for its immediate consideration.

The Clerk read the resolution as follows:

**H. RES. 1091**

Whereas in the Grand Jury Investigation pending in the United States District Court for the Western District of Pennsylvania, a subpoena duces tecum was issued by the said court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the grand jury of the said court at 10 o'clock antemeridian on the 22nd day of August, 1972, and to bring with him certain papers and documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the grand jury in the subpoena duces tecum beforehand, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpoena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpoena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**PRIVILEGE OF THE HOUSE—GRAND JURY INVESTIGATION, U.S. DISTRICT COURT, WESTERN DISTRICT OF PENNSYLVANIA**

Mr. PRICE of Illinois. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state the question of privilege of the House.

Mr. PRICE of Illinois. Mr. Speaker, in my capacity as chairman of the Committee on Standards of Official Conduct, I have been subpoenaed to appear before the grand jury of the U.S. District Court for the Western District of Pennsylvania, on August 22, 1972, and to bring with me certain records of the Committee on Standards of Official Conduct. Under the rules and precedents of the House, I am unable to comply with the subpoena duces tecum without the permission of the House being involved.

I therefore submit the matter for the consideration of the House.

The SPEAKER. The Clerk will read the subpoena.

The Clerk read as follows:

[U.S. District Court for the Western District of Pennsylvania]

**SUBPENA TO PRODUCE DOCUMENT OR OBJECT**  
(United States of America, Grand Jury Investigation)

To Melvin Price, Chairman, Committee on Standards of Official Conduct (House Ethics Committee), House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Western District of Pennsylvania, at 708 U.S. Post Office and Courthouse, 7th Avenue and Grant Streets, in the city of Pittsburgh, on the 22d day of August 1972, at 10 o'clock A.M., to testify in the case of United States Grand Jury Investigation and bring with you all affidavits submitted by current or past employees of Congressman J. Irving Whalley, referring to the existence or absence of salary kickbacks.

This subpoena is issued upon application of the United States of America.

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 1092) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1092

Whereas in the Grand Jury Investigation pending in the United States District Court for the Western District of Pennsylvania, a subpoena duces tecum was issued by the said court and addressed to Honorable Melvin Price, Chairman of the Committee on Standards of Official Conduct of the U.S. House of Representatives, directing him to appear as a witness before the grand jury of the said court at 10 o'clock antemeridian on the 22nd day of August, 1972, and to bring with him certain documents in the possession and under the control of the House of Representatives: Therefore be it

*Resolved*, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

*Resolved*, That when it appears by the order of the court or of the judge thereof, or of

any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

*Resolved*, That Honorable Melvin Price, Chairman of the Committee on Standards of Official Conduct, or any employee of that committee whom he may designate, be authorized to appear at the place and before the grand jury in the subpoena duces tecum beforementioned, but shall not take with him any papers or documents on file in that committee or under his control or in possession of the House of Representatives; be it further

*Resolved*, That when the said court determines upon the materiality and relevancy of the papers and documents called for in the subpoena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said committee; and the Clerk of the House is authorized to supply certified copies of such documents or papers in the possession or control of the said committee that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said committee shall not be disturbed or the same shall not be removed from their place of file or custody under the said committee; and be it further

*Resolved*, That as a respectful answer to the subpoena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**LEGISLATIVE PROGRAM**

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

Mr. BOGGS. Mr. Speaker, I take this time to announce a change in the program for tomorrow.

The consumer product safety bill which was originally scheduled will not be considered and in place thereof we will consider the bill, H.R. 14847, to amend the Airport and Air Development Act of 1970, more commonly known as the head tax bill.

In addition to that, we hope to obtain unanimous consent to vote on the SALT interim agreement on Thursday.

Mr. Speaker, I ask unanimous consent that the vote on final passage of House Joint Resolution 1227, the SALT interim agreement be taken on Thursday instead of tomorrow.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I have been contacted concerning the desirability of this unanimous-consent request in view of the fact that there is considerable colloquy in the RECORD involving the leadership as to not deferring the business of the House for primary elections and other valid excuses, but still trying to

accommodate the Members where possible; in view of the fact that the sole reason for deferring such an important vote as the House's part in concurring in the SALT interim agreement; and in view of the fact that the gentleman from Missouri has also been invited to his State fair by his Governor and other officials and rejected it because in my view it is our elected and bounden duty to be on the floor of the Congress where we are officially in session, I am constrained to object, and I do object.

The SPEAKER. Objection is heard.

Mr. BOGGS. Proceeding under my 1-minute unanimous consent grant, I would like to announce that the program tomorrow otherwise will be as scheduled:

H.R. 16071, Public Works and Economic Development Act, will be considered first under an open rule with 2 hours of debate, and because of the objection of the gentleman from Missouri, the SALT Agreement—House Joint Resolution 1227—will be considered and voted on tomorrow.

Finally, H.R. 14847, the airport head tax bill will be the last order of business.

**RE ACTIVITIES OF JANE FONDA IN NORTH VIETNAM**

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

Mr. ICHORD. Mr. Speaker, late last week the Committee on Internal Security discussed, at some length, the question of whether or not to issue a subpoena to the actress, Jane Fonda, with respect to broadcast statements she made over the Communist Radio Hanoi to our troops in Vietnam.

It was agreed by the committee that it would be best, at this time, to give the Justice Department time to complete its announced inquiry into the Fonda affair before considering any further course by the committee.

At the request of my colleagues on the committee, I addressed a letter which was hand-delivered Friday afternoon to Attorney General Kleindienst setting forth the committee's concern with this matter and our desire to have a report from the Justice Department by September 14 or an explanation from a representative of the Department on that date regarding what can and should be done with respect to Miss Fonda's activities in the capital of our enemy.

For the benefit of my colleagues in the House, Mr. Speaker, I include the contents of my letter to the Attorney General in the RECORD at this point:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNAL SECURITY,  
Washington, D.C., August 10, 1972.

HON. RICHARD G. KLEINDIENST,  
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: The Committee on Internal Security met this morning in executive session to consider a request that a subpoena be issued to require Jane Fonda to appear before the Committee in regard to her travel to North Vietnam and radio broadcasts to U.S. military forces during July 1972. During the meeting a number of reasons were expressed as a basis for