UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS
FIRST SESSION

VOLUME 119—PART 32

DECEMBER 13, 1973 TO DECEMBER 18, 1973

(PAGES 41257 TO 42368)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1973

through better fire prevention and control, and for other purposes; to the Committee on Science and Astronautics.

By Mr. TEAGUE of Texas (for himself, Mr. MOSHER, Mr. DAVIS of Georgia, Mr. CONLAN, Mr. BROWN of California, Mr. MILFORD, Mr. THORNTON, Mr. GUNTER, and Mr. STEELE):

H.R. 11990. A bill to enhance the public health and safety by reducing the human and material losses resulting from fires through better fire prevention and control, and for other purposes; to the Committee on Science and Astronautics.

By Mr. VAN DEERLIN:

H.R. 11991. A bill to provide for disclosure of certain information by certain persons making charitable solicitations by use of instrumentalities of interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H. Res. 748. Resolution authorizing payment for a limited period of 1974 and on the same basis as in 1973 of certain House committee expenses before adoption of applicable 1974 committee expense resolutions; to the Committee on House Administration.

By Mr. STEIGER of Wisconsin:

H. Res. 749. Resolution to amend the Rules of the House of Representatives regarding reports of the Committee on Rules repealing or amending any of the House rules; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

375. By the SPEAKER: Petition of June S. Johnson, Cleveland, Ohio, and others, relative to impeachment of the President; to the Committee on the Judiciary.

376. Also, petition of Horace E. DeLisser, Freeport, N.Y., relative to holding a joint session at the closing of the current session of Congress; to the Committee on Rules.

SENATE—*Tuesday, December 18, 1973*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, amid the pressures of these busy days in this Chamber, in committee rooms and in offices, we pause to pray that peace may come at last to the land where first was heard the anthem "Peace on earth, among men of good will." May the wise men prevail in the councils of government. Transform soldiers' guns into shepherds' staffs. Lead statesmen in obeisance to Him who is born to the King of Kings and Lord of Lords. Imprint in our lives the eternal truth of Christmas, that love is stronger than hate, right more confident than wrong, good more durable than evil.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 17, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with new reports, will be stated.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF STATE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I am about to ask that these nominations be considered en bloc, but before I do so, I want to say a special word on behalf of Mr. Francis E. Meloy, Jr., of the District of Columbia, who is to be our new Ambassador to Guatemala.

I have known Mr. Meloy for many years. In my opinion, he is one of the outstanding members of the Foreign Service. I am delighted that he is getting this assignment. He should be given consideration for bigger things.

Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

WORLD HEALTH ORGANIZATION

The second assistant legislative clerk read the nomination of Dr. S. Paul Ehrlich, Jr., of Virginia, to be a representative of the United States of America on the Executive Board of the World Health Organization.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The second assistant legislative clerk read the nomination of David Gregg III, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legisative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service, Air Force, Army, Navy, and Marine Corps which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

POSTPONEMENT OF IMPLEMENTATION OF THE HEADSTART FEE SCHEDULE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 11441.

The PRESIDENT pro tempore laid before the Senate H.R. 11441, which was read twice by title, as follows:

A bill (H.R. 11441) an act to postpone the implementation of the Headstart fee schedule.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. JAVITS. Mr. President, I support Senate adoption of H.R. 11441, a bill to postpone the implementation of the Headstart fee schedule until July 1, 1975.

This bill follows very closely S. 2700, introduced on November 14 by Senator MONDALE, and which I cosponsored.

Under the Economic Opportunity Act Amendments of 1972 (Public Law 92-424), the Department of Health, Education, and Welfare was directed to establish a fee schedule to permit persons who are not members of low-income families to participate in the Headstart program, which is designed principally for poor children. Pursuant to that authorization, the Department of Health, Education, and Welfare promulgated a new fee schedule effective during the current fiscal year.

However, experience to date indicates that the fee schedule established by HEW, although generally within legislative authority, is not operating uniformly to achieve original legislative intent.

This arises principally from the fact that HEW, in exercising its discretion under this authority, set fees for nonpoor children, in every case, at or close to the maximum levels permitted by the legislation, thus making it impossible for many nonpoor families to participate.

Mr. President the Headstart fee schedule is creating serious difficulties for nonpoor families whose children have participated or want to participate in the Headstart program. In many communities, the fee schedule is decreasing, rather than increasing, the participation of children other than those from low-income families. In some cases, the cost of administration exceeds the cost of the fees collected.

In New York City the Headstart program, which began in June 1965, is currently serving approximately 6,000 children in 120 centers under the auspices of 68 delegate agencies. The agency for child development of the city of New York has advised me that the fee schedule has created substantial problems.

Because of the very "steep" charges under the fee schedule, many families in New York are unable to continue in the program as their income increases; accordingly, ironically, just as they increase their income through work—which preschool education arrangements permit them to participate in—they are no longer able to afford the services that made that work possible.

Additionally, the high cost of living in New York City—and most great cities—creates a further problem. Moreover, in some cases, even families on welfare will be unable to participate in the Headstart program under the new fee schedule.

Mr. President, at this point, it is not realistic to expect that the Congress can work out new legislation establishing a fee schedule. However, we do expect early next year to consider the continuation of the Headstart program itself, as well as child development legislation generally, and in that context, it should be appropriate to work with the administration toward a more reasonable approach.

Mr. MONDALE. Mr. President, I rise in support of the bill, H.R. 11441, to postpone until July 1, 1975, implementation of the fee schedule for nonpoor children participating in Headstart. I introduced an identical measure (S. 2700) in the Senate on November 14, 1973, on behalf of myself, Senator JAVITS, Senator NELSON, Senator STAFFORD, Senator WILLIAMS, Senator RANDOLPH, Senator KENNEDY, Senator CRANSTON, Senator MONTOYA, Senator HUGHES, Senator HATHAWAY, Senator PELL, Senator SCHWEIKER, Senator BROOKE, and Senator RIBICOFF. Since that time, Senator EAGLETON, Senator DOMENICI, Senator TAFT, Senator BEALL, Senator DOMINICK, and Senator HUMPHREY have joined as cosponsors.

Mr. President, I believe everyone in the Senate will agree that the Headstart program was—and still is—one of the most effective initiatives developed under the Economic Opportunity Act of 1964.

From a tentative and experimental effort in the early years, Headstart has grown to be a solid program backed by parents, paraprofessionals, teachers, and children. In fiscal year 1974, the program is estimated to serve close to 400,000 children, offering them a comprehensive preschool experience.

Headstart includes a range of developmental activities and social services designed to fit individual needs, with a strong emphasis on parental participation. The demonstrated support for Headstart has been a powerful factor in encouraging public school systems to begin their own early childhood education efforts, to begin kindergartens where none existed before, and to draw parents into school activities that build upon the parents' earlier experience.

The widespread and largely unmet demand for programs like Headstart has been one of the many causes which led me and many other Senators to press for comprehensive child development and family services legislation in 1971 and 1972, and is one of the principal reasons I will be reintroducing child development and family services legislation in the near future.

Mr. President, the fee schedule in question was originally developed as a compromise to gain administration support for the Comprehensive Child Development Act of 1971, which was vetoed by the President. Authority for the same fee schedule was then added to the Economic Opportunity Amendments of 1972, apparently in the belief that it would encourage greater participation of nonpoor children in Headstart programs.

The fee schedule was to be based on the ability of a nonpoor family to pay, and a specific level of income—$4,320 per year for a family of four—was set as the dividing line between poor families and nonpoor.

The Department of Health, Education, and Welfare, in exercising its discretion under this authority, set fees for nonpoor children at or very close to the maximum levels permitted by this legislation. The proposed fee schedule, released for comment on March 7, 1973, drew a number of negative reactions as to the low cutoff point or income level at which a fee was to be charged, and the rapid rise in fees at higher income levels. Nevertheless, these comments were all ignored by HEW, and the same schedule was published as a final version on April 16, 1973. The fee schedule was implemented beginning on August 10, 1973.

Since that time the results have been very disturbing. The reports I receive from my own State of Minnesota and from numerous localities throughout the Nation indicate that this fee schedule is causing serious problems for both the many families whose children have participated in Headstart or want to participate, and for the Headstart program itself.

By the high fee it imposes on them, the plan is deterring many families of moderate means from participating in Headstart. At the same time, the plan slaps a troublesome smaller fee on families with incomes around $4,500, who had been enrolling their children in Head Start without charge. Many of these families are quickly becoming alienated from the program, and from those of their neighbors who, having a few dollars less income, pay nothing for their children's Headstart.

There are strong indications that nonpoor parents whose children were previously eligible for the program are now hesitant to enroll their children in Headstart because of a fee which they consider to be exorbitant. Consequently, in some areas there has been an estimated 50 percent drop off in the enrollment of children from nonpoor families. At this point, parental income, and not the child's needs, becomes the prime determinant in program enrollment, a situation which runs directly counter to the goals of Headstart.

Rather than encouraging the participation of nonpoor children in the Headstart program, this fee schedule appears to be decreasing nonpoor participation.

Rather than raising additional funds which could be used to expand Head Start programs, preliminary evidence from the Office of Child Development indicates that the cost of administering the fee schedule has proven to be greater than the fees collected. The fee schedule plan is so complex to administer that it seems to be forcing Headstart staff to divert precious time and energy away from the children to filling out forms, making fee reminders, verifying income data, and so on. Because of the difficulties they have encountered, it has been reported that several Headstart units have entirely abandoned their efforts to collect the fees.

The objective of the fee schedule to create extra funding for local Headstart projects is clearly not being achieved. Indeed, by forcing lower income families who are nonetheless above the stated poverty line to remove their children from the program, the current application of the fee schedule seems to be counter-productive.

Mr. President, I have received large numbers of letters describing the detrimental impact of this fee schedule. They describe how the fee schedule erodes community support for Headstart; how bitterness builds within communities and within parent boards at Headstart centers when children of low-income families are treated differently from those of families whose income is only slightly higher; how volunteers with moderate incomes are much less willing to donate their time and energy to the program when they find that they must also pay for their child's attendance; and how many children will be forced out of the

program after only 1 year if their parents' incomes rise even briefly.

Furthermore, this fee schedule causes special problems for families with handicapped children at the very moment that increased involvement of handicapped children in Headstart programs is required by law. It may also mean that Indian children are forced to stop attending what is often the only bilingual center in their area.

Mr. President, the House overwhelmingly passed this legislation on December 3, 1973.

It is important to note the intention expressed in the report on this bill by the Committee on Education and Labor with regard to the collection of fees:

> The Committee feels that the Office of Child Development should cease any further activities with regard to collecting fees that may have been assessed while the fee schedule was in effect.

I am sure, Mr. President, that this statement also reflects the sentiment of the Senate as we consider this bill.

I urge passage of this bill so that we can end the confusion and difficulties the fee schedule is now creating for families and Headstart programs across the country.

The bill (H.R. 11441) was ordered to a third reading, was read the third time and passed.

AMENDMENT OF TITLE 18, UNITED STATES CODE, TO EXTEND LIMITS OF CONFINEMENT OF FEDERAL PRISONERS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7352.

The PRESIDENT pro tempore laid before the Senate the following message:

> *Resolved,* That the House disagree to the amendment of the Senate to the bill (H.R. 7352) entitled "An act to amend section 4082 (c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners."

Mr. BURDICK. Mr. President, the legislation before the Senate, H.R. 7352, would broaden the authority of the U.S. Bureau of Prisons to give furloughs to Federal prisoners for reasons that are related to their rehabilitation.

In recent years correctional authorities have become increasingly aware of the need to utilize community resources in the rehabilitation of offenders. Correctional research indicates that a major cause of criminal recidivism is the inability of released offenders to readjust to life in the community. Many released offenders return to lives of crime and the vicious treadmill of recidivism, because they feel alienated from and unprepared for, the stresses and responsibilities of community living.

Unfortunately, it is difficult to deal with an individual's community living problems in an institutional setting. Correctional administrators, aware of the limitations of the prison environment, have been seeking to develop new programs utilizing community resources. This community-oriented approach to institutional corrections has two basic objectives: The maintenance and reinforcement of the offender's family and community ties during the period of his incarceration and the development of graduated release procedures which help ease the transition from confinement to life in the community.. This bill, H.R. 7352, would provide the Federal Bureau of Prisons with a valuable community reintegration tool, expanded furlough authority, which is necessary to achieve these goals.

Of course, furloughs are not appropriate for every offender. Some offenders simply cannot be controlled outside of an institutional setting and can or will not make a satisfactory adjustment in the community. However, we must also realize that more than 98 percent of all offenders sentenced to prisons will eventually return to society. This legislation provides for the full utilization of community resources in the rehabilitation process. It will maximize the released offender's chances for a successful and permanent return to society. I believe that it is important for the Federal Bureau of Prisons to establish a balanced corrections system that combines the best of what institutional and community based programs have to offer.

In 1965, Congress recognized the need for community corrections and passed the Prisoner Rehabilitation Act, section 4082 of title 18, United States Code. This legislation, which enabled the Federal Bureau of Prisons to implement work and study release programs for offenders, provided authority for a limited furlough program. Under the provisions of section 4082, offenders can be granted leave from their place of confinement for the purpose of visiting a dying relative, attendance at a funeral of a relative, obtaining medical services not otherwise available, contacting a prospective employer, or for other compelling reasons. The legislative history makes it clear, however, that furloughs were to be granted principally for emergencies specifically set out in the act. H.R. 7352 would broaden the provisions of section 4082 to allow furloughs for the purpose of creating and restoring family and community ties and for any other significant reason consistent with the public interest.

Constructive family relationships play an important role in the overall favorable adjustment of offenders. Correctional researchers have long been aware that inmates who maintain strong family ties during incarceration are more successful on release than those offenders without such ties. This legislation would allow inmates the opportunity to participate in special religious holidays and many other important family functions that can be so critical in changing attitudes and developing positive behavior.

The bill, H.R. 7352, would also permit the use of furloughs to help ease the transition from confinement to life in the community. Graduated release reduces the trauma of this transition by allowing the offender to deal with his many postrelease problems in manageable steps. Furlough release provides an excellent setting for meaningful correctional counseling. In prison, the offender's activities are severely restricted and he is often unable to utilize counseling which he receives concerning how to act in the community. Furloughs, on the other hand, offer an invaluable opportunity for correctional staff to give practical advice which the inmate can immediately use and evaluate. In this way, the offender develops a genuine sense of obligation for practical advice and services received and the correctional staff is permitted to assess the offender's rehabilitation progress under actual stresses of life.

The Subcommittee on National Penitentiaries conducted hearings on this legislation on June 13, 1973. At that time, testimony was received from Norman Carlson, Director of the Federal Bureau of Prisons, concerning the Bureau's ability to administer community programs without creating additional risks to the safety of the community. Under present Bureau policy, inmate requests for participation in community programs are carefully reviewed on an individual basis. Only those individuals who are not dangerous, who are likely to live up to the trust placed in them, and who need the kinds of help community resources can provide, are allowed to participate in community release. As evidence of the effectiveness of their screening techniques, Director Carlson reported that in 1972 some 4,126 furloughs were approved and less than 1 percent failed to return to their institutions.

Expanded furlough authority as provided by H.R. 7352 is clearly warranted. The Federal Bureau of Prisons needs these additional community reintegration options to effectively reduce recidivism. The Bureau has developed sufficient experience in the area of furlough release to minimize potential risks to community safety. It is time for Congress to act; we must provide the Federal Bureau of Prisons with a balanced and effective correctional system which fully employs both institutional and community resources in the rehabilitation of offenders.

Mr. HRUSKA. Mr. President, I want to express my support of H.R. 7352 which is designed to give Federal prison officials greater latitude in temporarily releasing inmates from confinement in order that the inmates may better pave the way for their return to the community.

On May 1 of this year I introduced an identical bill, S. 1678, on behalf of myself and the distinguished chairman of the Penitentiaries Subcommittee, Mr. BURDICK. H.R. 7352 was favorably reported by the Committee on the Judiciary on October 4 in lieu of action on S. 1678.

H.R. 7352 was amended on the Senate floor by the distinguished majority leader, Senator MANSFIELD, to include the substance of the so-called victims of crime bill and passed the Senate on October 8 in this amended version.

The Senate amendment to H.R. 7352 was disagreed to by the House yesterday and the bill was returned to this body. It is my view that the House acted responsibly in this respect and I urge my colleagues to support H.R. 7352 in the form currently before the Senate.