UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS
FIRST SESSION

VOLUME 121—PART 2

JANUARY 27, 1975 TO FEBRUARY 5, 1975
(PAGES 1285 TO 2628)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1975

I had introduced in the last Congress, on which hearings were held and which the Senate Committee on Commerce favorably reported for floor action. I mentioned in my statement of December 10 that I planned to reintroduce that legislation along with other provisions and to schedule early hearings so that this Congress might take needed action at an early date to forestall unfavorable action by the Civil Aeronautics Board.

Mr. President, I send to the desk a new bill, the Low-Cost Air Transportation Act of 1975. Not only does it authorize so-called one-stop inclusive tour charters, it also authorizes "advance booking charters" which are needed by those persons who do not desire to buy an all inclusive package vacation tour. It would be my expectation that this new type charter might well, after it is tested in the marketplace for a period of 18 to 24 months, serve as a viable replacement for the so-called affinity-type charter.

In order, however, to provide necessary time for authorizing and testing this new-type charter authority, I have also included in the legislation a provision which would continue affinity charter authority in being until further action by the Congress. This latter provision is essential, as without it, the Civil Aeronautics Board may well terminate this authority without an adequate viable replacement being authorized.

I am sure that Members of this body are aware that several air travel clubs have been found by the Board to be illegally involved in common carriage by air. The Board has, on recent occasion, ordered these clubs to cease and desist from this activity. Other than the findings that the Board has made in orders issued, no rules or regulations have been promulgated by the Board to govern the operations of air travel clubs. I have, therefore, included a provision in this bill requiring the Board, within 90 days after enactment, to issue rules and regulations governing air travel clubs in air commerce. I believe air travel clubs are a legitimate method of air transportation for vacation travel and they should not be summarily outlawed—rather the Board should establish reasonable rules and regulations governing their operations. This the Board has failed to do.

I intend to explore, during our hearings, why air travel clubs should not be charterworthy so that the members of those clubs could utilize the charter services of either our scheduled or supplemental carriers for their transportation needs. Surely this would be a way to enable participants in these clubs to enjoy low-cost air transportation services and thus expand the activities of our certificated industry.

Mr. President, while this bill generally seeks to broaden and encourage the development of this Nation's charter air policy, we also are concerned about scheduled airline fares which have risen more than 20 percent in the last year.

As recently as 10 days ago, the Civil Aeronautics Board in considering discount and promotional fares filed by United, Trans World, and American, suspended United's proposal on the dubious grounds that the tariff was intended to be offered in all markets which United serves. I am deeply disappointed by the Board and its consistent refusal to allow the carriers some leeway in experimenting with promotional and discount fares. In this time of serious recession and inflation and with airline travel slumping dramatically, innovative fare proposals are desperately needed to try and generate new traffic. I fail to understand why the Board continually injects itself into management-type decisions by quarreling over whether a fare may be available in all markets or just in markets 1,500 miles apart. Let us let airline management make such decisions at least until such time as it can be proven that such promotional fares are eroding the regular fare base and the airlines yield per passenger mile.

As most of my colleagues are aware, the board has literally taken the ax to most promotional fares which have long been offered by the airlines. In 1974, two of the most popular discounts were abolished by board order—the family fare and the youth fare. While I agree with the Board's philosophy that such discount traffic must not be considered when buying equipment and planning service schedules, discount fares serve a useful purpose both for the public and the carriers by filling seats which would otherwise be flown empty. And they meet the public need for lower cost scheduled service for those willing to abide by the restrictions which are necessarily placed on discount travel.

Because of my interest in promoting air travel in both scheduled and nonscheduled service, I have included a provision in this bill which will expressly permit the airlines to offer reduced rates to families, to youths, to the elderly, and to the handicapped. Last Congress the Senate passed S. 2651, my bill which would have allowed such discounts but, unfortunately, the House failed to consider it and the bill died.

Last, Mr. President, I would hope my colleagues would join with me in pushing for the enactment of the Low Cost Air Transportation Act of 1975. It is long overdue. Given the present status of our economy, the public needs this type of service if it is to have access to much-needed vacation travel. Too long has the low-cost system of air transportation been neglected by the Civil Aeronautics Board. It seems to me that they have been preoccupied with the well-being of air carriers and have not paid much attention to the promotion of air transport and the availability of services that the public needs and wants.

Hopefully, the administration, the Civil Aeronautics Board, will join with this Congress in supporting this much-needed legislation and to the extent that they can act independently of the legislation, will adopt rules and regulations that will foster that low-cost concept.

By Mr. MONDALE (for himself, Mr. RIBICOFF, Mr. HUMPHREY, Mr. PELL, Mr. WEICKER, and Mr. WILLIAMS):

S. 422. A bill to provide for the development and implementation of programs for youth camp safety. Referred to the Committee on Labor and Public Welfare.

CHILDREN AND YOUTH CAMP SAFETY ACT

Mr. MONDALE. Mr. President, each year over 7 million children go to camps across the Nation. Yet, it is generally agreed that only six States have comprehensive health and safety laws pertaining specifically to camps. In other States, camps are sometimes left to adapt to inapplicable hotel and restaurant regulations, and parents are left to wonder exactly what standards they can rely on to protect their children.

Each summer our children reap the harvest of this disorganization and confusion. According to our most recent figures, in 1973, 25 children died, 1,448 were injured, and 1,223 suffered serious illness. These figures are minimums, based on a voluntary and admittedly incomplete survey of camps. The figures represent a variety of human tragedies, including drownings, burns, and broken limbs. And we do not even know how much more is to be discovered because there is no adequate means to inspect camps and investigate accidents. Worse, when dangerous situations are uncovered, State officials usually lack enforcement power to change the conditions.

Clearly, this is not what parents have in mind when they send their children for a happy and healthy experience. Parents have a right to expect that their children are being cared for and supervised according to reasonable standards of health and safety. They have a right to know exactly what conditions they are sending their children into, and they have a right to know which camps provide the safest experience.

Last year my Subcommittee on Children and Youth held a hearing on this question of how to best protect children while they are attending camps. We received testimony from parents whose children had been injured or killed, and from most of the country's large camping organizations. We worked out a "Children and Youth Camp Safety Act" which was endorsed by the Girl Scouts and Boy Scouts, the American Camping Association, the Campfire Girls, the Young Men's Christian Association and the Young Women's Christian Association, and the National Council of Parent-Teacher Associations. This bill was reported by the Labor and Public Welfare Committee in October. Unfortunately, because of the press of business on the floor at the end of the session, it was not acted on by the full Senate.

I am reintroducing this bill today in the hope that it will receive early action by the Senate.

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished chairman of the Senate Children and Youth Subcommittee (Mr. MONDALE) in introducing the Children and Youth Camp Safety Act of 1975.

The problem of camp safety first came to my attention in 1966 when one of my constituents, Mitch Kurman of Westport, Conn., came to my office. Mitch, who had recently lost his son in a tragic camping accident, had been investigating the Nation's camp safety laws and had discovered they simply did not exist.

Most parents who send their children off to summer camp assume that the camp is safe. Many, however, learn only after their child has been injured or killed that safety is not always the rule.

A recent study showed that 24 States have absolutely no regulations or laws governing camping. Only 40 States have training requirements for counselors who supervise aquatic activities.

Forty-six States have no regulation regarding the condition of camp vehicles or the qualifications of their drivers. An equal number of States have no regulations on the minimum age of counselors. Twenty-nine States fail to even require annual camp inspections.

The absence of State regulations has meant that private camping organizations have had to establish and police appropriate standards. The American Camping Association with over 3,400 member camps, the Scouting organizations, the Association of Private Camps and church oriented groups have all made a substantial contribution to better camping. These organizations are to be commended for taking the initiative where the Government has failed.

Too many camps across the Nation, however, do not belong to any of these organizations and do not follow their advice. Moreover, even if a camp does associate with one of the advisory organizations, adherence to its established standards is purely voluntary.

Since taking up the fight for camp safety I have received scores of letters from parents around the Nation describing accidents and injuries their children suffered at camp. Camp safety legislation would not have prevented all of these accidents, but I believe strong camp safety standards would have protected most of the children.

Although the Congress cannot legislate accidents away, we can, by developing proper standards for youth camps, eliminate the causes of many accidents such as poor and dangerous equipment, unqualified camp personnel and the lack of proper sanitary and medical facilities.

We can also help alert parents to the potential hazards of youth camps and help them find the camp that best fits their child's needs.

Seven years have passed since I first introduced my camp safety bill. Since then, untold numbers of children have been hurt and even killed. Each year the Congress delays in passing adequate legislation means more children will suffer.

Summer camp is designed to be a wholesome experience and it is for the vast majority of young boys and girls. But for those children who are injured and for their parents it can be a nightmare.

The Senate has already gone on record in support of camp safety. In August 1971 it passed, as an amendment to the Higher Education Act, the Ribicoff Youth Camp Safety Act. Unfortunately, because of House opposition, it was dropped for a much weaker provision in conference.

The Mondale-Ribicoff bill we introduce today is a product of hearings held by the Children and Youth Subcommittee held in the last Congress on separate bills introduced by Senator MONDALE and myself. This new bill is an excellent one and could go a long way toward protecting our young campers.

Briefly stated, the bill would require the Secretary of HEW to promulgate youth camp safety regulations in the areas of sanitation, public and personal health, water safety, vehicle condition and operation. To assist the Secretary in formulating these standards the bill creates an Advisory Council on Children and Youth Camp Safety. Unless the House or Senate disapprove, the standards will go into effect 1 year after promulgation. The States then will have three options—to accept the Federal standards—to submit their own standards to be accepted by HEW—to give HEW authority to enforce the Federal standards within the State. Should a State choose to enforce the standards, it can receive 80 percent matching money from HEW. Repeated violations of safety standards will be subject to cutoffs of Federal funds and financial penalties to camp operators.

I urge all my colleagues to quickly approve this important legislation and help assure all young campers of a safe and enjoyable summer.

Mr. WILLIAMS. Mr. President, I am pleased to join as a cosponsor of the Children and Youth Camp Safety Act. This bill is identical to S. 3639 which was reported to the Senate floor in the 93d Congress, but which was not acted on by the Senate.

Since 1967 numerous bills have been introduced in both the House and the Senate providing for a Federal role in developing and enforcing uniform children and youth camp safety standards. To date no legislation to achieve this goal has been enacted. The bill I join in introducing today is similar to a provision passed by the Senate as part of the Education Amendments of 1972. At that time similar legislation had been reported by the House committee, but was amended on the floor to provide that the Department of Health, Education, and Welfare conduct a study of children and youth camp safety. It was this decision which prevailed in conference on the 1972 Education Amendments. The study subsequently conducted was the basis of S. 3639 and this identical bill. I believe that the time has come for us to pass this legislation.

There are approximately 10,000 camps in the United States. Each year an estimated 10 million able-bodied children and youth attend these camps. Yet, only six States have laws and regulations that are judged adequate by the Department of Health, Education, and Welfare to cover all aspects of camp safety, coupled with requirements for annual inspection of these sites, 24 States have no laws whatsoever. This situation cannot be allowed to continue.

Mr. President, I am pleased to report that my own State of New Jersey is among the six which do have adequate standards. On January 9, 1974, the new Jersey Youth Camp Safety Act was signed into law. As Mr. Oscar Sussman, director of the New Jersey Consumer Health Services, stated in testimony before the Subcommittee on Children and Youth concerning this bill:

> It is a needed piece of legislation . . . the State of New Jersey is prepared to comply by existing state law with most of the terms of this legislation.

Mr. Sussman goes on to say that without comparability across States, those States which have implemented strong laws suffer, and the camps within those States are placed in a noncompetitive status because of the extra costs involved in assuring decent health and safety standards.

The Children and Youth Camp Safety Act provides the mechanism to develop minimum guidelines and standards which States can adopt or use to develop their own standards. This will, I believe, institute a process of education through which the States themselves could either institute new or improve existing programs. The bill provides that the Secretary of Health, Education, and Welfare establish an Advisory Council on Children and Youth Camp Safety to consult on policy matters. The Council shall have 17 members, including the Secretaries of HEW, Agriculture and Interior—or their representatives, five representatives of organized camping, two representatives of other groups with expertise in camp safety, five representatives of consumers of camping services, and two State officials. The Senate will have the power to advise and consent on the appointments. In addition, the Secretary can draw on existing expertise in the area of camp safety from a wide variety of sources, particularly from those States which already have adequate legislation, in order to develop the standards that States adopt or use as guidelines to develop their own programs.

An area which I feel deserves special attention, and in which Federal regulations could provide a model for States, is the need to improve the standards that would benefit this Nation's handicapped children and youth. There are an estimated 11 million such persons who have not been able to take full and equal advantage of a fully integrated camp experience. This bill directs the Secretary to address the needs of these young people and to develop standards, with the assistance of individuals expert in the area on the Advisory Council, which will assist in insuring that handicapped children can attend any camp.

Some may feel that because we lack adequate statistical data about the existing conditions in all of our camps we should not pass this legislation. Some will argue that the pending legislation was formulated without sufficient evidence that a major portion of our existing camp sites are unsafe, and thus we should not act out of ignorance. But, we are not acting out of ignorance. While our knowledge of present conditions is by no means complete, we do know that there have been injuries and deaths at our camps, and that there are no uniform standards which might prevent these tragedies. This is surely a minimally sufficient condition to justify the

need for Federal regulation. While camps in States which lack specific regulations may be safe, we cannot and should not premise our actions upon the mere possibility that they are in fact safe. Rather the more responsible and prudent course is to insure that every camp which our children may attend meets certain specific minimum safety requirements no matter where that camp happens to be located.

It is out of concern for the children and youth of this Nation and their families that we must take action on this legislation. Testimony before the Subcommittee on Children and Youth and the report of Department of Health, Education, and Welfare document tragedies which need not have happened and could have been prevented with adequate safety precautions. Camps are not a luxury in our urban society; they are vital for the complete growth of our children as persons and citizens. Camps enrich the lives of our children by providing an educational and creative experience in cooperative group living.

Their purpose is to hlep our youth mature not only physically and mentally but assist in their social development as well. Because of this vital role that camps do play, it is important that families be able to send their children to camps without hint or threat of tragedy. We have a responsibility to ourselves to protect this Nation's most vital asset by assuring that every campsite in America is guided by minimum standards.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 423. A bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, I am today reintroducing legislation which I first introduced on May 23, 1967. I am proud to say that this bill is cosponsored by my distinguished colleague from Minnesota, Senator HUMPHREY.

This bill, identical to S. 1830 of the 90th Congress, S. 1710 of the 91st Congress, S. 1217 of the 92d Congress, and S. 2913 of the 94th Congress, restores to the Minnesota Chippewa Tribe, White Earth Reservation, certain submarginal lands of the United States and makes such lands part of the reservation.

These properties consist of approximately 28,700 acres purchased by the Federal Government during the mid-1930's under title II of the National Industrial Recovery Act. The lands were so acquired in order to retire them from private ownership, to correct maladjustments in land use, and with the expectation that they would be made available for tribal use.

Mr. President, these lands were originally owned by the Minnesota Chippewa Tribe. Unfortunately, they were allotted under the Allotment Act and subsequently passed at a cost of $175,664. In 1963, when similar legislation was introduced in the Congress, their market value was placed at $474,000 by appropriate governmental agencies.

Similar legislation has already been enacted restoring property to the Seminoles of Florida and to the Pueblos and other tribes in New Mexico. During the 92d Congress, a bill identical to the one I am introducing today was passed by the Senate. I am, therefore, most hopeful that this legislation will again receive favorable consideration during the present Congress.

The Minnesota Chippewa Tribe urgently needs this land. This legislation will mean jobs, income, sustenance, and productive activity for many. I urge my colleagues to give it immediate attention.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to valid existing rights, all of the right, title, and interest of the United States in the lands, and the improvements thereon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the benefit of the Minnesota Chippewa Tribe, White Earth Reservation, are hereby declared to be held by the United States in trust for said tribe, and the lands shall be a part of the reservation heretofore established for the tribe.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

By Mr. WILLIAMS:

S. 425. A bill to amend the Securities Exchange Act of 1934 to require notification by foreign investors of proposed acquisitions of equity securities of United States companies, to authorize the President to prohibit any such acquisition as appropriate for the national security, to further the foreign policy, or to protest the domestic economy of the United States, to require issuers of registered securities to maintain and file with the Securities and Exchange Commission a list of the names and nationalities of the beneficial owners of their equity securities, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

THE FOREIGN DEVELOPMENT ACT OF 1975

Mr. WILLIAMS. Mr. President, in the past few years we have witnessed the rapid development of foreign investment in the United States. The figures are nowhere near precise, but the growth is unmistakable. For example, in the decade from 1962 to 1973, all foreign direct investment in U.S. business—investment amounting to control—rose from $7.4 billion to $14.4 billion, an annual average growth rate of almost 7 percent. In 1973, direct foreign investment rose a record 24 percent—to a total $17.7 billion. Figures for 1974 are not yet available, but it is certain that record levels were reached.

There are several reasons for the sudden expansion of foreign investment in American business.

The first is the success of traditional American economic policy—namely, to admit foreign investors freely and to treat them no differently than domestic investors. Unlike almost all other industrial nations, it is our policy not to offer foreigners any special incentives, nor to impose on them any artificial disincentives. Aside from a few recognized exceptions, we have maintained an "open door" policy with respect to the inward flow of foreign funds.

The second reason for the growth of foreign investment stems from recent developments in international economic and monetary affairs. A series of currency reevaluations has made investment in the United States more attractive. We help to set these events in motion by the decision in 1971 to suspend the convertibility of the dollar into gold. Almost immediately, a series of changes in the parity of foreign currencies in relation to the dollar produced a drastic shift in the cash purchasing power of foreign firms.

Thus, between 1968 and 1973, the purchasing power of German firms with Deutsche mark earnings increased by 171 percent, while the purchasing power of Japanese firms with yen earnings increased by 116 percent. This currency reevaluation, combined with the sharp decline in the price-earnings ratios at which publicly traded securities of U.S. business were selling, help to explain the new interest of foreign investors in the United States.

However, the October 1973 oil embargo and the ensuing energy crisis are the most significant reasons for the recent growth of foreign investment. As a result of a fivefold increase in world oil prices, the cash reserves of the Organization of Oil Petroleum Exporting Countries—OPEC—are multiplying at rates which almost defy computation. Last year alone, for example, Arab oil producers received some $112 billion. By the best estimates, this is some $60 billion more than they can rechannel into their own economies. Assuming no further escalation of oil prices, a petrodollar surplus of $70 billion is estimated for this year. And the World Bank has estimated that by 1980, OPEC nations will have accumulated reserves of $650 billion; by 1985, that figure will be $1.2 trillion—or about the value of all the goods and services produced in the United States last year.

Mr. President, never before in modern history have such financial resources been amassed with such speed. Indeed, the speed has been such that an already fragile international financial system has been seriously jarred and the economies of several of the inflation plagued oil-importing countries undermined.