

United States entitled to the benefits of the civil service laws, nor under the rules of the Veterans' Administration are they entitled to the benefits which normally accrue to uniformed personnel of the United States. H.R. 212 corrects this inequity by confirming statutorily that both Reorganization Plan No. 2 of 1965 and Reorganization Plan No. 4 of 1970 clearly intended: that the commissioned officers of ESSA and the commissioned officers of NOAA shall be entitled to Veterans' benefits on an equal footing with those officers who were first commissioned in the Coast and Geodetic Survey.

H.R. 212 restores the continuity of service for the commissioned officer corps going back to 1917, which was broken by an administrative ruling of the Veterans' Administration. In this connection, Mr. Speaker, I would like to point out that legislation identical to H.R. 212 was introduced in the 90th Congress, and that the extension of veterans' benefits to the commissioned officer corps had the support of the previous administration. The Nixon administration, after reviewing this question, has likewise given strong support to the principle that the commissioned officer corps should be entitled to veterans' benefits on a par with other uniformed services.

H.R. 212 also extends to the commissioned officer corps of NOAA certain benefits which the corps did not previously enjoy but which are accorded to other uniformed services. In many respects, the members of the commissioned officer corps serve under similar circumstances as personnel of the Army, Navy, Air Force, and Marine Corps. They are subject to frequent change of duty station, they spend extended periods of time at sea, and are separated from their families for many months at a time. The legislation, therefore, extends to these commissioned officers the benefits of the Soldier's and Sailor's Relief Act, and the service housing benefits accorded military personnel under the Federal Housing Act.

The broader question of the role of the commissioned officer corps in NOAA should be taken up after NOAA has had an opportunity to become fully operational. Your Committee on Merchant Marine and Fisheries, therefore, amended H.R. 212 to delete those provisions which deal with the establishment, responsibilities and duties of the corps. H.R. 212, as amended by your committee, is of vital importance to the commissioned officer corps of NOAA. Notwithstanding the lack of basic disability and survivor benefits since 1965, the officers of the corps have continued to perform their duties oftentimes under hazardous circumstances. Those officers who are married and have families have worked under a severe hardship of not knowing whether their families would be protected if injured or killed in the line of duty. Such a situation cannot help but have an impact upon the morale and upon the ability of the corps to attract the type of officer it must have to perform these vital missions. The legislation was unanimously reported by your Committee on Merchant Marine and Fisheries, and I urge my colleagues to support H.R. 212.

Mr. KEITH. Mr. Speaker, I rise to support H.R. 212 as reported by the Committee on Merchant Marine and Fisheries. The commissioned officer corps of the National Oceanic and Atmospheric Administration and the commissioned officers of its predecessor, the Environmental Science Services Administration, have been denied recognition by the Veterans' Administration. Although the Coast and Geodetic Survey Commissioned Officer Corps Act expressly conferred such benefits upon the members of the corps, and the reorganization plans of 1965 and 1970 mentioned by the distinguished chairman of the Coast Guard Subcommittee, Mr. CLARK, made it abundantly clear that these officers were to receive the same privileges and benefits in ESSA and NOAA as they were accorded in the Coast and Geodetic Survey, the Veterans' Administration ruled that only those officers who received their commission prior to the 1965 reorganization plan would be recognized in the future.

Officers initially commissioned in the ESSA corps, and now in the NOAA corps, are neither civilian nor military personnel from the standpoint of disability and survivor benefits. This is an intolerable situation which cannot be permitted to continue. The decision of the Veterans' Administration rested upon its own interpretation of Reorganization Plan No. 2 of 1965 and upon its philosophy of who should be accorded veterans' benefits. The Veterans' Administration is, of course, the final arbiter within the executive branch of the Government. Its decisions denying veterans' benefits are not appealable to the Federal courts. Accordingly, it is essential that legislation be enacted to remedy this matter. This is the principal provision of H.R. 212 as reported by your Committee on Merchant Marine and Fisheries.

Treating the commission officer corps of NOAA as a uniformed military service from the standpoint of veterans' benefits is consistent with the duties and responsibilities of the corps under existing law. During wartime, officers of the corps may be transferred to the Armed Forces, and during peacetime they spend the majority of their career at sea or ashore in remote parts of the world conducting a great variety of scientific investigations and surveys. In recognition of this military way of life, the bill also extends certain other benefits to the officers of the corps which the Armed Forces have enjoyed for many years.

The National Oceanic and Atmospheric Administration during the coming decade will hopefully lead the way for a great increase in knowledge and utilization of the oceans. Its work in the field of atmospheric science, meteorology, and the interplay between the oceans and the atmosphere should bring man much closer to a day when we can assert some influence over weather conditions and the disastrous phenomena of weather such as hurricanes.

The commissioned officer corps of NOAA now numbers approximately 330 individuals in an agency whose overall employment numbers in excess of 13,000. Although few in relation to the overall size of NOAA, the officers of the corps

perform work which is central to the success of NOAA's mission. The committee on Merchant Marine and Fisheries in the next Congress will be watching the development of NOAA very closely. We will be studying the role of the commissioned officer corps within the framework of this newly expanded agency. The many sections of H.R. 212 as introduced which have been, in effect, deleted by the committee's action, must be given careful consideration in light of the transformation which Reorganization Plan No. 4 of 1970 has brought about.

Mr. Speaker, your committee's action in amending H.R. 212 is a commonsense approach to a critical personnel problem which has been festering now for 5 years. We are rectifying denial of basic disability and survivor benefits to these dedicated men and their families, while at the same time reserving judgment on the broader question of the organization and mission of the commissioned officer corps within the National Oceanic and Atmospheric Administration. Mr. Speaker, this legislation has broad bipartisan support, and I urge its passage.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania (Mr. CLARK), that the House suspend the rules and pass the bill H.R. 212, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

HUNTING FROM AIRCRAFT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15188), to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft, as amended.

The Clerk read as follows:

H.R. 15188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof the following new section:

- "Sec. 12. (a) Any person who—
- "(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or
 - "(2) uses an aircraft to harass any bird, fish, or other animal; or
 - "(3) knowingly participates in using an

aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

"(b) This section shall not apply to any person in the discharge of his duties if such person is employed by, or is an authorized agent or operating under permit of, any State or the United States to administer and protect or aid in the administration and protection of land, water, or wildlife.

"(c) As used in this section, the term 'aircraft' means any contrivance used for flight in the air."

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) is amended by inserting "(a)" immediately after "Sec. 609." and by adding at the end thereof the following new subsection:

"Violation of Certain Laws

"(b) The Administrator, in his discretion, may issue an order amending, modifying, suspending, or revoking any airman certificate upon conviction of the holder of such certificate of any violation of subsection (a) of section 12 of the Fish and Wildlife Act of 1956, regarding the use or operation of an aircraft."

(b) (1) Immediately after the section heading of such section 609, insert the following:

"PROCEDURE"

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 609 Amendment, suspension, and revocation of certificates."

is amended by adding the following:

"(a) Procedure.

"(b) Violation of certain laws."

SEC. 3. The amendments made by the first section of this Act shall take effect as of the thirtieth day after the date of enactment of such section.

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, in November of 1969, the NBC television network showed a documentary film entitled "The Wolf Men." Several scenes from the film depicted the hunting of wolves from aircraft and presented an interesting account of the status of the North American wolf. The film generated more mail from concerned citizens in support of legislation to prohibit hunting from aircraft than any other conservation legislation considered by my Subcommittee on Fisheries and Wildlife Conservation during the past decade or more.

Mr. Speaker, it so happens that there are two species of wolves listed by the Department of the Interior as threatened with extinction. They are the eastern wolf and the Texas red wolf. To make matters worse, the red wolf has been thought to be more numerous over the years than it is because of its close resemblance to the coyote, a predator.

Because of this close resemblance and the increased use of aircraft for taking of wolves, the latest count of all species of wolves on the North American continent has declined to a low of about 5,400. Of this total, approximately 5,000 are found in Alaska, 300 in Minnesota,

and 100 scattered throughout the other 48 States.

Mr. Speaker, many States have already tackled this problem and have enacted laws to regulate the use of hunting from aircraft. In fact, all States now prohibit the shooting of game animals from airplanes, and 34 of these States have extended this prohibition to include non-game animals as well. Needless to say, Mr. Speaker, it is most unsportsmanlike to hunt from aircraft and I am sure my colleagues will join me in putting an end to this abominable practice.

The bill we are considering today, H.R. 15188, would supplement State law in this regard and not only would it put an end to the hunting of wolves from aircraft, but it would also make it unlawful for those so-called sportsmen to hunt any species of bird, fish, or other animal from aircraft.

Mr. Speaker, briefly explained, section 1 of the bill would make it unlawful for anyone while airborne in an aircraft to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish, or other animal or to use such aircraft to harass any bird, fish, or other animal. In addition, it would be unlawful for anyone to knowingly participate in using an aircraft for such purposes.

Violators would be subject to a fine of \$5,000 or 1 year imprisonment, or both. However, the prohibition would be inapplicable to any person carrying out his duties to administer and protect, or aid in the administration and protection of land, water, or wildlife if such person is an employee, authorized agent, or operating under permit of any State or the United States.

The term "aircraft" as used in this section would include any contrivance used for flight in the air, including but not limited to airplanes and helicopters of any sort.

Section 2 subsection (a) of the bill is technical in nature. It would amend section 609 of the Federal Aviation Act of 1958 to designate the existing section 609 as subsection (a) and to add at the end thereof a new subsection (b).

The new subsection (b) of section 609 of the act would authorize the Administrator of the Federal Aviation Administration to issue an order amending, modifying, suspending, or revoking any airman certificate upon the conviction of the holder of such certificate of any violation enumerated in subsection (a) of section 1 of the reported bill, regarding the use or operation of an aircraft.

Section 3 of the bill would provide that the amendments to the Fish and Wildlife Act of 1956 made by section 1 of the bill would take effect 30 days after the enactment of the legislation.

Mr. Speaker, I sincerely feel that the best way to put an end to the unsportsmanlike conduct is to get at the pilot of the aircraft and the bill I urge for passage today, H.R. 15188, would, I think, best accomplish this purpose.

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

Mr. DINGELL. I am happy to yield to my good friend from Iowa.

Mr. GROSS. I note on page 14 of the

report accompanying this bill a long dissertation on the creation of a fisheries loan fund, modification of loan contract, fishery vessels chartering. What relation does that have to hunting from an airplane?

Mr. DINGELL. The hearings at which this bill was considered involved a number of other pieces of legislation including the matters to which the gentleman alludes. The reports received at that time dealt not only with the matter now before us but with a number of other matters which are not included in the legislation before us.

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

Mr. PELLY. Mr. Speaker, the use of airplanes in wildlife conservation and management is widespread. The airplane and more recently the helicopter have proven to be extremely useful tools particularly in remote areas.

The true sportsman does not, however, shoot animals for sport from an airplane any more than he would hunt from an auto or truck. This is not hunting or sportsmanship; it is mere slaughter.

H.R. 15188 as introduced prohibited hunting from aircraft only over federally owned or reserved lands. As such, the departmental reports and the testimony of departmental witnesses were opposed to its enactment.

As reported, however, H.R. 15188 prohibits hunting from aircraft anywhere within the jurisdiction of the United States or the several States. I believe, therefore, we have achieved the uniformity of law which was lacking in the original bill, and which prompted departmental opposition.

The distinguished chairman of the Subcommittee on Fish and Wildlife Conservation has fully explained the details of the legislation, and I shall only reiterate one point. This bill does not prohibit the use of airplanes when necessary for legitimate wildlife conservation activities by the States or by persons acting under permit from any State or the United States.

I trust that the States will exercise their authority to grant permits with great care. Should it appear that any State is abusing this discretion, I am certain that the Subcommittee on Fish and Wildlife Conservation will move promptly to curtail such abuse.

I congratulate my distinguished colleague from Pennsylvania (Mr. SAYLOR) for having introduced this legislation, and I urge its passage.

(Mr. SAYLOR, at the request of Mr. PELLY, was granted permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, 13 months ago, the National Broadcasting Co. presented nationwide, a television documentary entitled "The Wolf Men." In response to the horrible scenes in the film of human monsters "hunting" wolves from airplanes, the gentleman from Wisconsin (Mr. OBEY) and myself, introduced the pending bill. In brief, the bill would make it a crime to kill and/or harass wolves and other endangered species from aircraft.

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December 7, 1970

As the Subcommittee on Fisheries and Wildlife Conservation so aptly pointed out:

The film generated more mail from concerned citizens in support of legislation to prohibit hunting from aircraft than any other conservation legislation considered by the Subcommittee during the past decade or more.

As a sponsor of the legislation, my mail was probably representative of that received by other Members. At first, the public seemed outraged that such a despicable practice could actually be true. Later, the public asked that the Congress do something to end the practice of hunting wolves from airplanes. And still later, the public began to ask, "what happened," to all those fine promises about ending the slaughter of wolves by flying human predators. I have often asked myself the same question during the past 13 months.

According to testimony of expert witnesses, and documented in the subcommittee's report, there are only 5,400 of all species of wolves to be found on the North American continent. Of that number, 5,000 are to be found in the State of Alaska. The testimony also shows that in the past 4 years, approximately 1,000 wolves per year were killed in the State of Alaska alone, and in 1968, one-third of that number were killed by the airborne predators.

It does not take any great amount of statistical talent to project that in the 13 months since November 1969, at least another 1,000 wolves have been killed off by the kind of monsters which we saw in the nationally televised program. I would assume that the incidence of airborne slaughter slacked off due to the publicity given the television program and the introduction of the pending bill. Nevertheless, even if we were to be generous to a fault and say the slaughter was cut in half during the past 13 months, the toll would still be unacceptably high for the survival of an endangered species of wildlife in America.

In my mind, and in the minds of many individuals and groups throughout the country, H.R. 15188 is a simple legislative solution to a blatant crime against nature.

There is no humane reason for not passing this bill today. There has been too much delay already.

Our vanishing wildlife is at stake. The wolf will be protected under the provisions of this bill, but equally important, all endangered species will be protected from the human monster who would decimate the wildlife population with hardheartedness. A second thought. The Subcommittee on Fisheries and Wildlife Conservation and the Merchant Marine and Fisheries Committee are to be commended for expanding the scope of our original bill to protect all wildlife.

Even in this sophisticated age we come across incidents of inhumanity which stagger the imagination; those who have killed wolves from airplanes would fit such a category. The public conscience cries out for retribution. There can be no retribution; however, we can end the slaughter. I implore the Members of the next Congress to do just that with the passage of H.R. 15188.

Mr. GARMATZ. Mr. Speaker, I rise to urge prompt passage of H.R. 15188, as reported by my Committee on Merchant Marine and Fisheries.

Mr. Speaker, this piece of legislation would have the effect of putting an end to one of the most unsportsmanlike practices known to mankind—the hunting of fish and wildlife from aircraft.

I feel sure many of my colleagues saw the documentary film in November of 1969, shown by NBC television network entitled "The Wolf Men." Several scenes from the film depicted the hunting of wolves from aircraft. That film generated more mail from concerned citizens throughout the entire United States in support of legislation to prohibit what is known by some as the sport of hunting from aircraft than any other piece of conservation legislation considered by my committee during my tenure in Congress.

I am pleased to report that H.R. 15188 would not only make it unlawful to hunt wolves—which incidentally are listed as an endangered species with less than 5,400 in number in the United States—but it would also make it unlawful to hunt birds, fish, or any other kind of animal from an aircraft.

The bill makes adequate allowance for Federal or State employees, permittees, and agents authorized to use an aircraft in carrying out their regular duties in protecting land, water, and wildlife.

H.R. 15188 was overwhelmingly supported by the members of my committee and I urge its immediate passage.

Mr. OBEY. Mr. Speaker, I rise in support of the bill presently before us, a bill which would prohibit the shooting of animals from aircraft by all but authorized personnel. I would like also to express my thanks to the committee for its diligence in refining the original proposal into something which is far more effective and flexible than the original bill. This is a bill which is necessary to prevent the demise of one endangered species and perhaps several others.

The legislation was introduced by Congressman SAYLOR and myself last year largely in response to a television program entitled "The Wolf Men" which showed wolves being hunted from aircraft. That program generated thousands of pieces of mail to public officials protesting the practice. Thousands more in support of this legislation have been received by the Committee on Merchant Marine and Fisheries and many such letters have been written to my office directly.

It is obvious, I think, that there are many people who sincerely question the "sport" of shooting any animal from an aircraft. Anyone interested in preserving wildlife, anyone with a sense of fairplay, will grant that killing animals from an airplane is hardly legitimate sport. The fact that predators are the prime targets of these "sportsmen" is no legitimate defense of this practice.

The wolf has been classified as an endangered species by the U.S. Department of the Interior. There are today less than 6,000 wolves left in this country. According to our latest estimates about 5,000 are in Alaska, 700 or so live in Minnesota, 25 are on Isle Royale in Lake Superior and perhaps 100 live elsewhere throughout

the country, including about 25 in my own State of Wisconsin.

Although shooting animals from aircraft is illegal in some States, including Wisconsin, unfortunately such is not the case in some States.

In one State over 1,000 wolves have been killed in each of the past 4 years: 1,008 in 1969; 1,714 in 1968; 1,679 in 1967, and 1,292 in 1966. In 1965 there were an additional 800 wolves killed in that State.

So, in the past 5 years, hunters in one State have killed more wolves than now exist in our entire country. And in the past year for which we have available statistics, 1968, of the 1,714 wolves killed in one State, 718 of them were killed by airborne bounty hunters.

Mr. Speaker, the substantive objections to this legislation have been met. It will not prohibit research by university or other personnel. It is flexible enough to allow either State or Federal authorities to issue permits which will exempt persons from the prohibitions provided for in the bill.

The objection to this measure has been raised in some quarters that the goals of this legislation could better be accomplished by the adoption of uniform State laws. That objection ignores the obvious fact that given the limited number of wolves left in this country, by the time any such legislation would be passed to protect endangered species of wolves, there will be no wolves left to protect. It has been estimated that before the age of civilization, species became extinct at a rate of one per thousand years. Today, the rate is one lost species every year, for mammals alone.

We have an obligation in this country which we have not lived up to very well in the past to protect and preserve for future generations every species of animal which has inhabited this land.

I believe this legislation would be a most useful tool in doing just that and it will certainly prohibit what must be considered a most unsportsmanlike practice. I urge my colleagues to support it.

The SPEAKER. The question is on the motion of the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 15188, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 15188, the bill just passed, and also on H.R. 17436, the next bill to be considered.

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

There was no objection.

NATIONAL ENVIRONMENTAL DATA SYSTEM

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.